Improving Indonesia's Commitment to Open Government Through Online Petition

Adi Kusumaningrum
Constitutional Law Department, Faculty of Law, Brawijaya University, adi.kusumaningrum@gmail.com

Rizqi Bachtiar
Governmental Sciences Department, Faculty of Social and Political Sciences, Brawijaya University, Indonesia

Prischa Listiningrum
Constitutional Law Department, Faculty of Law, Brawijaya University

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IMPROVING INDONESIA'S COMMITMENT TO OPEN GOVERNMENT PARTNERSHIP THROUGH ONLINE PETITIONS

Adi Kusumaningrum,* Rizqi Bachtiar,** Prischa Listiningrum*

* Constitutional Law Department, Faculty of Law, Brawijaya University,
** Governmental Science Department, Faculty of Social and Political Sciences, Brawijaya University,
Correspondence : adi.kusumaningrum@gmail.com

Abstract

Since 2011 Indonesia has joined as a member of Open Government Partnership, which is an international platform for countries committed to making their government more open, accountable, and responsive to citizens. However, the implementation of open government in Indonesia is criticized by some researchers because of the simplification of meaning. Open government is often described as uploading all government information into the official government website.Therefore, alternative policies are needed to ensure the openness of the government. This study offers the idea of creating an online petition system officially administered by the House of Representatives as an alternative forum. The petition system offered is different from the conventional online petition system, because the conventional system does not have clear legal umbrella and is managed by Non-Governmental Organizations. By comparing the advantages and disadvantages of the addition of the authority to the Parliament, it is expected that the system will strengthen the oversight function by the Parliament. Nevertheless, the alternative solution offered in this study is highly dependent on the political will of the government and the House of Representatives in making clear and legal rules.

Keywords: *civil society, Indonesia, online petitions, open government, Parliament*

I. INTRODUCTION

As a democratic nation, Indonesia guarantees the right to speak and participate in the government. As stipulated in the 1945 Constitution of Indonesia, Indonesian citizens have equal rights to participate in the government,[1] the rights to assemble and the rights of expression.[2] The participating rights set forth in the constitution are also spelled out specifically in various regulations to open opportunities for citizens to participate in government. For example, Act No. 14 of 2008 on Public Information Disclosure was enacted in order to encourage checks and

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[1] The Constitution of the Republic of Indonesia, art 27 and art 28D para 3.

[2] Ibid, art 28E para 3. See also art 28.

balances between the government and the public by disclosing public information and encouraging active participation of the citizens in the policy-making processes.[3] In line with the Law Number 14 Year 2008 on Public Information Transparency, Act Number 12 Year 2011 on the Establishment of Legislation Regulation especially Article 88 paragraph 2, Article 92 paragraph 2 and Article 96 open opportunities for all citizens to take an active role in the formulation and implementation of legislation, in particular for the acts (*undang-undang*) and local regulations (*peraturan daerah*).

The rights to contribute and participate in the government are not only guaranteed by 'domestic' laws. Internationally, Article 21 paragraph 1 of the Universal Declaration of Human Rights and Article 25a of the International Covenant on Civil and Political Rights (ICCPR) also clearly regulate the rights to participate in government. These legal bases strengthen people's rights to voice their aspiration to the government whether directly or indirectly through any bodies such as parliament or ombudsman.

Apart from many regulations on citizens participation, the government of Indonesia is relatively proactive encouraging openness and participation through an initiative, namely Open Government Partnership. Open Government Partnership is generally an international platform to encourage the member countries to be more inclusive and open. As a member as well as co founder of Open Government Partnership, Indonesia has a responsibility to ensure openness and participation in every policies made. One of which is by implementing online portal to monitor public sector services by the public, namely LAPOR! portal[4].

However, the effectivity of the portal to welcome any complaints or aspirations seems in doubt. The findings from The Economist Intelligence Unit show that civil liberty is still a serious problem in Indonesia.[5] The problem becomes one of the main causes of Indonesia

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[3] Law No. 14 Year 2008 on Public Information Disclosure, art 3.

[4] See https://www.lapor.go.id/lapor/tentang_lapor/tentang-layanan-aspirasi-dan-pengaduan-online-rakyat.html

[5] The Economist Intelligence Unit, Democracy Index 2017: Free Speech Under Attack, The Economist, 2018, p. 26, accessed from https://pages.eiu.com/rs/753-RIQ-438/images/Democracy_Index_2017.pdf

experiencing a decline in the quality of democracy. Furthermore, the research from Bappenas also reveals that there is several misunderstanding, misinformation and even scared by some people in Indonesia to participate and voice their aspirations properly.[6] The finding from Bappenas is likely confirmed by the Media Freedom Ranking 2017 that civil liberty in Indonesia is categorised as 'largely unfree'.[7]

Furthermore, so far people's voice seems to be only translated as narrow as an ability to vote in general and/or local elections with the principle of "one man one vote". After the elections take place, the practical involvement of the people in governmental activity is reduced. In fact, democracy is not only characterized by regular elections as defined by Schumpeter[8], but must also address other aspects such as legal justice and sustained participation. O'Donnell also conducts another critic to the narrow meaning of democracy. He says that the rule of law becomes one of important foundations of democracy, apart from "one man one vote", which implies the strengthening of social and political institutions.[9]

The simplification of the meaning of democracy is seen in some of the policies adopted by the government. For example, rising fuel prices (BBM), an increase in basic electricity tariffs and an increase in vehicle administration costs in early 2017 triggered a wave of protests and demonstrations from various quarters. The dissatisfaction of the public regarding the policies taken by the government can actually be a signal that the process of policy formulation requires the participation of a representative community to make a pro-people policy. In other words, some policies made by the government seems not to have enough legitimation which results in many protests

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[6] Bappenas, Reviu Implementasi Open Government Indonesia (2011-2014), Jakarta, 2018, p. 75, accessed from http://ditpolkom.bappenas.go.id/basedir/Kajian%20Ditpolkom/4)%20Kajian%20Tahun%202015/Reviu%20Implementasi%20OGI/(Final)%20Reviu%20Implementasi%20OGI%202011-2014.pdf

[7] The Economist Intelligence Unit, op. cit., p. 40

[8] Schumpeter, J. A., Capitalism, Socialism and Democracy, George Allen & Unwin Ltd: London, 1943, p. 269

[9] O'Donnell, G., On The State, Democratization and Some Conceptual Problems: A Latin American View With Glances at Some Post-Communist Countries. World Development. 21(8), 1993, p. 1957.

In addition, other important things in relation to public participation in government are the extent to which the government listens to the protests of the public such as conducted by mass demonstrations as constructive criticisms in making or evaluating policies. Because there are so many incidences where mass demonstrations as citizens' rights to speak are banned by the government for various reasons. The recent example is the not allowing of the National Movement of Fatwa Guards of the Indonesian Ulema Council (GNPF MUI) to take action in December 2016 by the police even though in the end the action is still implemented.[10] In fact, the submission of opinion, which in this form of mass demonstration, is a human right, as mentioned above. Moreover, Article 9 Paragraph 1 of Law Number 9 Year 1998 on Freedom of Expression of Public Opinion also clearly states that demonstrations are valid means of conveying opinions.

The House of Representatives of the Republic of Indonesia (DPR-RI) and the Local Representatives (DPRD) actually represent the people of Indonesia. However, given the political oligarchy of both central and local government,[11] it makes a big question mark; whether the decisions taken by representatives of the people really represent the wishes of the wider community or just political factors. Indeed, so far the mandate of the people of Indonesia represented by the members of the council both in the central and regional. However, it is not necessarily the decision decided at the institution to represent the wishes of the community. For instance the case of "Ahok Gate" where the DPR-RI tries to raise people's support to conduct a questionnaire (*hak angket*) in order to challenge government's action to reactivate the ex-Governor of Jakarta, Basuki Tjahaja Purnama who holds the status of defendant.[12] The initiation of

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[10] Raja Eben Lumbanrau, "Dilarang Kapolri, GNPF MUI Tetap Demo 2 Desember", The CNN Indonesia (21 November 2016), online: <http://www.cnnindonesia.com/kursipanasdki1/20161121155853-516-174156/dilarang-kapolri-gnpf-mui-tetap-demo-2-desember/>.

[11] Burhanuddin Muhtadi, "Jokowi's First Year: A Weak President Caught between Reform and Oligarchic Politics" (2015) 52:3 Bulletin of Indonesian Economic Studies at 351.

[12]   Arkhelaus, "Gubernur Ahok Aktif Lagi, Gerindra Gulirkan Hak Angket DPR", Tempo.co (13 February 2017), online: <https://m.tempo.co/read/news/2017/02/13/078845949/gubernur-ahok-aktif-lagi-gerindra-gulirkan-hak-angket-dpr>.

the questionnaire rights is indeed in line with the authority of the House of Representatives, although on the one hand it is not necessarily in line with the will of the people of Indonesia.

Furthermore, the absence of channels that have clear and responsive mechanisms for communities to argue and channel their aspirations to the government, ultimately creates new problems. One is the emergence of various kinds of polemic in social media that usually leads to blasphemy, satire and even slander. This is exacerbated by several "rubber" or unclear articles of Law No. 19 of 2016 on the Amendment of Law No. 11 Year 2008 on Electronical Information and Transaction (hereinafter "UU ITE"), where anyone who is considered as defamatory institutions and/or individuals in social media, although his intention as a criticism, can be charged with imprisonment. A housewife in Sulawesi was named a suspect and detained solely for complaining in social media about unpleasant acts by local parliamentarians (DPRD).[13] Another example is the suspect of Buni Yani, the one who uploaded a video cut of the Basuki Tjahaja Purnama's speech in Jakarta as a form of protest against blasphemy conducted by the ex-Governor that took place in the Thousand Islands.[14]

Even in early 2017 to coincide with the election process of the Governor of Jakarta, the trend of mutual reports of defamation and religious defamation is so strong.[15] Prospective leaders of Jakarta who have had alleged legal cases were raised and reported to the authorities. Trend of reporting also continued between supporters of each candidate, ranging from cases of religious contempt, Pancasila to defamation.[16]

In relation to these cases, the right of citizenship still needs to

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[13]   Abdul Rahman, "Tulis di Medsos Rumah Dirusak Anggota DPRD, Ibu Ini Ditahan" Tempo.co (26 October 2016), online: <https://m.tempo.co/read/news/2016/10/26/058815263/tulis-di-medsos-rumah-dirusak-anggota-dprd-ibu-ini-ditahan>.

[14] Heyder Affan, "Buni Yani tersangka kasus video Ahok: tepatkah penggunaan UU ITE?", BBC Indonesia (26 November 2016), online: <http://www.bbc.com/indonesia/indonesia-38093502>.

[15] Koran Sindo, "Tren Saling Lapor", Koran Sindo (27 January 2017), online: <https://nasional.sindonews.com/read/1174570/16/tren-saling-lapor-1485439117>.

[16] Fauziah Mursid, "Fadli Zon Prihatin Aksi Saling Lapor", Republika.co.id (25 January 2015), online: <http://nasional.republika.co.id/berita/nasional/politik/17/01/25/okbwyu365-fadli-zon-prihatin-aksi-saling-lapor>.

be refined, whether consciously or unconsciously, one's opinion can backfire for him to be exposed to defamation and so on. However, the tightening of the right of opinion by the government is also not a wise decision from the government considering some of the above rules related to freedom of expression in Indonesia.

In relation to the right of opinion submission and the right to participate in the government, the community has actually "glanced" the petition method as a means of conveying its criticism and suggestions to the government. By using online-based petitions, for instance through the change.org website, people easily reveal a problem and attract support as much as possible to gain attention from the government. This e-petitions method is in fact a potential means of becoming a "bridge" between people who want their voices to be heard and governments as public policy makers.

However, since the petitions are accommodated by NGOs, there is no guarantee that the authorities will respond it. Furthermore, Indonesia, in fact, has no laws on regards to petitions complicates the situation. Taking an example is the disclosure of the murder case of human rights activist, Munir. The unfinished case disclosure for more than a decade of the murder of the human rights activist made Munir's wife created a petition to the President of the Republic of Indonesia to reveal his case.[17] In fact, until now the case is still untouched despite getting the support of more than 11,000 signatures.[18]

In some cases, Indonesia needs to have appropriate legal certainty to ensure that criticisms and suggestions from the public to the government are noticed and responded by the government itself. The criticisms are not necessarily regarded as either defamation or contempt, but as constructive criticism for the government. With regard to the current petition run by NGO in Indonesia, the legal certainty is not yet clearly regulated by the government to ensure that the voices, criticisms and

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[17] Jessi Karina, "Peringati 10 Tahun Kematian Suaminya, Istri Munir Tagih Janji SBY", Kompas.com (8 September 2014), online: <http://nasional.kompas.com/read/2014/09/08/01243921/Peringati.10.Tahun.Kematian.Suaminya.Istri.Munir.Tagih.Janji.SBY>.

[18] Suciwati Munir, "Pak Jokowi dan Pak JK; Tuntaskan Ujian Sejarah Bangsa Pak SBY #10thnMunir", Change.org, online: <https://www.change.org/p/pak-jokowi-do2-pak-jk-tuntaskan-ujian-sejarah-bangsa-pak-sbyudhoyono-10thnmunir>.

suggestions through the petition system will be discussed and reviewed by the government.

According to this short background, this paper will discuss the feasibilities of the 'legal' e-petitions in Indonesia. The discussion begins with a description of the involvement of the citizens in the public policy, followed by a discussion of the petition system in the UK, the petition dilemma, the feasibility of e-petitions and the challenges of the implementation of e-petitions in Indonesia.

II. RESEARCH METHOD

This research is a normative legal research that focuses on the possibility of additional function in the Parliament in which is online petition. It uses primary and secondary legal materials with the statute, comparative, and conceptual approaches as well as case study approaches. The case study is based on the dynamics of citizen participation in the government in Indonesia and how the parliament works in order to aspire people's voices. This research is divided into four part of discussions, which are: citizens involvement in public policy, petition system between UK and Indonesia, the feasibility of e-petitions in Indonesia, and challenges in implementing it.

III. RESULTS AND DISCUSSION

A. CITIZENS INVOLVEMENT IN PUBLIC POLICY

In the era of globalisation, the trend of public involvement in the formulation of public policy in various countries is increasing nowadays considering the greater government's duty in addressing emerging issues, such as climate change and immigrant issues.[19] The involvement is based on the fact that citizens as a social capital has an enormous power to influence the government if they can unite to force the government to do so.

As noted, social capital in a particular country can be a potential

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[19] Beatriz Sanz Corella, "Citizen Engagement to Enhance Accountability and Prevent Corruption in the Provision of Public Services in OECD", online: <unpan1.un.org/intradoc/groups/public/documents/UN-DPADM/UNPAN047621.pdf>, accessed 15 February 2017 at 1.

power in influencing the direction of the government's policy by its action; a phenomenon known as social movement. Basically, a social movement is a collective action that involves like-minded people in a particular conflict or issue to obtain their goal or goals.[20]

Some scholars, for instance Della Porta and Diani define such a socially oriented conflict as a demand for change in, or reform of, the current conditions.[21] For example, Fukuyama explains that there were, in the so-called Arab spring, waves of protests from citizens in Libya, Tunisia, Egypt and Syria demanding changes in their regimes from authoritarian to more democratic.[22] The protests in those countries can be seen as a social movement to achieve their common goals. The goals tended to be focused on significant changes in society or in the state's policy.[23] Thus, social movement, to some extent, has an important role in changing the way the government run.

One of the methods used by social movement to influence a government's policy is mass protest. Della Porta and Diani reveal that the main characteristic of social movements is protest.[24] The protest itself appears as a reactive phenomenon, where a social movement has grown from its members being unsatisfied with the current condition. In terms of development, the demonstration or, in this case, the signing of petitions tends to reflect dissatisfaction with a policy or policies that affect the lives of the social movement's members. That kind of protest is a conflictual collective action, in which the protesters want a social shift.[25] Thus, the protest might be used to oppose the current policies or conditions, culminating in demands for change.

The success of the protest depends on certain factors; for example, the number of people who join the movement. In some cases, the

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[20] M Diani, and I Bison, "Organizations, Coalitions, and Movements" (2004) 33:3-4 Theory and Society 281-309; and D Della Porta, and M Diani, Social Movements: An Introduction (Malden, MA: Blackwell Publishing, 2006).

[21] *Ibid.*

[22] F Fukuyama, Political Order and Political Decay (London: Profile Books, 2014).

[23] J Christiansen, "Four Stages of Social Movements. EBSCO Research Starters" (2009), online: <http://wiki.zirve.edu.tr/sandbox/groups/economicsandadministrati-vesciences/wiki/0edb9/attachments/1aabe/1.pdf> at 1-7.

[24] D Della Porta, and M Diani, supra note 20.

[25] *Ibid.*

more people joining the movement, the more powerful that movement becomes. The example of changing away from an authoritarian regime during the reformation era in Indonesia, can justify that argument. Before 1998, Indonesia had been an authoritarian state for about 32 years, in which the centralised government made the president the most powerful person in Indonesia.[26] In those 32 years, corruption was rotting the government and the country; making the regime one of the most corrupt in the world.[27] At that time, the centralised regime in Indonesia tended to be vulnerable also to the influence of some international negative trends; for example, the impact of a global financial crisis.[28] The global crisis 1998 made Indonesia suffers from a catastrophic financial hit, since the central government had to deal with the devastating impact of the crisis in more than a hundred local governments.[29] As they were unsatisfied with their circumstances in Indonesia, citizens from different backgrounds, such as students and labourers, created a massive social movement to bring down the regime.[30] Students, who were perceived as an educated group, led the campaign for changing the regime, and influenced citizens to join their protest movement.[31]

Those huge waves of protest were arguably successful in forcing out the regime, which fell after the parliament building was occupied by the students.[32] The importance of the students in influencing citizens,

[26]   E Ahmad and A Mansoor, "Indonesia: Managing Decentralization" (2002) IMF Working Paper, online: <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=879921>; R Rasyid, "The Policy of Decentralization in Indonesia" in J Alm, J Martinez-Vazquez, and SM Indrawati (eds.), Reforming Intergovernmental Fiscal Relations and The Rebuilding of Indonesia: The Big Bang Program and Its Economic Consequences (Chaeltenham, Edward Elgar Publishing, 2004) 65-74; H Antlöv, DW Brinkerhoff, and E Rapp, "Civil Society Organizations and Democratic Reform: Progress, Capacities, and Challenges in Indonesia" (2008) Paper presented at the 37th Annual Conference, Association for Research on Nonprofit Organizations and Voluntary Action, Philadelphia.

[27]   RH McLeod, "Soeharto's Indonesia: A Better Class of Corruption" (2000) Agenda: A Journal of Policy Analysis and Reform 99-112, online: <http://www.jstor.org/stable/43199068?seq=1#page_scan_tab_contents>.

[28]   HA Crouch, Political Reform in Indonesia After Soeharto (Singapore: Institute of Southeast Asian Studies, 2010).

[29]   J Alm, J Martinez-Vazquez, and SM Indrawati (eds.), supra note 26.

[30]   *Ibid*.

[31]   HA Crouch, supra note 28.

[32]   L Suryadinata, "A Year of Upheaval and Uncertainty: The Fall of Soeharto and Rise

and spreading awareness of the issue, made them the most important actors in toppling the regime. However, it is pleasing to note that the regime's removal in mid-1998 had some promising and positive impacts. Democratic values were implemented; one of which was the implementation of decentralisation. The dramatic impact of the movement was described by Hofman and Kaiser as the 'Big Bang' change.[33] Therefore, it is fair to conclude that a social movement in Indonesia was successful in forcing change through the use of massive protests.

The massive protest approach was also used by citizens in Egypt to demand change of the Mubarak regime in 2011. The protest in Egypt was caused by the corrupt authoritarian regime and, in particular, its failure to deliver good public services.[34] The pattern of massive protests in Egypt was almost the same as the scale of the protests in Indonesia. The huge wave of protests by citizens in the Tahrir Square that went on for almost a month was arguably successful in causing the regime to collapse.[35] After the regime came down, democratic values were implemented, one of which was a democratic presidential election.

Interestingly, utilising the internet, more specifically social media took an important part in spreading the issue and gaining support from the Egyptian population.[36] Social media are an important means for

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of Habibie" (1999) Southeast Asian Affairs 111-127, online: <http://www.jstor.org/stable/27912223?seq=1#page_scan_tab_contents>.

[33] B Hofman and K Kaiser, "The Making of The 'Big Bang'and Its Aftermath: A Political Economy Perspective". in J Alm, J Martinez-Vazquez, and SM Indrawati (eds.), supra note 26 at 15-46.

[34] D Acemoglu and JA Robinson, Why Nations Fail, The Origins of Power, Prosperity and Poverty (London: Profile Books, 2012).

[35] A Ramadan, "From Tahrir to the World: The Camp as a Political Public Space" (2013) 20:1 European Urban and Regional Studies 145-149, online: <http://eur.sage-pub.com/content/20/1/145.short>.

[36] SI Bhuiyan, "Social Media and its Effectiveness in the Political Reform Movement in Egypt." (2011) 1:1 Middle East Media Educator 14-20, online: <http://ro.uow.edu.au/meme/vol1/iss1/3/?utm_source=ro.uow.edu.au%2Fmeme%2Fvol1%2Fiss1%2F3&utm_medium=PDF&utm_campaign=PDFCoverPages>; A Ramadan, "From Tahrir to the World: The Camp as a Political Public Space" (2013) 20:1 European Urban and Regional Studies 145-149., online: <http://eur.sagepub.com/content/20/1/145.short> and Z Tufekci and C Wilson, "Social Media and the Decision to Participate in Political

citizens to discuss their strategies to exert pressure on the government, as well as to update and spread information about the actual condition of the protest. By using social media, Egyptian citizens from various classes were able to unite to demand a move to a more democratic state.

However, both the above cases were not without victims; victory came at a high price. Both protests had many members who lost their lives. Mass protest against a government can involve lawbreaking, from a constitutional perspective, that should be punished.[37] For that reason, those protests faced pressure, often in the form of bullets, from the military forces in both countries.[38] At this point, indiscriminate attacks and violence from both conflicting parties may well erupt. Therefore, any social movement has to be aware of the potential negative consequences of protesting against a government; particularly an authoritarian one.

Another challenge is that the demands from the protesters may not be relevant to a government's priorities. The governments in both the countries cited might notice the mobilization of the movements and their demands; however, factors, such as political pressure from within the governments and the lack of capacity to deal with the movements, make the demands irrelevant to the government's priorities. In some cases, the policy makers know the demands from the protestors, but

Protest: Observations from Tahrir Square" (2012) 62:2 Journal of Communication 363-379, online: <http://onlinelibrary.wiley.com/doi/10.1111/j.1460-2466.2012.01629.x/abstract?systemMessage=Wiley+Online+Library+will+be+unavailable+on+Saturday+14th+May+11%3A00-14%3A00+BST+%2F+06%3A00-09%3A00+EDT+%2F+18%3A00-21%3A00+SGT+for+essential+maintenance.Apologies+for+the+inconv-enience.&userIsAuthenticated=false&deniedAccessCustomisedMessage=>.
[37] B Goodwin, Using Political Ideas, 3rd ed (New Jersey: John Wiley & Sons, 2007).
[38] T Lee, "The Armed Forces and Transitions from Authoritarian Rule Explaining the Role of the Military in 1986 Philippines and 1998 Indonesia" (2009) 42:5 Comparative Political Studies 640-669, online: <http://cps.sagepub.com/content/42/5/640.short>;MA Rashed and I El Azzazi, "The Egyptian Revolution: A Participant's Account from Tahrir Square, January and February 2011 (Respond to this article at http://www. therai. org. uk/at/debate)" (2011) 27:2 Anthropology Today 22-27, online: <http://onlinelibrary.wiley.com/doi/10.1111/j.1467-8322.2011.00798.x/abstract?systemMessage=Wiley+Online+Library+will+be+unavailable+on+Saturday+14th+May+11%3A00-14%3A00+BST+%2F+06%3A00-09%3A00+EDT+%2F+18%3A00-21%3A00+SGT+for+essential+maintenance.Apologies+for+the+inconve-nience>.

some factors, such as bounded rationality and political pressure, cause the governments to ignore their demands.[39]

In this regard, great pressure is in the hands of the government in relation to open access to public information and being accountable so that the citizens play an active role in public policy making; in this case called open government.[40]However, the implementation of open government in some cases attracts criticism from some researchers because of the simplification of meaning. The simplification is that open government is often described as uploading all government information into the official government website.[41] Though uploading information to the official government website is not enough to explain the meaning of open government itself. Uploading of public information on the official government website (*vision*) should be followed by the opening of interactive communication channels between government and society (*voice*).[42]If it is denied, the wave of social movement will try to force the government to do what they demand.

Interestingly, in 2011, Indonesia, as an international entity, had a fundamental role in improving the quality of governance by initiating and joining Open Government Partnership (OGP). OGP is an international community which has an initiative to encourage openess and responsiveness of the activities of the governments.[43] As a member of OGP, Indonesia consequently has to commit implementing the principles of open government stated in the Open Government Declaration, such as improving public information disclosure and professionalism among civil servants, supporting citizens engagement in the government, and utilising technologies for participatory democracy.[44]

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[39] BW Hogwood and LA Gunn, Policy Analysis for The Real World (Oxford: Oxford University Press, 1984).

[40] D Della Porta, and M Diani, supra note 20.

[41] Albert J Meijer, et al., "Open Government: Connecting Vision and Voice" (2012) 78:1 International Review of Administrative Sciences at 10.

[42] *Ibid*.

[43] Open Government Partnership (2015a) What Is The Open Government Partnership? [online]. Available from < https://www.opengovpartnership.org/about>. Accessed 21 March 2017.

[44] Open Government Partnership (2015b) Open Government Declaration [online]. Available from < https://www.opengovpartnership.org/about/open-government-declaration>. Accessed 21 March 2017.

Practically, Indonesia has introduced two policies in order to build open government in Indonesia. First, Indonesia is initiating Open Data Indonesia (ODI). The ODI attempts to build a portal containing sets of data from every level of governments in Indonesia. This policy, aside from the embodiment of the Law Number 14 Year 2008 on Public Disclosure Information, is based on the fact that every level of governments has their own data. Ironically, in some cases, some institutions have inaccurate or different data on the same type of information. For example, the data on poverty rate in Indonesia is criticised by some experts since three government institutions have different data, namely the Health Care and Social Security Agency (Badan Penyelenggara Jaminan Sosial / BPJS), the State Logistics Agency (Badan Usaha Logistik / Bulog) and the Central Statistics Agency (Badan Pusat Statistik / BPS).[45] The difference over the data eventually impacts on the policy to be decided by the government. Thus, this portal has an opportunity to reduce the possibility on inaccurate policy as well as develop the openess of the data in the government, although the impact of world-wide-web in order to improve the governance system needs further research.[46] Citizens can access the information online at www.data.go.id.

Second, Indonesia is developing an online portal to bridging citizens in order to speak their voices as well as complaints about national and local matters to the governments, namely LAPOR! (Layanan Aspirasi dan Pengaduan Online Rakyat/the National Online Public Service Complaint System) (www.lapor.go.id). Until April 2015, the portal had received more than 250.000 complaints to be answered and solved.[47] The portal seems to give a greater chance for citizens to participate in the government. This idea, of course, is parallel with the argument from Meijer, et al. that open government is not only about the openess of government's data, but also participation of the citizens to speak to the

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[45] Jawa Pos (2015) Aneh, Data Kemiskinan Tiga Lembaga Pemerintah Berbeda [online]. Available from < http://www.jawapos.com/read/2015/09/28/5036/aneh-data-kemiskinan-tiga-lembaga-pemerintah-berbeda >. Accessed 21 March 2017

[46] Madon, S. (2000) The Internet and Socio-Economic Development: Exploring The Interaction. Information Technology & People, 13(2), pp.85-101.

[47] LAPOR! (2017) Tentang LAPOR! [online]. Available from < https://www.lapor.go.id/lapor/tentang_lapor/tentang-lapor-dan-info-grafis.html >. Accessed 21 March 2017.

government.[48] However, LAPOR! is only focued on accommodating voices of public services matters. Thus, any 'controversial' policies taken by the government the citizens are still not equipped enough with any portal and legal basis to speak their voices on public policies.

B. PETITION SYSTEM: BETWEEN UK AND INDONESIA

The petition is a term derived from Greek, *petere*, which means asking or pleading.[49] In general, petitions are the official letter of request or demand to the government.[50] In this case, citizens or NGOs can write the petition to the government. One of the countries that apply the petition system is the UK.

Historically, the granting of petition rights to citizens became a long debate in the colonial days of America about whether the petition is enough to represent the real problems and solutions in the government.[51] In Britain, with the enactment of Magna Carta in 1215, as a legal umbrella of human rights arrangements in Britain as well as a symbol of the implementation of modern democracy, in 1628 the statesmen of England began to initiate a petition system to be implemented as a form of checks and balances between parliament and the king.[52] It was during this year that the British parliament issued the Petition of Rights in response to the unconstitutional act of the king.[53] The petition is one of the great milestones for Britain in relation to the development of human rights.

The petition system in the UK eventually grew until finally the British parliament made an online petition policy for the people to

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[48] Meijer, A.J., Curtin, D. and Hillebrandt, M. (2012) Open Government: Connecting Vision and Voice. International Review of Administrative Sciences, 78(1), pp.10-29.

[49] Jan-Hinrik Schmidt, Katharina Johnsen, "On the Use of the E-Petition Platform of the German Bundestag", HIIG Discussion Paper Series, 02 June 2014.

[50] Kamus Besar Bahasa Indonesia, "Petisi", online: <http://kbbi.web.id/petisi.

[51] Stephen A Higginson, "A Short History of the Right to Petition Government for the Redress of Grievances" (1986) 96:1 The Yale Law Journal at 165.

[52] United for Human Rights, "A Brief History of Human Rights", online: <http://www.humanrights.com/what-are-human-rights/brief-history/magna-carta.html>.

[53] UK Parliament, "Civil War", online: < http://www.parliament.uk/about/living-heritage/evolutionofparliament/parliamentaryauthority/civilwar/overview/petition-of-right/ >.

voice their aspirations. In general, the online petition is also a means for the community to carry out political participation through the Internet, which ultimately gets support for the issue that is being purged.[54] On the official website of the British parliament, there is information and guidance that specifically focuses on the online petition system.[55]

The UK government provides a vast space for its citizens to convey their aspirations, one of them with the online petition method. The petition will be responded by the government if the signing of the petition is at least ten thousand signatures, and it will be discussed in Parliament if the signing of the petition is at least one hundred thousand people. If needed, petitioners may be invited to attend discussions to deepen or add related information.

Surely this petition system is arranged in detail to avoid unfair and irresponsible petitions. In connection with this matter, the British government set very strict standards for sorting out any of the petitions submitted to the government that is reasonable to be responded or discussed.[56] Some of the requirements include:

1. The petition should be clearly addressed to the government or parliament
2. The obligation to conform to the duties of the government or parliament
3. Knowing that the problem to be triggered is the responsibility of the British government or devolved body like the Scottish parliament
4. Avoiding personal issues
5. Avoiding issues that are confidential, slanderous or false
6. Avoiding ambiguous language
7. Avoiding a provocative issue
8. Avoiding advertising issues or even 'spam'
9. Avoiding unreasonable issues even leading to jokes
10. Avoiding to represent political parties

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[54] Jan-Hinrik Schmidt, Katharina Johnsen, supra note 22.

[55] UK Government and Parliament, "Petitions", online: <https://petition.parliament.uk/>.

[56] UK Government and Parliament, "How Petitions Work", online: <https://petition.parliament.uk/help>.

11. Avoiding the issue of respect systems or appointments from the government
12. Avoiding potentially unlawful issues
13. Avoiding issues relating to cases still being handled in court
14. Avoiding issues that could potentially cause new problems for others
15. Avoiding issues relating to government employees except at senior management level
16. Avoiding issues related to someone who is in the process of investigation by the parties concerned
17. Avoiding requests to obtain Freedom of Information (FOI)

In its development, the British government has received more than 30 thousand petitions with various intents and purposes.[57] Of the thousands of petitions, the majority who use the e-petitions facility are individual British citizens, not from interest groups.[58] However, statistics show that citizens affiliated with interest groups gain more support for government response than others.[59]

The simple statistical information above shows that e-petitions in the UK became one of the most important channels of citizens' participation. Important issues that may be missed for discussion in the government are possible to become one of the government's agenda, such as the issue of British attitudes toward the result of the general election in the United States in which Donald Trump elected as the President of the United States or the issue of the increase of the tuition fees for students from the European Union studying in the universities in the UK after *Brexit*. The assurance that the government will discuss all issues that are addressed if they have the support or signature makes the communication pattern between the community and government more fluid. As a modern democracy, it appears that British people is positioned as a principal that gives the government mandate as an agent to implement policies in accordance with the will of the British citizens.

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[57] Scott Wright, "Populism and Downing Street E-petitions: Connective Action, Hybridity, and the Changing Nature of Organizing" (2015) 32:3 Political Communication at 414.

[58] Ibid at 429.

[59] *Ibid.*

On the other hand, online petition system that has been developed in Indonesia is also widely used by people in Indonesia to voice their aspirations. The change.org site, for example, has so far facilitated numerous petitions in Indonesia. The issues that are expressed also vary, ranging from environmental, political and social issues.

Looking at e-petitions in the UK, there are some fundamental differences between English e-petitions and Indonesia.[60] In terms of relations with the government, the petitions in Britain are legally regulated under the auspices of the British government, while petitions in Indonesia are managed by Non-Governmental Organizations (NGOs) with no formal relationship with the government. These differences have a significant impact on the follow-up of a petition. The petition in the United Kingdom is guaranteed a response from the government if it meets the standards, measured by the number of people signing the petition, while the petition in Indonesia is no guarantee no matter how much support given to a petition will be responded by the government. This fundamental difference ultimately determines whether this petition system is truly useful as a form of public participation in government or merely a formality.

Viewed from the theory of multiple streams analysis,[61] petitions in Indonesia are highly dependent on political factors within the government. As Kingdon points out, three factors of success of an issue become the main subject in government are problems, policies and politics.[62] Problems are an emerging issue that may need a solution. Policies are solutions or ideas offered by interest groups, in this case can be a petition, while politics is a decision taken by the government on issues that develop. The government's final decision on the issue can be in two attitudes; Discussion of issues that ultimately provide solutions, or even make a decision not to take action. Among the three factors, politics has a very significant role because the political factors in the government can make something that previously seems impossible to implement, but in the end can be implemented.[63]

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[60] Change, "Petisi Tampilan", online: <https://www.change.org/id/petisi>.
[61] J Kingdon, "Agendas, Alternatives and Public Policies" (1984) New York 82-83.
[62] *Ibid.*
[63] Ibid at 152.

In the absence of government rules managing the petition in Indonesia, making all petitions with any support depends on the political will of the government to discuss the issue. The dependence on the political will of the government makes the weakening of the petition function as a letter of request or solicitation of solving problems from the public to the government. The government's response to a petition may be based on the basis of only political counts.

Furthermore, the dull of petition in Indonesia can be seen in many cases. A recent example is the petition concerning the disbanded of the Indonesian Democratic Party of Struggle (PDIP). The petitioner believes that the PDIP has violated the constitution because it supports a candidate for governor of Jakarta who was hit by a case of religious defamation.[64] The petition, which has the support of more than 48,000 signatures until now, has no official follow-up from the government. There are several factors that petition is only limited attention of issues. First, the political factor is very clear because the petition was made during the election of the governor of Jakarta. Second, the PDIP is a 'government party' in which the President is currently supported by the party. Given the oligarchic politics still happening in Indonesia, targeting the PDIP will be very difficult to achieve. Eventually, the petition only became viral within a certain period and eventually disappeared.

From the explanation mentioned above, the current petition in Indonesia is experiencing a dilemma. On the one hand the petition system in Indonesia has made people have many channels to express their opinions and participate in the government. On the other hand, there is no clear legal umbrella about the 'rules of the game' of the petition system, and the continued existence of oligarchic politics made the petition in Indonesia uncharted.

C. THE FEASIBILITY OF E-PETITIONS IN INDONESIA

According to the problems of public participation in Indonesia's government and the implementation of e-petitions in the UK, the online petition that has legal foundation seems to be an alternative policy

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[64] Abyan Karami, "Bubarkan Partai Demokrasi Indonesia Perjuangan", Change.org, online: <https://www.change.org/p/mahkamah-konstitusi-bubarkan-partai-demokrasi-indonesia-perjuangan>.

to be implemented in the countries that need to improve the quality of governance, especially on the right to speak and participate in the government. In Indonesia's case, policy transfer of e-petitions in the UK and other countries needs a careful adoption in order to be suitable with the conditions in the country. Hulme convincingly argues that assessing the policies or ideas before they are adopted can facilitate the opportunity of a successful implementation[65]. Therefore, the feasibility of the e-petitions to be implemented in Indonesia can be discussed in two different focuses, namely the political factors and the arrangement of the policy.

In terms of political factors, it is commonly agreed that every policy to be taken by the government is more or less influenced by political powers; what benefits can be earned by the elites and other reasons. The influences are unavoidable since political parties are the main source of member of the parliament and many positions in executive. E-Petitions, however, can also be politically influenced by those powers. In one hand, e-petitions will be possible to be implemented, if the political elites in Indonesia support the ideas of open and accountable government. Unfortunately, e-petitions will also face some difficulties to be implemented in Indonesia, if the elites think that the policy will be a threat of any suspicious and transactional policies as well as nuisance of their self-interests.

Muhtadi, an Indonesian scholar reveals that the political system in Indonesia is vulnerable to oligarchic politics.[66] The political system in Indonesia, as mentioned by Muhtadi, is still occupied by certain influential actors. For example, business people in Indonesia take an important part in shaping the political system, because there are some of Indonesia's politicians that have a background in, or are endorsed by, business persons.[67] Mass media are also owned by the leaders of political

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[65] R Hulme, "The Role of Policy Transfer in Assessing the Impact of American Ideas on British Social Policy" (2006) 6:2 Global Social Policy 173-195.

[66] Muhtadi, B. (2015) Jokowi's First Year: A Weak President Caught between Reform and Oligarchic Politics. Bulletin of Indonesian Economic Studies [online]. 51(3), pp.349-368. Available from: http://www.tandfonline.com/doi/abs/10.1080/00074918.2015.1110684 [Accessed 21, March, 2016]

[67] Sukoyo, Y. (2015) Partai Harus Hindari Kepentingan Pengusaha. Berita Satu [online]. 26 April. Available from: http://www.beritasatu.com/nasional/268722-partai-

parties.[68] The strong relationship between business and politics tends to make the condition where political elites, such as local government leaders, are occupied by individuals who have strong financial power or backing.

The condition potentially leads to illiberal democracy; the condition where the implementation of democracy is hijacked by the cooperation between political elites and business people to gain self-interests without considering civil rights[69]. The strong involvement of business people in the political arena, of course, can shape the policies implemented by the government by their own interest. Based on Knill and Tosun, interest groups attempt to propose an idea to government in order that the policies made and the groups' interests are relatively the same[70]. Again, if they have hidden interests to benefit their side, e-petition will not be easily implemented since by implementing e-petitions, it will have a power to force the government unpacking any transactional policies.

In terms of the arrangement of the policy, there are many options to be adopted in order to reduce a chance of policy failure. For example, e-petition can be implemented under the supervision of the House of Representative (*Dewan Perwakilan Rakyat* / DPR) in order to strengthen the rights embedded in the DPR. The rights owned by the DPR, namely the right of interpellation (*hak interpelasi*), the right of inquiry (*hak angket*) and the right of expressing opinions (*hak menyatakan pendapat*) are legally regulated in the Article 79 of the Law Number 17 Year 2014 on Legislative Institutions (*Majelis Permusyawaratan Rakyat, Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah, dan Dewan Perwakilan Rakyat Daerah* / MD3).

Giving the DPR to manage the e-petition is based on the fact that, in some cases, the use of those rights triggers debates because of the lack of legitimacy. The latest example is the use of the rights of

harus-hindari-kepentingan-pengusaha.html [Accessed 21, March, 2016]

68 BBC Indonesia (2013) LSM: Parpol Susupi Media Untuk Kampanye. BBC Indonesia [online]. 04 July. Available from: http://www.bbc.com/indonesia/berita_indonesia/2013/07/130704_parpol_tv_media [Accessed 21, March, 2016]

69 F Zakaria, "The rise of illiberal democracy" (1997) Foreign affairs 22-43.

70 C Knill, and J Tosun, Public Policy: A New Introduction, (Palgrave Macmillan, 2012).

House's inquiry on the work of Corruption Eradication Commission (*Komisi Pemberantasan Korupsi* / KPK). Scholars and public seem to be divided into two different sides on the move of the DPR. In one side, they believe that the DPR uses the right to weakening the KPK, while other side thinks that the House's inquiry is useful to fix any weaknesses of KPK[71]. Furthermore, as a political body, the inquiry right to the KPK is likely to be now more nuanced political interests than promoting the aspirations of the people. Of course, the members of the DPR are the representatives of the citizens in Indonesia, but it is difficult to ensure their moves based on what people want. Thus, the DPR seems to need legitimacy from the citizens to ensure they have chosen the right action regarding to the will of citizens. The legitimated action by the DPR itself can be proved by the use of e-petition.

Although the policy is under the supervision of the DPR, some representative members, such as scholars and community or citizens representatives, should run the body that manages the policy professionally and independently. They should be legalised by a particular regulation in order to legitimate their works. The body has a responsibility to collect any online petitions from the citizens and assess which petitions are suitable or not to publish. For example, as mentioned above, the main objective of the petition is to question any policies taken by the government. Therefore, any petitions submitted by the citizens to the institution should inquire relating to the policies chosen and taken by the government, unless the institution will not publish the petitions.

D. CHALLENGES IN IMPLEMENTING E-PETITIONS

The option to give the DPR additional authority to run online petitions need a legal foundation to legalise their action. The legal foundation, of course, is made by the parliament. As mentioned above, it depends on the political will of the Member of Parliament to execute

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[71] See Bambang Soesatyo, "Hak Angket DPR akan Perkuat KPK" (5 July 2017), online: <https://news.detik.com/kolom/d-3549066/hak-angket-dpr-akan-perkuat-kpk> and Kristian Erdianto, "Penolak Pansus Angket KPK Bertanya, "Apa DPR Masih Bisa Mendengar?"" (14 July 2017), online: <http://nasional.kompas.com/read/2017/07/14/19502901/penolak-pansus-angket-kpk-bertanya-apa-dpr-masih-bi-sa-mendengar->.

it or not.

In the online petition case, the policy will succeed when the citizens use the policy as a tool to collectively want an improvement on the policies made by the government. However, their objective might be difficult to achieve when the policy is used by any free-riders to claim as much signatures as possible to change any 'good and right' policies. Since the benchmark that the government will respond the petition is the amount that supports or signs the petition, the petitioner must convince the public that the petition made is related to the wider community. There are many ways that can be taken to get support ranging from informing in social media even affiliated with printed and electronic media. In addition, the system of e-petitions are also prone to be infiltrated by free riders that have self-interests, especially if the maker of the petitions affiliated with interest groups. The self-interests of course are going to hijack the will of citizens that demand an improvement of any policies made by the government.

Furthermore, the demands on the petition may range from political interests to any other interest as humans, such as people's basic needs. However, the contesting of power between two movements occurs when the demands of the groups are opposed to each other. As mentioned by Goodwin, the minority within the group might be affected when the majority of the movement has different views or demands from the minority group.[72] Those groups can work together, if their aims are relatively the same. Thus, the actions of social movements tend to be fluid and dynamic.

IV. CONCLUSION

As a democratic nation, Indonesia guarantees the right to speak and participate in the government. Nevertheless, so far people's voice is only translated as narrow as an ability to vote in general and/or local elections with the principle of "one man one vote". The important matter in relation to public participation in the government is the extent to which the government listens to the protests, critics of the public. From that reason, open government appears as an initiative to make

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[72] Goodwin, B. (2007) Using Political Ideas 3rd ed. John Wiley & Sons.

government more open to the citizens. There are many examples of the implementation of open government in some countries that are arguably success in making the government more accountable, such as the UK. In the UK, the government implements online petitions that legitimately collects any protests, critics, inquiries from the citizens to any policies made by the government. This system can probably be emulated by Indonesia. In this paper, we argue that the online petition as implemented in the UK is feasible to be implemented in Indonesia.

Online petition in Indonesia can be implemented under the supervision of the House of Representative (*Dewan Perwakilan Rakyat* / DPR) in order to strengthen the rights embedded in the DPR. Nevertheless, the option in implementing e-petition in Indonesia needs a legal foundation to legalise its action. Since the legal foundation is made by the parliament, it depends on the political will of the Member of Parliament to execute it or not. Therefore, Indonesia should consider more on the influence of political factors in the implementation of online petitions.

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