

G20 Anti-Corruption Working Group
Accountability Report Questionnaire 2014



SUMMARY OF NATIONAL PROGRESS

1. Please identify up to three Anti-Corruption measures or initiatives that your country has under development, introduced or implemented since the publication of the last monitoring report. As these items may be highlighted in the accountability report, please provide a short description of them (maximum 150 words).

Indonesia is currently running an initiative associated with Anti-Corruption, such as:

- a. The Presidential Instruction No. 2 /2014 about Prevention & Eradication of Corruption
- b. The Political Integrity 2014 Program, which refer to the General Election of members of Parliament and the President in 2014
- c. Corruption eradication in the forestry sector, with the signing of a memorandum of understanding with the 12 ministries and Agencies who involve in forestry sector. The objectives of the agreement are : 1. harmonization of regulation and policy, 2. alignment of technical and procedural, 3. conflict resolution

UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC)

2. Has your country ratified the UNCAC?

YES NO

If no, is there a process underway to ratify the Convention?

3. Has your country begun the UNCAC peer review process as a country under review?

YES NO

If yes, please indicate what stage of review your country has completed and the date.

4. If yes, has your country made use of any of the UNCAC peer review voluntary options, or committed to do so (if the review is not already started)?

a. Publication of full report YES NO COMMITTED TO DO SO

b. Involvement of civil society YES NO COMMITTED TO DO SO

c. Involvement of business YES NO COMMITTED TO DO SO

d. Allowing country visits YES NO COMMITTED TO DO SO

If yes, please provide details (e.g., Web link for published report, how and when civil society / business was engaged during the review process, date of country visit)

5. Has your country taken steps to respond to recommendations identified in its UNCAC peer review report?

YES YES TO SOME NO NOT YET RECEIVED THE REPORT

If yes, please indicate what steps your country has taken / is taking.

Each year since the review process the Indonesian President has issued a Presidential Instruction for the implementation of the UNCAC

6. If you have responded to all or some of the recommendations, have you made those responses publicly available?

YES NO NOT YET

7. Has your country taken measures to promote, facilitate and support technical assistance in the prevention of and fight against corruption?

If yes, please provide a short overview indicating in which regions and topics you have provided technical assistance.

KPK as Indonesia Anti-Corruption Institution was given mandate to conduct supervision and coordination of activities in accordance with law No. 30 of 2002 on Anti Corruption, KPK facilitates Ministries and other institutions in terms of:

1. Capacity building of investigators, for the crime of money laundering & Corruption
 2. Capacity building of "Corruption Court" judges through the workshop
 3. Improvement of good governance, for example: in the area of forestry sector governance
 4. Support the activities of the general election, through Indonesia's political Integrity program 2014
 - 5.

BRIBERY

Note - questions relating to implementation of the G20 *Principles on the Enforcement of the Foreign Bribery Offence* endorsed by Leaders in 2013 and the OECD *Convention on Combating Bribery of Foreign Public Officials in International Business Transactions* are included in a separate questionnaire. The questions below concern other aspects of bribery not covered by this set of principles.

8. Is your government collaborating with the private sector to identify measures that are effective in changing the behaviour of bribe payers?

YES NO

If yes, please provide details

KPK as the Anti-Corruption Agency collaborates with the private sector among others: pharmaceutical industries, aviation industries, Oil and Gas industry, and Indonesia Chamber of Commerce.

Indonesia has initiated an international conference involving the private business sector (National & Foreign Companies) related to issues about facilitating payment, which was held concurrently with the APEC senior official meeting activities with the theme of "Strengthening Integrity through Partnerships between the Public Sector and the Private Sector in preventing Facilitating Payment and Gratuities", held on 24 June 2013 in Medan, Indonesia

9. Has your country criminalized the domestic offer or payment of bribes (active bribery)?

YES NO

10. Has your country criminalized the domestic solicitation or acceptance of bribes (passive bribery)?

YES NO

11. If no, is your country taking steps to criminalize active and/or passive bribery?

YES NO

If yes, please provide details.

12. Has your country instituted measures to discourage the solicitation of bribes?

YES NO

If yes, please provide details.

KPK actively collaborates with several ministers in developing anti-graft report centres, furthermore KPK has also established community report centres named "KPK whistle-blowers System", which enables communities and the business sector (private) to report on all forms of Corruption.

13. Does your country provide support for/work with business in resisting solicitation?

YES NO

If yes, please provide details.

KPK collaborates with several ministers in developing anti-graft report centres, further more KPK has also established community report centres named "KPK whistle-blowers System", which enables communities and the business sector (private) to report on all forms of Corruption

14. Has your country instituted measures to discourage facilitation payments?

YES NO

If yes, please provide details.

KPK collaborates with several ministers in developing anti-graft report centres, further more KPK has also established community report centres named "KPK whistle-blowers System", which enables communities and the business sector (private) to report on all forms of Corruption

ANTI-MONEY LAUNDERING

15. Since the last progress report, have changes to your country's anti-money laundering legislation been proposed or implemented?

YES NO

If yes, please provide details.

16. Since the 2013 progress report, has your country taken any measures to implement the revised FATF standards on anti-money laundering?

YES NO

If yes, please provide details.

DENIAL OF ENTRY

17. Does your country have legislation, regulations or other powers to deny entry to foreign officials charged with or convicted of corruption?

YES NO

If yes, please provide details.

Even though the Indonesian Immigration law does regulate specifically denial of entry of foreign officials charged with or convicted of corruption, the law allows the denial of entry of any foreigners provided that a foreign country must provide a request for denial of entry of such person to the Minister of Law and Human Rights.

If no, is such legislation under consideration?

YES NO

If yes, please provide details.

INTERNATIONAL COOPERATION

18. Is your country compliant with the High Level Principles on Mutual Legal Assistance?

YES NO

If your country is not yet compliant, are you taking steps to implement the Principles?

YES NO

If yes, please provide details.

19. Are you aware of your country having used the G20 Guide to Mutual Legal Assistance?

If yes, please provide details.

Yes, namely as a guide for contacting other central authorities, and as a guide for drafting and preparing MLA requests.

20. Are you aware of non-G20 members having used the G20 Guide to Mutual Legal Assistance to request mutual assistance from your country?

If yes, please provide details.

21. Have any changes to your country's legislation related to international cooperation been proposed since the last progress report?

YES NO

If yes, please provide details.

22. Has your country either used UNCAC, or stated that it will allow the use of UNCAC, as the treaty basis for mutual legal assistance (MLA) and/or extradition?

a. Has used as the treaty basis for MLA YES NO

b. Will allow use as the treaty basis for MLA YES NO

c. Has used as the treaty basis for extradition YES NO

d. Will allow use as the treaty basis for extradition YES NO

23. Do domestic authorities in your country cooperate and share information with the integrity offices of international organizations?

a. Cooperate and share information

b. Could cooperate, but has not been asked

c. Cannot cooperate

If you cannot cooperate, please provide details.

24. Has your country designated an appropriate authority responsible for mutual legal assistance and law enforcement requests relating to asset recovery (a point of contact)?

YES NO

If yes, to which organizations:

a. UNODC

b. StAR/Interpol Focal Point Initiative

c. Camden Asset Recovery Interagency Network (CARIN)

d. Other(s)

If yes to 'Other(s)', please provide details.

ASSET RECOVERY

25. Does your country have legislation allowing for asset recovery or is such legislation proposed?

YES NO

If yes, please provide details.

Regulated in the Mutual Legal Assistance Act

26. Has your country established a specialist/dedicated unit for the recovery of the proceeds of corruption?

YES NO

If yes, please provide the name of the specialist unit and contact details.

27. Does your country publish or otherwise make publicly available details of amounts frozen, seized, recovered or returned?

YES NO

If yes, please provide details.

28. Is your country providing technical assistance to developing countries aimed at helping the recovery and return of proceeds of corruption?

YES NO

If yes, please provide details.

Provide training and sharing of knowledge relating to the establishment of an Anti-Corruption body to Timor-Leste, Bangladesh and Kuwait.

TRANSPARENCY OF LEGAL ENTITIES

29. Does your country have transparency requirements for legal persons, including companies, bodies corporate, foundations and partnerships?

YES NO

If yes, please provide details.

Information regarding companies, foundations, & other civil cooperation is registered at the Ministry of Law and Human Rights.

30. Does your country require that the beneficial ownership and company formation of all legal persons organized for profit be reported by the legal person?

YES NO

If yes, to whom is it reported?

31. If yes, is this information available to the public?

YES NO

32. If this information is not available to the public, is it available to law enforcement?

YES NO

WHISTLE BLOWER PROTECTION

33. Does your country have legislation to protect whistle blowers:

a. In the public sector YES NO

b. In the private sector YES NO

34. Have changes to whistle blower protection legislation been proposed or implemented since the last monitoring report?

YES NO

If yes, please provide details.

35. Since the last progress report, has your country implemented any measures to protect journalists reporting incidents of corruption?

If yes, please provide details

PROCUREMENT

36. Does your country publish online any of the following?

a. Procurement laws and policies including any legislation defining the use of exceptions YES NO

b. Selection and evaluation criteria YES NO

c. Awards of contracts and modifications of contracts YES NO

Please provide details.

On 6 December 2007, the *Lembaga Kebijakan Pengadaan Barang / Jasa* (National Public Procurement Agency - NPAA) , was established following the Presidential Regulation No.106 of the year 2007.

NPPA Function:

a. Drafting and formulation of strategies as well as policies and standard procedures in

the field of public procurement including private sector procurement within the framework of public-private partnerships;

- b. Drafting and formulation of strategies as well as policies to develop human resources in the field of public procurement;
- c. Monitoring and evaluation of its implementation;
- d. Development of information systems as well as electronic monitoring of public procurement (e-procurement: www.lkpp.go.id);
- e. Provision of technical guidance, advocacy and legal counsel;
- f. Conducting general administrative services in the field of planning, corporate governance, staffing, finances, and equipment.

37. Since the last progress report, have any new initiatives to promote public procurement transparency and integrity been proposed or implemented?

If yes, please provide details.

38. Are there regulations and procedures for public procurement officials to govern conflicts of interest?

YES NO

39. Are companies that have been found to be involved in corrupt contracting practices excluded from future participation in public tenders?

YES NO

40. If yes, is the debarment list of International Financial Institutions taken into account?

YES NO

41. Are the names of companies excluded from future participation in public tenders made publicly available?

YES NO

DISCLOSURE BY PUBLIC OFFICIALS

42. Does your country require disclosure by public officials of:

- | | | |
|--------------------------|---|--|
| a. Income | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| b. Assets | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| c. Conflicts of interest | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
| d. Gifts | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| e. Other | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

If yes, please provide details.

PUBLIC OFFICIALS' IMMUNITIES

43. Does your country provide immunities from prosecution to individuals holding public offices?

- | | | |
|---|---|--|
| a. All public office holders | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
| b. Certain public office holders | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
| c. No immunities available to public office holders | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| d. While in office | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
| e. Permanently | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |

If yes, which public office holders are immune and if immunity is limited, please explain.

EDUCATIONAL INITIATIVES

44. Is your country involved in any Anti-Corruption educational initiatives?

- | | | |
|---|---|-----------------------------|
| International Anti-Corruption Academy | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| UNODC Anti-Corruption Academic Initiative | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| Other international Anti-Corruption educational initiative(s) | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

If yes, please provide details.

45. Does your country provide Anti-Corruption educational/training programs for officials, including public office holders?

YES NO

If yes, please provide details.

1.

46. Do business associations in your country promote Anti-Corruption training for the private sector?

YES NO

If yes, please provide details.

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Indonesia has initiated an international conference involving the private business sector (National & Foreign Companies) related to issues about facilitating payment, which was held concurrently with the APEC senior official meeting activities with the theme of "Strengthening Integrity through Partnerships between the Public Sector and the Private Sector in preventing Facilitating Payment and Gratuities", held on 24 June 2013 in Medan, Indonesia

47. Have representatives from the business community in your country developed anti-corruption awareness and capacity building programs for Small and Medium Enterprises?

YES NO

If yes, please provide details.

48. Has your country disseminated G20 products and outcomes with relevant domestic authorities?

YES NO

If yes, please provide details.

HL Principles on Mutual Legal Assistance

JUDICIARY

49. Has your country taken any measures to promote and disseminate the Bangalore Principles for Judicial Integrity?

If yes, please provide details

Yes, the Principles are promoted and implemented by Indonesian Supreme Court

50. Has your country taken other measures to promote the independence of the Judiciary?

If yes, please provide details

Since 2006, KPK and the Supreme Court supported by universities has implemented court recording initiatives. Currently, the process of court recording already implemented across all provinces in Indonesia (33 provinces).

SECTOR-SPECIFIC TRANSPARENCY INITIATIVES

51. Is your country supporting or implementing any sector-specific initiatives?

Extractive Industries Transparency Initiative (EITI)

Implementing

YES

NO

Support

YES

NO

Construction Sector Transparency Initiative (CoST)

Implementing

YES

NO

Support

YES

NO

Other (specify below)

Implementing

YES

NO

Support

YES

NO

Please provide details on other sectoral initiatives supported by your country.

52. Does your government have integrity pacts with the business sector?

YES NO

If yes, please provide details.

KPK has the ability to conduct socialization and assisting the business sector about Good Corporate Governance (GCG), in particular to companies that have yet to go public. KPK supports and encourages companies to draw up and implement a code of conduct or an integrity Pact. In addition, KPK have done intensive socialization about GCG in relation to the prevention of corruption through various media, such as: seminars, trainings, advertorials, public service advertisements, publications (books, brochures, and posters), including talk shows.

FISCAL AND BUDGET TRANSPARENCY

53. Has your country taken steps to implement the IMF Good Practices in Fiscal Transparency?

YES NO

If yes, please provide details.

54. Has your country taken steps to implement the OECD Best Practices on Budget Transparency?

YES NO

If yes, please provide details.

Thank you for your time in completing this questionnaire.