

**REGULATION OF THE GOVERNMENT OF THE REPUBLIC OF INDONESIA**  
**NUMBER 61 OF 2010**  
**ON**  
**IMPLEMENTATION OF LAW NUMBER 14 OF 2008 ON DISCLOSURE OF PUBLIC**  
**INFORMATION<sup>1</sup>**

BY THE GRACE OF GOD ALMIGHTY

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering:

that in order to implement provisions under Article 20 paragraph (2) and Article 58 of Law [Number 14 of 2008](#) on Disclosure of Public Information, it is deemed necessary to establish Regulation of the Government on Implementation of Law [Number 14 of 2008](#) on Disclosure of Public Information;

In view of:

1. Article 5 paragraph (2) of 1945 Constitution of the Republic of Indonesia;
2. Law [Number 14 of 2008](#) on Disclosure of Public Information (State Gazette of the Republic of Indonesia of 2008 Number 61, Supplement to the State Gazette of the Republic of Indonesia Number 4846);

HAS DECIDED:

To establish:

REGULATION OF THE GOVERNMENT ON IMPLEMENTATION OF LAW NUMBER 14  
OF 2008 ON DISCLOSURE OF PUBLIC INFORMATION.

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## CHAPTER 1 GENERAL PROVISIONS

### Article 1

Under this Regulation of the Government, the following definitions are employed:

1. Public Information is information which is produced, stored, managed, delivered, and/or received by a Public Body in relation to state organizer and organization and/or organizer and organization of other Public Bodies which are in accordance with Law on Disclosure of Public Information, as well as other information in relation to public interest.
2. Public Body is executive, legislative, judicial agencies, and other bodies which main functions and duties in relation to state organization, of which, part or whole funds are sourced from State Revenue and Expenditure Budget and/or Regional Revenue and Expenditure Budget, or non-governmental organization, provided that part or whole funds are sourced from State Revenue and Expenditure Budget and/or Regional Revenue and Expenditure Budget, public and/or foreign donation.
3. State Public Body is executive, legislative, judicial agencies, and other bodies which main functions and duties in relation to state organization, of which, part or whole funds are sourced from State Revenue and Expenditure Budget and/or Regional Revenue and Expenditure Budget.
4. Public Official is person whom is appointed and mandated to occupy certain position or function within Public Body.
5. Information Management and Documentation Official, hereinafter abbreviated as PPID [*Pejabat Pengelola Informasi dan Dokumentasi*], is official who is responsible for the sectors of storage, documentation, provision, and/or service of information at Public Body.
6. Petitioner of Public Information is Indonesian citizen and/or incorporated entity who file request of Public Information as addressed under Law on Disclosure of Public Information.
7. Exempted Information is information which is inaccessible by Petitioner of Public Information as referred to under Law on Disclosure of Public Information.

8. Classification of Public Information is stipulation of information as Exempted Information based on Law on Disclosure of Public Information.
9. Consequence Test is test on consequence which occurs if an information is handed over to the public, with careful consideration given that closing Public Information may protect the greater interest rather than opening it or *vice versa*.
10. Exemption Time Period is certain span of time of an Exempted Information to be inaccessible by Petitioner of Public Information.
11. Redress is payment a sum of money to person or civil incorporated entity for expense of State Public Body based on decision of Administrative Court due to economic losses [*kerugian materiil*] as sustained by the claimant.
12. Minister is minister who organizes governmental affairs within the sectors of communication and informatics.

## **CHAPTER II**

### **WRITTEN CONSIDERATIONS OF POLICIES OF PUBLIC BODIES**

#### **Article 2**

- (1) In case there is request of Public Information by Petitioner of Public Information, Public Body must produce written consideration for every policy which is made in order to fulfill rights of every Petitioner of Public Information.
- (2) Written consideration as referred to in paragraph (1) is determined by PPID upon approval from executive of the relevant Public Body.
- (3) Written consideration as referred to in paragraph (1) is accessible by any Petitioner of Public Information.

**CHAPTER III**  
**CLASSIFICATION OF INFORMATION AND EXEMPTION TIME PERIOD FOR**  
**EXEMPTED INFORMATION**

**First Division**  
**Classification of Information**

**Article 3**

- (1) Classification of Information is stipulated by PPID at every Public Body which is based on Consequence Test in careful and full accuracy manners before declaring certain Public Information to be exempted from being accessed by every person.
- (2) Stipulation of Classification of Information as referred to in paragraph (1) is performed upon approval of executive of the relevant Public Body.

**Article 4**

- (1) Classification of Information as referred to under Article 3 is stipulated in the forms of classification stipulation letter.
- (2) Classification stipulation letter as referred to in paragraph (1) at least consists of:
  - a. type of classification of Exempted Information;
  - b. identity of PPID official who makes stipulation;
  - c. Public Body, including working unit of official who makes stipulation;
  - d. Exemption Time Period;
  - e. ground for exemption; and
  - f. place and date of stipulation.

**Second Division**  
**Exemption Time Period for Exempted Information**

**Article 5**

- (1) Exemption Time Period for Public Information, of which, if it is opened and handed over to Petitioner of Public Information, it may hinder law enforcement process, is stipulated to be 30 (thirty) years at maximum.
- (2) Exemption Time Period as referred to in paragraph (1) is exempted if such Public Information has been opened in open-for-public court hearing.

**Article 6**

Exemption Time Period for Public Information, of which, if it is opened and handed over to Petitioner of Public Information, it may interrupt the interest relating to protection of intellectual property right and protection from unfair business competition, is stipulated based on provisions under laws and regulations.

**Article 7**

- (1) Exemption Time Period for Public Information, of which, if it is opened and handed over to Petitioner of Public Information, it may endanger state defense and security, is stipulated to follow the necessary time period for protection of state defense and security.
- (2) Exemption Time Period for Public Information, of which, if it is opened and handed over to Petitioner of Public Information, it may disclose Indonesian natural resources, is stipulated to follow the necessary time period for protection of Indonesian natural resources.
- (3) Exemption Time Period for Public Information, of which, if it is opened and handed over to Petitioner of Public Information, it may harm national economic resilience, is stipulated to follow the necessary time period for protection of national economic resilience.
- (4) Exemption Time Period for Public Information, of which, if it is opened and handed over to Petitioner of Public Information, it may harm foreign relation interest, is

stipulated to follow the necessary time period for protection of foreign relation interest.

- (5) Determination of the necessary certain time period as referred to in paragraph (1), paragraph (2), paragraph (3), and paragraph (4) is stipulated by the highest executive of Public Body in question.

### **Article 8**

- (1) Exemption Time Period for Public Information, of which, if it is opened, it may disclose contents of notarial deed which are personal in nature and last wish or testament of a person, is stipulated to be based on provisions under laws and regulations.
- (2) Exemption Time Period for Public Information, of which, if it is opened and handed over to Petitioner of Public Information, it may disclose personal secret of a person, is stipulated to follow the necessary time period for protection of personal secret of a person.
- (3) Public Information as referred to in paragraph (1) and paragraph (2) may be opened if:
  - a. party whose secret is disclosed gives written consent; and/or
  - b. disclosure is in relation to position of a person in public positions in accordance with provisions under laws and regulations.

### **Article 9**

Exemption Time Period for memorandum or letters among Public Bodies or within Public Body in relation to Exempted Information, is stipulated based on provisions under laws and regulations.

### **Article 10**

- (1) PPID, upon approval from executive of the relevant Public Body may amend classification of Exempted Information.
- (2) Amendment to classification of Exempted Information as referred to in paragraph (1) may only be performed based on Consequence Test.

### **Article 11**

- (1) Exempted Information, of which, its Exemption Time Period has expired, becomes Public Information which is accessible by Petitioner of Public Information with stipulation from PPID.
- (2) Stipulation as referred to in paragraph (1) is performed no later than 30 (thirty) business days prior to the expiration of Exemption Time Period.
- (3) In case stipulation as referred to in paragraph (2) is not performed, Exempted Information becomes Public Information on the expiration of Exemption Time Period.

## **CHAPTER IV**

### **INFORMATION MANAGEMENT AND DOCUMENTATION OFFICIAL**

#### **First Division**

#### **General**

#### **Article 12**

- (1) Official who may be appointed as PPID within the scope of State Public Body which exists on central and regional levels is official who holds the sector of Public Information.
- (2) PPID as referred to in paragraph (1) is appointed by executive of every relevant State Public Body.
- (3) PPID at the scope of Public Body other than State Public Body is appointed by the executive of the relevant Public Body.

#### **Article 13**

- (1) PPID is occupied by a person who possesses competence within the sector of information management and documentation.
- (2) Competence as referred to in paragraph (1) is determined by executive of the relevant Public Body.

**Second Division**  
**Duties and Responsibilities**

**Article 14**

- (1) PPID assumes duties and responsibilities for:
- a. provision, storage, documentation, and security of information;
  - b. information service in accordance with prevailing rules;
  - c. Public-Information service which is prompt, accurate, and simple;
  - d. establishment of operational procedures for the dissemination of Public Information;
  - e. Consequence Test;
  - f. Classification of Information and/or its amendment;
  - g. stipulation of Exempted Information, of which, its Exemption Time Period has expired, as accessible Public Information; and
  - h. stipulation of written consideration for every policy which is made in order to fulfill right of every person for Public Information.
- (2) Asides from provisions as referred to in paragraph (1), PPID may carry out its duties and responsibilities in accordance with provisions under laws and regulations.

**Article 15**

In carrying out duties, PPID is assisted by functional official at the relevant Public Body.



**CHAPTER V**  
**PROCEDURES FOR PAYMENT OF REDRESS BY STATE PUBLIC BODY AND**  
**IMPOSITION OF FINES SENTENCE**

**First Division**

**Procedures for Payment of Redress by State Public Body**

**Article 16**

- (1) Redress for act of State Public Body which inflicts economic losses [*kerugian materiil*] as sustained by the Claimant is performed based on procedures for the implementation of redress at Administrative Court with redress not exceeding IDR 5,000,000.00 (five million rupiahs).
- (2) Redress as referred to in paragraph (1) is stipulated through decision of Administrative Court, if it is proven that there is economic losses [*kerugian materiil*] due to unlawful act [*perbuatan melawan hukum*] as committed by State Public Body.
- (3) Redress which has been stipulated in decision of Administrative Court, the amount is fixed and does not change, although there is grace period between the stipulation date of such decision with the time for payment of redress.

**Article 17**

- (1) Redress which becomes liability of Public Body is attributed to the financial of the relevant Public Body.
- (2) Provisions on payment of redress as referred to in paragraph (1) are performed in accordance with provisions under laws and regulations.

**Article 18**

In case payment of redress cannot be performed by State Public Body during the current budget year, payment of redress is inputted and performed in the subsequent budget year.

**Second Division**  
**Imposition of Fines Sentence**

**Article 19**

- (1) Payment of fines sentence for Public Body is attributed to the financial of the relevant Public Body in accordance with provisions under laws and regulations.
- (2) Fines sentence as referred to in paragraph (1) becomes the liability of Public Official and does not become the financial burden of Public Body, if it may be proven that the act which was committed is beyond its main duties and functions by abusing the power that is established in provisions under laws and regulations and provisions of the relevant Public Body.

**Article 20**

Court decision which imposes fines sentence to Public Body as Administrative body does not reduce state authority [*sic*] to hand down administrative sanction against Public Official based on provisions under laws and regulations.

**CHAPTER VI**  
**FINAL PROVISIONS**

**Article 21**

- (1) PPID should have been appointed within 1 (one) year since the promulgation of this Regulation of the Government.
- (2) In case PPID is yet to be appointed, duties and responsibilities of PPID may be performed by unit or division within the sectors of information, communication, and/or public relation.

## Article 22

This Regulation of the Government enters into force on the date of its promulgation.

For the purposes of public cognizance, it has been ordered that the promulgation of this Regulation of the Government should be achieved through its publication in the State Gazette of the Republic of Indonesia.

Established in Jakarta

on 20 August 2010

PRESIDENT OF THE REPUBLIC OF INDONESIA,

signed.

DR.H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta

on 23 August 2010

MINISTER OF LAW AND HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA,

signed.

PATRIALIS AKBAR

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2010 NUMBER 99

**ELUCIDATION  
OF  
REGULATION OF THE GOVERNMENT OF THE REPUBLIC OF INDONESIA  
NUMBER 61 OF 2010  
ON  
IMPLEMENTATION OF LAW NUMBER 14 OF 2008 ON DISCLOSURE OF PUBLIC  
INFORMATION**

**I. GENERAL**

Law [Number 14 of 2008](#) on Disclosure of Public Information becomes new legal regime which supports transparency principle in the organization of life as nation and state. Such Law not only addresses disclosure of information toward state agencies, but also toward non-governmental organizations, of which, a part or whole funds is sourced from public funds, both State Revenue and Expenditure Budget/Regional Revenue and Expenditure Budget, public donation, and foreign source.

For further framework, Law [Number 14 of 2008](#) on Disclosure of Public Information mandates the establishment of regulation of the government which addresses matters on Exemption Time Period for Exempted Information and procedures for payment of Redress by State Public Body. However, this Regulation of the Government not only addresses matters pertaining those two subjects, but also addresses matters on written consideration for policy of Public Body, Classification of Exempted Information, position and duties of Information Management and Documentation Official, and imposition of fines sentence.

Such framework is necessary so that Law [Number 14 of 2008](#) on Disclosure of Public Information may be enforced properly. This condition is in accordance with Law [Number 10 of 2004](#) on Establishment of Laws and Regulations which provides legal basis for delegation of authority to the government to address matters which are necessary in the organization of state government, not upon explicit request from a law.

In the course of implementation of disclosure of Public Information, all personnel of public officials should become more transparent, responsible, and have orientation toward the best public service because implementation of disclosure of Public Information does not solely becomes duty of Information Management and Documentation Official, but becomes the duty of Public Body and all of its human resources.

Hence, implementation of disclosure of Public Information is expected to be able to urge the organization of life as nation and state to become more democratized.

## II. ARTICLE BY ARTICLE

### Article 1

Self-explanatory.

### Article 2

Self-explanatory.

### Article 3

Paragraph (1)

“Classification of Information” refers to Exempted Information, *inter alia* relating to law enforcement process, state defense and security, and national economic resilience.

Paragraph (2)

Self-explanatory.

### Article 4

Self-explanatory.

### Article 5

Paragraph (1)



“Public Information, of which, if it is opened and handed over to Petitioner of Public Information may hinder law enforcement process” namely information which may:

1. hinder preliminary investigation and investigation process of a crime;
2. disclose identity of informant, reporter, witness, and/or victim who know the occurrence of crime;
3. disclose criminal intelligence data and plans in connection with prevention and handling of any forms of transnational crime;
4. endanger the safety and life of law enforcer and/or its family; and/or
5. endanger the safety of tool, facility, and/or infrastructure of law enforcer.

Paragraph (2)

Self-explanatory.

## **Article 6**

“Provisions under laws and regulations” refer to namely laws and regulations on trade secret, laws and regulations on patent, laws and regulations on prohibition of monopoly practice and unfair business competition, and laws and regulations on company document.

## **Article 7**

Paragraph (1)

“Public Information, of which, if it is opened and handed over to Petitioner of Public Information, it may endanger state defense and security” refers to:

- a. information on strategy, intelligence, operation, tactic and technique in relation to the organization of state defense and security system, including the planning, implementation and conclusion or evaluation stages in relation to threat from domestic and overseas;
- b. document which contains strategy, intelligence, operation, technique and tactic in relation to the organization of state defense and security system which encompasses the planning, implementation and conclusion or evaluation stages;

- c. amount, composition, disposition, or dislocation of power and ability in the organization of state defense and security system, as well as its development plan;
- d. image and data on situation and condition of military base and/or installation;
- e. data on estimation of military ability and defense of another state on all acts and/or indications of such state which may endanger the sovereignty of the Unitary State of the Republic of Indonesia and/or data relating to military cooperation with another state which is agreed under such agreement as classified or highly classified;
- f. state crypto system; and/or;
- g. state intelligence system.

Paragraph (2)

Self-explanatory.

Paragraph (3)

“Public Information, of which, if it is opened and handed over to Petitioner of Public Information, it may harm national economic resilience” refers to:

1. initial plan on the purchase and sale of national or foreign currency, stock and state-owned vital asset;
2. initial plan on the change of exchange rate, interest rate, and operation model of financial institution;
3. initial plan on the change of bank’s interest rate, government loan, change of tax, tariff, or other state/regional revenue;
4. initial plan on the sale and purchase of land or property;
5. initial plan on foreign investment;
6. process and supervisory result of banking, insurance, or other financial institutions; and/or;
7. matters relating to the money-printing process.

Paragraph (4)

“Public Information, of which, if it is opened and handed over to Petitioner of Public Information, it may harm foreign relation interest” refers to:

1. position, bargaining position and strategy which will and has been taken by the state in connection with international negotiation;
2. international diplomatic correspondence;
3. communication and crypto system which is used in operating international relation; and/or
4. protection and security of strategic Indonesian infrastructure overseas.

Paragraph (5)

Self-explanatory.

## **Article 8**

Paragraph (1)

“Provisions under laws and regulations” refer to namely laws and regulations on archive.

Paragraph (2)

“Public Information, of which, if it is opened and handed over to Petitioner of Public Information, it may disclose personal secret” refers to:

1. history and condition of family member;
2. history, condition and treatment, medication of physical and psychological health of a person;
3. financial condition, asset, earning, and bank account of a person;
4. evaluation results in connection with capability, intellectuality, and recommendation of ability of a person; and/or
5. record which relates to personal aspect of a person in relation to activity on formal education unit and non-formal education unit.

Paragraph (3)

Letter a

Self-explanatory.

Letter b

“Provisions under laws and regulations” refer to namely laws and regulations on eradication of corruption crime and laws and regulations on corruption crime eradication commission.



## **Article 9**

“Provisions under laws and regulations” refer to namely laws and regulations on archive and laws and regulations on company document.

## **Article 10**

Paragraph (1)

“Amend classification of exempted information” refers to, for example, Public Information which is originally classified as Exempted Information in relation to law enforcement process, and then its classification is amended to be Exempted Information in relation to state defense and security.

Paragraph (2)

Self-explanatory.

## **Article 11**

Paragraph (1)

Stipulation in this provision is made in the forms of list of information which is accessible based on request.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

## **Article 12**

Self-explanatory.

## **Article 13**

Self-explanatory.

## **Article 14**

Paragraph (1)

Self-explanatory.

Paragraph (2)

“Provisions under laws and regulations” refer to namely laws and regulations on employee affairs.

### **Article 15**

Self-explanatory.

### **Article 16**

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

“The amount is fixed and does not change” refers to that although there is grace period between the time when decision of Administrative Court is stipulated and the performance of payment of redress, such condition does not affect the amount of redress which has been decided by Administrative Judges. Therefore, against such amount of redress, it is made impossible for interest as the additional of redress value to be invoked.

### **Article 17**

Paragraph (1)

Self-explanatory.

Paragraph (2)

“Provisions under laws and regulations” refer to namely laws and regulations on payment of redress and its implementing procedures at administrative judiciary.

**Article 18**

If it is possible for State Public Body, payment of redress is performed soon after request for the enforcement of decision of Administrative Court has been filed by the relevant party.

**Article 19**

Paragraph (1)

“Provisions under laws and regulations” refer to namely laws and regulations on state finance and laws and regulations on payment of redress and its implementing procedures at administrative judiciary.

Paragraph (2)

“Provisions under laws and regulations” refer to namely laws and regulations on employee affairs.

**Article 20**

“Provisions under laws and regulations” refer to namely laws and regulations on employee affairs

**Article 21**

Self-explanatory.

**Article 22**

Self-explanatory.

SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA  
NUMBER 5149