

Assessment on Law and Policy Indicator in PGA for REDD + (Reducing Emissions from Deforestation and Forest Degradation Plus), Concept as of January 2012

Number	Indicator	Meaning	Elaboration on Meaning	Verifier and Verification Method
<p>i. Area planning and forestry which is sustainable, impartial, and not prone to corruption</p>	<p>Effective regulation on the good governance in the process of drafting area planning and forestry</p>	<p>A rule is categorized as good if contains the following elements:</p> <ol style="list-style-type: none"> 1. Access to all public information is considered good if: <ol style="list-style-type: none"> a. There is rule which obligates (accompanied by sanction) that the data used in the formation of RTRW (spatial and area planning) and forestry plan is accurate data including data on: <ul style="list-style-type: none"> - biophysics condition; - social condition (including the customary territory border) - Permits granted on a piece of land. b. There is rule obligating the Public Institution (in relation to forestry and peat moss) to ensure the availability of all data / information related to the systematic process of area planning and forestry for the sake of easy access. The mentioned information among others are : <ul style="list-style-type: none"> - Map showing the forest area; - Report on Border Arrangement (Consent from all parties concerning forest area); - All written/non-written input already documented in the process of forming RTRW/other forestry plan; - KLHS (strategic environmental assessment) Document; - Proposal on the change of designation and its supporting document including inputs from various parties etc. c. There is rule obligating Public Institution to employ specific officer to handle the request of information; d. There is rule obligating the granting of access to the public either proactively or on request basis; e. There is information announcement as follows : <ul style="list-style-type: none"> - Proposal on the change of designation and its supporting document, etc. f. Limit on the accessible information is clearly regulated and based on public interest (balancing public interest test); g. There exists sanction to those parties who intentionally hamper public access to information. 	<p>Elaboration on Meaning</p>	<p>Verifier:</p> <ul style="list-style-type: none"> • The comprehensiveness level of rule which regulates on the good governance in the process of drafting area planning and forestry • The most effective legal form • The rule making process transparently and inclusively • The rule implemented effectively <p>Verification Method: document analysis and interviewed are applied</p>

		<ol style="list-style-type: none"> 2. Involvement mechanism is essentially considered good when there are rules as follow: <ol style="list-style-type: none"> a. The obligation of public institution to inform through combined methods and through easily understandable language on the formation plan of RTRWP &/ other forestry plan to all parties holding the right as well as all stakeholders; b. The obligation of Public institution to ensure that there is mechanism which makes it easy for all stakeholders to engage themselves in the process of decision making; c. The obligation of public institution to appoint one specific officer who is responsible for managing input from the public in the formation process of RTRW &/other forestry plans; d. The obligation of public institution to document each written or non-written input; e. The obligation of public institution to provide transparent response to every received input; f. The obligation of public institution to provide explanation on the final decision made; g. The obligation to accomplish all process of participation within sufficient time, (minimum 90 working days); 3. Protection guarantee for those with good intention to disclose information and participate is considered good when the rules have already guaranteed: <ol style="list-style-type: none"> a. Protection for the whistleblower; b. Anti-SLAPP law (<i>Anti-strategic lawsuit against public participation</i>) which is protection for those expressing aspiration/opinion to not be easily sued back by those feeling disturbed by such opinion through mechanism such as the ruining of good reputation. 4. The complaint filing mechanism and conflict resolution are considered good when: <ol style="list-style-type: none"> a. There is mechanism of filling community's complaint which makes it easy for all parties (including competitors) to file complaints and to obtain explanation on the action taken in response to the complaints filed within a clear set time; b. There is mechanism of conflict resolution and dispute settlement through negotiation channel should there be sharp difference in the perspective on the issue; 	
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- c. There is obligation to employ the service of a mediator with the skill and understanding of customary issues;
- 5. The obligation of capacity building for government apparatus and community referred to is the rule which obligates:
 - a. the government to be responsible in building the capacity of customary/local community to participate;
 - b. the higher level government to build the capacity of lower level government (such as the national government providing training to the provincial /local government and likewise the provincial government to the local government);
- 6. Easy mechanism for the customary/local community to access the budget for capacity building;
- 7. The implementation of participatory planning for community's capacity building program.
 - a. the assignment of space for the customary/local community in the cultivation and non-cultivation area in the process of spatial management referred to is the presence of legal acknowledgement regarding the area which can be independently managed by the customary/local community while maintaining its spatial function; and
 - b. the technical rule which provides guidelines on the implementation of KLHS as implementation of rules which obligate review on the strategic environment (KLHS) in the formation process of RTRW&/ other forestry plan.

The area planning referred to here is the formation of RTRWP (Spatial and area planning)

The Forestry plan mentioned here is the formation of (based on Article 12 Law no. 41/99)

- a) Inventory of forests;
- b) The Map of Forest Areas which has undergone the process of forest areas validation.
- c) The forming of Forest Area Management and KPH;
- d) Forestry Plan

What is meant with stable is the absence of regulatory change which is extreme in nature

		<p>and can cause the lessening of rights coverage of the customary/local community; weakening of protection, blurring the rights of the customary/local as well as business community.</p> <p>What is meant with harmonious is the absence of conflict among regulations/stipulations which govern the same or related matters.</p>	
<p>II. Management of rights which is sustainable, impartial and not prone to corruption</p>	<p>The effectiveness of rules pertaining the acknowledgement and mechanism of rights protection by the government which is clear, strict, harmonious and stable regarding the forest occupied or managed by the customary, local and business community.</p>	<ol style="list-style-type: none"> 1. The acknowledgement of the rights to manage as well as the mechanism to obtain management rights indiscriminatively is : <ul style="list-style-type: none"> - the acknowledgement of the customary land whose management is in line with the function of existing biophysics (based on RTRW) - a simple, affordable, and fast mechanism for the community to obtain management permit; - an arrangement on the maximum benefit for the customary community/local community at its customary/local lands; 2. Protection of rights is considered clear when there are rules obligating the government to protect regions which have been given rights acknowledgement/permit; 3. The obligation to build the capacity including providing budget for the customary and local community to access the rights which are protected and for the officer handling such matter is deemed good when the rules related to the rights to occupy and manage the forest by the customary/local community obligate : <ol style="list-style-type: none"> a. the government to be responsible in building the capacity of the customary/local community to participate; b. the higher level government to build the capacity of the lower level government (such as the national government providing training for the provincial/local government and likewise the provincial government to the local government); c. easy mechanism for the customary/local community to access the budget of capacity building; d. The implementation of participatory planning in order to develop the program of community's capacity building. 	<p>Verifier:</p> <ul style="list-style-type: none"> • The comprehensiveness level of rule which regulates legal acknowledgement as well as mechanism of protecting the rights to occupy and manage the forest by the customary, local and business community • The most effective legal form • The rule making process transparently and inclusively • The rule implemented effectively <p>Verification Method: document analysis and interviewed are applied</p>

		Note: The responsibility to build the capacity of customary/local community and government apparatus at the lower level government instead of business is due to the assumption that the community/regional government do not have adequate resources to build its capacity, while business has the resources to accomplish such thing.	
III. Organization which is accountable and able to promote the achievement of forest and peat moss management which is sustainable, impartial and not prone to corruption.	The effectiveness of legal framework which regulates strong organization with high level of accountability in carrying out management of forest and peat moss in transparent, participatory and accountable manner.	<p>The rule regarding the level of accountability is considered good when it has clearly, decisively, steadily and harmoniously regulate concerning:</p> <ol style="list-style-type: none"> 1. The clarity of task and authority of various related institutions in relation to forest and peat moss management to ensure the accountability of each party;¹ 2. The transparency on yearly output expected and achievement of each institution; 3. <i>Budget based on performance (result oriented budgeting)</i>; 4. Decentralization to the lower level democratically (followed by the principles of transparency and participation); and 5. The obligation of recruitment to be based on need and expertise (merit based). <p>In order to be effective, the regulation on this matter should be generally regulated at the level of law with more detailed elaboration at a more operational level (yearly achievement from each institution can be done in the form of presidential decree). Each region should better have similar mechanism to assess the performance of each related institution within the Regional Government.</p>	<p>Verifier:</p> <ul style="list-style-type: none"> • The comprehensiveness level of rule which regulates forest and peatland organization • The most effective legal form • The rule making process transparently and inclusively • The rule implemented effectively <p>Verification Method: document analysis and interviewed are applied</p>

¹ One of the key of accountability is the presence of clarity regarding the achievement (performance) of each institution, visit: http://www.oecdobserver.org/news/fullstory.php/aid/1697/Performance_and_accountability:_Making_government_work.html. Also visit <http://www.oecd.org/dataoecd/10/61/1902720.pdf>

	<p>The effectiveness of regulation which ensures the harmonization of rules and regulations</p>	<p>What is meant by the existence of institution/mechanism to execute the harmonization of rules and regulations is:</p> <ol style="list-style-type: none"> 1. The clarity of one institution with the responsibility to execute the harmonization of rules and regulation. 2. Mechanism to ensure that harmonization with other regulation (at the level of central/regional and with other sector) takes place before the ratification of a regulation. <p>In order to be effective, this responsibility is better regulated at the level of law with the mechanism at the lower level of regulation.</p>	<p>Verifier:</p> <ul style="list-style-type: none"> • The comprehensiveness level of rule which regulates rules related to the availability of institution to carry out the task of harmonization. • The most effective legal form • The rule making process transparently and inclusively • The rule implemented effectively <p>Verification Method: document analysis and interviewed are applied</p>
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	<p>The effectiveness of arrangement on the requirement of integrity and expertise criteria in the placement and fostering of career (especially for strategic positions)</p>	<p>The strategic positions meant in this framework are top positions up to second echelon/leadership of second level at the related institution.</p> <p>Strong rules are rules which clearly, decisively, steadily and harmoniously regulate on:</p> <ol style="list-style-type: none"> 1. The limit of Conflict of Interest and mechanism to be undertaken by the high ranking officer should there be Conflict of Interest (such as making declaration and/or resigning); 2. the obligation to conduct LHKPN verification with the help of KPK (Corruption Eradication Commission);² 3. the obligation to create integrity pact, fulfillment of ethical code (if the person has ever breached existing ethical code) and performance contract when taking up the strategic position; 4. transparency in the process of filling in strategic position (such that everybody can propose his/her self as candidate)³; 5. Assessment by an independent third party with the capacity on the background of each candidate. <ul style="list-style-type: none"> • In order to be effective, the obligation is regulated at the level of law with implementation mechanism at the lower level of regulation. 		<p>Verifier:</p> <ul style="list-style-type: none"> • The comprehensiveness level of rule which regulates rules related to the filling in of strategic position in employment regulation • The most effective legal form • The rule making process transparently and inclusively • The rule implemented effectively <p>Verification Method: document analysis and interviewed are applied</p>
	<p>The effectiveness of rules which regulate the institutional aspect in law enforcement body which support the creation of law enforcement which is impartial and not</p>	<p>The management and enforcement of law can be effective if the law enforcer has the ability to detect, ability to response and ability to punish, which is a problem at the moment. This is due to technical and non-technical factors.</p>	<p>Technical and non-technical factors are measured at the capacity-related indicator(please add specific indicator in capacity)</p> <p>What is meant by effective coordination is the existence of rules which obligate the coordination among law enforcement apparatus in using the multi door approach, which is effective based on needs which should be done by the Directorate General of PHKA,</p>	<p>Verifier:</p> <ul style="list-style-type: none"> • The comprehensiveness level of rule which regulates rules related to the filling in of strategic position in employment regulation • The most effective legal

² KPK is to conduct verification and if there is discrepancy then it will be reported to the decision maker at each institution.

³ At KPK, each strategic vacancy is opened to both internal and external parties.

	<p>prone to corruption.</p>	<p>Technical factors consist of the low ratio of law enforcer, inadequate facilities and low capacity of investigator, supervisor, prosecutor, judge as well as low public watch/CSO, the non-availability of incentives and disincentives to achieve good governance, as well as lack of budget.</p> <p>The non-technical factors comprising of leadership which can be measured by the commitment expressed publicly, policy made during leadership term, and the level of acceptance from the community/public support for all actions taken.</p> <p>Rules which should exist in order to achieve the above-mentioned things are:</p> <ol style="list-style-type: none"> 1. Rules which put in order the case management so that it fills in the gap of abuse of power (for example the clarity on whether the status of a case shall be raised or not, such as from investigation 	<p>District Attorney, Police Department, KPK, PPATK, and Tax Institution.</p>	<p>form</p> <ul style="list-style-type: none"> • The rule making process transparently and inclusively • The rule implemented effectively <p>Verification Method: document analysis and interviewed are applied</p>
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		<p>status to prosecution status).</p> <ol style="list-style-type: none"> 2. Rules which strengthen the monitoring and internal disciplinary system within the law enforcement institution; 3. Rules which obligate the capacity building of law enforcement apparatus in relation to issues of sustainable forest and peat moss management, state policy pertaining customary community, as well as the usage of other legal instruments such as tax, corruption, and anti money laundering in eradicating forestry crimes. 4. Rules which obligate the effective coordination among law enforcement apparatus in relation to forest and peat moss issues. 		
<p>IV. Forest management includes issue of forest arrangement, monitoring,</p>	<p>The effectiveness of good governance in the management of forest and peatland</p>	<p>Good governance in the management of forest consists of the following 1-7 things:</p> <ol style="list-style-type: none"> 1. Guarantee of access to all public information; 2. Guarantee of access to 	<ol style="list-style-type: none"> 1. Access to all public information is considered good when: <ol style="list-style-type: none"> a. There are rules obligating public institution (in relation to forest and peat moss issues) to ensure the availability of all information in relation to systematic forest management for 	<p>Verifier:</p> <ul style="list-style-type: none"> • The comprehensiveness level of rule which regulates rules related to permits either rules related to forestry, peat

<p>protection, conservation, supervising which is sustainable, impartial, and not prone to corruption.</p>		<p>stakeholders to truly get involved(<i>genuine public participation</i>);</p> <ol style="list-style-type: none"> 3. Protection guarantee for those with good intention to disclose information and to participate in the process of permit granting; 4. There is simple specific mechanism in the process of granting the permit of forest utilization to (customary/local) community in all functions of forest area. 5. The availability of public complaint mechanism which is responsive and effective accompanied by mechanism of conflict resolution and dispute settlement through negotiation channel; 6. the obligation to increase the capacity of government apparatus and the community; 7. Rules which obligate the analysis on the impact to the environment and environmental permit in the process of granting 	<p>easy accessibility. The information referred to among others are:</p> <ul style="list-style-type: none"> - all permits issued including company in possession of permits as well as company which receives sub-contract (if any); - all tender documents (when tender mechanism is approved – see next column); - payment is made by the company; - Other documents in support of management permit such as location permit, recommendation issued by Regional Head, Environmental Impact Analysis, environmental permit, mandatory environmental audit, etc. <ol style="list-style-type: none"> b. There is rule which obligates the public institution to employ specific officer in handling request of information; c. There is rule which obligates the giving of access to the public either proactively or on request basis; d. The limit on the information which can be accessed is regulated clearly and based on public interest (<i>balancing public interest test</i>); e. There are sanctions for those parties who intentionally hamper public’s access to information. <ol style="list-style-type: none"> 2. Mechanism of involvement is essentially considered good when there exist the following rules: <ol style="list-style-type: none"> a. The obligation of public institution to inform through combined methods and in an easily understandable language on the plan of giving permit/conducting tender to all parties holding the rights as well as the stakeholders; 	<p>moss or productive sectors (farmland, mining, etc.)</p> <ul style="list-style-type: none"> • The most effective legal form • The rule making process transparently and inclusively • The rule implemented effectively <p>Verification Method: document analysis and interviewed are applied</p>
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		<p>permit for activities with large and significant impact inside the forest.</p>	<ul style="list-style-type: none"> b. The obligation of public institution to ensure that there is mechanism which makes it easy for all stakeholders to get involved in the process of decision making; c. The obligation of public institution to appoint one specific officer in charge of managing public input in the process of giving permit/conducting tender; d. The obligation of public institution to document every input both written or non-written; e. The obligation of public institution to provide transparent response for every received input; f. The obligation of public institution to provide explanation on the final decision made; <p>3. Protection guarantee for those with the good intention to disclose information and to participate is considered good when there exists rule which guarantees:</p> <ul style="list-style-type: none"> a. Protection for the whistleblower; and b. Anti-SLAPP law (<i>Anti-strategic lawsuit against public participation</i>) which is protection for those people expressing their aspiration/opinion to not be easily sued back by those feeling offended by such opinion through mechanism such as the ruining of good reputation. <p>4. A simpler specific mechanism required by the customary/local community so that equal access to the management of natural resources for customary/local community can be achieved.</p> <p>5. The complaint filing mechanism and conflict resolution are considered good when:</p> <ul style="list-style-type: none"> a. There is mechanism for filling community's 	
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			<p>complaint which makes it easy for all parties (including competitors) to file complaints and to obtain explanation on the action taken in response to the complaints filed within a clear set time;</p> <ul style="list-style-type: none"> b. There is mechanism of conflict resolution and dispute settlement through negotiation channel should there be sharp discrepancy in perspective on the issue; c. There is obligation to employ the service of a mediator with the skill and understanding regarding customary issues; <p>6. The obligation of capacity building for the government apparatus and community referred to is the regulation which obligates:</p> <ul style="list-style-type: none"> a. the government to be responsible in building the capacity of customary/local community to participate; b. higher level government to build the capacity of lower level government (such as the national government providing training to the provincial /local government and likewise the provincial government to the local government); c. Easy mechanism for the customary/local community to access the budget of capacity building; d. The implementation of participatory planning for community's capacity building program. If it is too complicated, then it can be deleted. <p>7. Rules which obligate analysis on the environmental impact and environmental permit in the process of giving permit with large and significant impact such as IUPHHK-HA, IUPHHK-HT, as well as other</p>	
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			activities such as farming, mining on forest areas.	
	The effectiveness of existing legal framework such that licensing process is simple, harmonious and with high integrity	<p>The licensing process is considered simple, harmonious and with high integrity when administering the following 3 things :</p> <ol style="list-style-type: none"> 1. The granting of concession permit is done through open tender process which is competitive, transparent and effective for middle/large scale with the clarity of justification when there is exception; 2. There is rule which guarantees the integrity of tender process; 3. There is rule which administers the licensing process from various sectors and different parties sequentially and clearly. <p>The license referred to here is the license which in general influences the existence of forest, namely farm license, mining license and other</p>	<ol style="list-style-type: none"> 1. What is meant as open tender process which is competitive, transparent and effective at the scale of large activity is as follows: <ol style="list-style-type: none"> a. Tender is only held once (for example for the granting of farmland permit on the forest area, there is coordination among ministries in relation to land allocation and requirements for activities); b. The other related permits such as location permit and environmental permit are obtained once tender is completed; c. Access to all related information such as: <ul style="list-style-type: none"> - Tender opportunity; - Criteria used to determine the winner; - The decision on the tender winner and its justification; - Requirements on the contract awarded (next activities to be done by the company as tender winner, such as obtaining environmental permit, as well as future activities); - Role from various related parties (for example parties required to perform audit/inspection, law enforcement, etc.) 2. Rules guaranteeing the integrity of tender process consist of rules which obligate: <ol style="list-style-type: none"> a. the company participating in the tender to prove that the anti corruption policy is already 	<p>Verifier:</p> <ul style="list-style-type: none"> • The comprehensiveness level of rule which regulates rules related to permits in the field of forestry, peat moss or productive sectors (farmland, mining, etc.) • The most effective legal form • The rule making process transparently and inclusively • The rule implemented effectively <p>Verification Method: document analysis and interviewed are applied</p>

		<p>license given within the forest area.</p>	<p>contained in the company's policy;</p> <ul style="list-style-type: none"> b. Public institution to save and manage the list of companies which have been proved or strongly indicated to have engaged in corruption or fraud (black-list) so that they can not participate in tender within a certain period of time and only after those particular companies can show a change of system to prevent the re-occurrence of the same incident; c. All tender participants shall obtain specific information regarding tender process including the extent of the on going selection process; d. There is sufficient time between the announcement of tender and contract signing to ensure that the non-winning party can file appeal against the existing decision; e. In case there is change in the work offer/value of work with signed contract (at least 15%), approval and close monitoring from the person granting the contract is needed in order to obtain clear accountability; f. Audit is conducted regularly and the result of audit on activities must be opened for the public including competitor: g. Every following key jobs (preparation of tender, selection, supervision, and monitoring) are carried out by different parties with clear responsibility to diminish the likelihood of corruption; h. To minimize the likelihood of corruption, crucial decision needs to be taken by more than one person, such as through mechanism like committee; 	
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			<ul style="list-style-type: none"> i. The staff holding important position need to be rotated regularly and receive appropriate remuneration; j. It is possible for public to conduct independent monitoring during the process of selection and activities implementation (completed with information access and good mechanism of handling complaints – explained separately at above and below points); k. The process of initial acceptance and screening is done through electronic process to minimize interaction with the officer; l. there is mechanism for reporting specific corruption allegation and protection over <i>whistleblower</i> and <i>justice collaborators</i>; m. There is criminal sanction for officer awarding the tender/giving permit (to middle/small scale) which is out of line with the existing regulation. <p>3. Rules which regulate the licensing process from various sectors and different parties continuously, sequentially and clearly, namely the rules of various other sectors which utilize forest area must sequentially and strictly arrange the relation between permit issued by one sector with permit issued by another sector either at central level or regional level.</p>	
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<p>V. Control and legal enforcement in the management of forest and peatland which is sustainable, impartial and not prone to corruption.</p>	<p>The effectiveness of existing regulation such that control and law enforcement can work together effectively and efficiently.</p>	<p>Control referred to here includes internal and external monitoring</p> <p>The elements to be regulated in the internal and external monitoring are :</p> <ol style="list-style-type: none"> 1. mechanism to obtain all relevant public information; 2. mechanism for the stakeholders to really get involved in the process of monitoring; 3. protection guarantee for those with the good intention to disclose information and to participate; 4. responsive mechanism of public complaints receipt accompanied by the conflict resolution and dispute settlement through negotiation channel; 5. Obligation to build the capacity of government apparatus and the community. 	<ol style="list-style-type: none"> 1. Access to all public information is considered good when : <ol style="list-style-type: none"> a. There exists rule which obligates the Public Institution (in relation to forest and peat moss issues) to ensure the availability of all information in its relation to internal and external systematic monitoring such that it is easily accessible. The information mentioned among others are the audit system result and monitoring on personnel, information in relation to the status of case or important material in the process of law enforcement such as Case Report, Prosecution Letter, and Court Verdict when there exists a verdict with fixed legal power or SPE document. b. There exists rule which obligates Public Institution to appoint specific officer handling the request of information; c. There is rule which obligates the granting of access to the public both proactively or on request basis; d. Limit on the information which can be accessed is clearly regulated and based on public interest (<i>balancing public interest test</i>); e. There exists sanction for those parties who intentionally hamper the public access to information 2. The mechanism of involvement is essentially considered good when there are following rules: <ol style="list-style-type: none"> a. The obligation of public institution to inform through combined methods (written and verbal) and with easily understandable 	<p>Verifier:</p> <ul style="list-style-type: none"> • The comprehensiveness level of rule which regulates rules related to monitoring in the field of forestry, peat moss or productive sectors (farmland, mining, etc.) • The most effective legal form • The rule making process transparently and inclusively • The rule implemented effectively <p>Verification Method: document analysis and interviewed are applied</p>
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			<p>language the method and the party to conduct monitoring on the activities in order to clarify to which party can the input be given to;</p> <ul style="list-style-type: none"> b. The obligation of public institution to ensure that there is mechanism which makes it easy for all stakeholders to get involved in the process of monitoring; c. The obligation of public institution to appoint one specific officer in charge of managing public input in the process of monitoring; d. The obligation of public institution to document every input either written or non-written; e. The obligation of public institution to provide transparent response on every received input; <p>3. Protection guarantee for those with the good intention to disclose information and to participate is considered good when there exists rule which guarantees:</p> <ul style="list-style-type: none"> c. Protection for the whistleblower; and d. Anti-SLAPP law (<i>Anti-strategic lawsuit against public participation</i>) which is protection for people expressing their aspiration/opinion to not be easily sued back by those feeling offended by such opinion through mechanism such as the ruining of good reputation. <p>4. The complaint filing mechanism and conflict resolution are considered good when:</p> <ul style="list-style-type: none"> a. There is mechanism of filling community's complaint which makes it easy for all parties (including competitors) to file complaints and to obtain explanation on the action taken in response to the complaints filed 	
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			<p>within a clear set time;</p> <p>b. There is mechanism of conflict resolution and dispute settlement through negotiation channel should there be sharp discrepancy in perspective on the issue;</p> <p>c. There is obligation to employ the service of a mediator with the skill and understanding pertaining customary issues;</p> <p>5. The obligation of capacity building for the government apparatus and community referred to is the regulation which obligates:</p> <p>a. the government to be responsible in building the capacity of customary/local community to participate;</p> <p>b. higher level government to build the capacity of lower level government (such as the national government providing training to the provincial /local government and likewise the provincial government to the local government);</p> <p>c. Easy mechanism for the customary/local community to access the budget of capacity building;</p> <p>d. The implementation of participatory planning for community's capacity building program. If it is too complicated, then it can be deleted.</p>	
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	<p>The effectiveness of internal regulation of Ministry/Institution/SKPD on the mechanism of following through on the recommendation of BPK's audit result.</p>	<p>There is rule on the follow through on BPK's (Financial Audit Board's) recommendation which regulates:</p> <ol style="list-style-type: none"> 1. the obligation of public institution to carry out system overhaul based on the recommendation from BPK; 2. The result of BPK recommendation is transparent; 3. The overhaul to be done opens the possibility for effective public participation. 	<ol style="list-style-type: none"> 2. Effective public participation in the process of system overhaul requires the following things: <ol style="list-style-type: none"> a. The obligation of public institution to inform through combined methods (written and verbal) and with easily understandable language the method of planned system overhaul to be done; b. The obligation of Public institution to ensure that there is mechanism which makes it easy for all stakeholders to provide input on the planned system overhaul; c. The obligation of public institution to appoint one specific officer responsible for managing public input in the process of system overhaul; d. The obligation of public institution to document every input both written or non-written; e. The obligation of public institution to provide transparent response on every received input; 	<p>Verifier:</p> <ul style="list-style-type: none"> • The comprehensiveness level of rule which regulates Internal rule in the Ministry/Institution/SKPD which regulates the mechanism of following through on the recommendation of BPK's audit result • The most effective legal form • The rule making process transparently and inclusively • The rule implemented effectively <p>Verification Method: document analysis and interviewed are applied</p>
	<p>The effectiveness of regulation to ensure the reporting of corruption indication to the law enforcement officer.</p>	<p>There is one specific system which receives complaints filed by the community on corruption indication which is responsive.</p>	<p>What is meant by the system of reporting corruption indication to the law enforcement officer is as follows :</p> <ol style="list-style-type: none"> a. such mechanism makes it easy for all parties (including competitors) to file complaints; b. the mechanism spells out clear time frame for the response to be given; c. such mechanism offers simplicity and clarity of the party to contact to learn about how far has 	<p>Verifier:</p> <ul style="list-style-type: none"> • The comprehensiveness level of rule which regulates the internal rule of Police/Prosecutor/KPK in relation to the receipt of community's complaints

			<p>the complaint been processed and the result of that complaint as well as its justification.</p> <p>a. There is mechanism of external monitoring on the performance of law enforcement officer in following through on the complaints filed by the community.</p>	<ul style="list-style-type: none"> • The most effective legal form • The rule making process transparently and inclusively • The rule implemented effectively <p>Verification Method: document analysis and interviewed are applied</p>
	<p>The effectiveness of forest criminal case handling manual or REDD+ opens the opportunity to use multi door approach in settling cases in the field of forestry</p>	<p>The mentioned manual consists of guidelines to gather material and information (Pulbaket), research, prosecution, and case verdict.</p> <p>The multi-door approach among others consists of approaches on corruption criminal act, anti money laundering, tax criminal charges, and environment criminal case.</p>		<p>Verifier:</p> <ul style="list-style-type: none"> • The comprehensiveness level of rule which regulates rules related to the handling of case either issued by related institution individually or collectively (Ministerial regulation, etc.) • The most effective legal form • The rule making process transparently and inclusively • The rule implemented effectively <p>Verification Method: document analysis and</p>

				interviewed are applied
VII. REDD+ infrastructure which is sustainable, impartial, and not prone to corruption.	The effectiveness of existing regulation so that the making of policy and rules related to REDD+ is impartial, participatory and not prone to corruption.	<p>REDD infrastructure consists of :</p> <p>The making of policy and related rules:</p> <ol style="list-style-type: none"> 1. National strategy of REDD+ 2. Coverage area; activities and licenses for the activities of REDD+; 3. REDD+ institution; 4. MRV (measurement, reporting and verification); 5. <i>Funding mechanism</i>; 6. <i>Benefit distribution</i>; <p>Good governance in the process of REDD+ infrastructure building consists of the following 1-6 things:</p> <ol style="list-style-type: none"> 1. Guarantee of access to all public information; 2. Guarantee of access to the stakeholders to truly get involved (<i>genuine public participation</i>); 3. Protection guarantee for 	<ol style="list-style-type: none"> 1. Access to all public information is considered good when: <ol style="list-style-type: none"> a. there exists rule which obligates public institution to become responsible for the establishment of REDD+ infrastructure to ensure the availability of all information in relation to the process of infrastructure building, implementation and monitoring of REDD+ for easy accessibility. The information referred to are among others: <ul style="list-style-type: none"> - Review and analysis document on various alternatives in policy making (PRIA – see below); - Written/non-written input (already documented) on all existing alternatives; - All REDD+ permits which have been issued; - All revenue received from REDD+ activities as well as benefit distribution. b. There are rules which obligate public institution to employ specific officer in handling request of public information; c. There are rules which obligate the giving of access to the public either proactively or on request basis; d. Limit on accessible information is clearly regulated and based on public interest (<i>balancing public interest test</i>); e. There is sanction for parties who intentionally 	<p>Verifier:</p> <ul style="list-style-type: none"> • The comprehensiveness level of rule which regulates rules in relation to the drafting of general rules and regulation as well as internal rules of institution related to the making of REDD+ policy • The most effective legal form • The rule making process transparently and inclusively • The rule implemented effectively <p>Verification Method: document analysis and interviewed are applied</p>

		<p>those with the good intention to disclose information and to participate;</p> <p>4. The obligation to build the capacity of government apparatus and the community;</p> <p>5. the obligation to do objective assessment on the impact of to-be-issued regulation on the economic, social and environmental criteria in participatory manner (<i>participatory regulatory impact assessment/PRIA</i>);</p> <p>6. The availability of conflict resolution mechanism which is credible, impartial and effective which can guarantee <i>fair and accountable outcome</i>;</p>	<p>hamper the public access to information.</p> <p>2. Mechanism of essential involvement is considered good when there are rules as follow :</p> <ol style="list-style-type: none"> a. the obligation of Public institution to inform through combined methods and easily understandable language on the plan of drafting regulation/policy related to REDD+ to all parties holding the rights as well as stakeholders; b. the obligation of Public institution to ensure that there is mechanism which makes it easy for all stakeholders to get involved in the process of decision making; c. the obligation of Public Institution to appoint one specific officer responsible for managing public input in the process of policy making related to REDD+ d. the obligation of Public Institution to document every input both written or non-written; e. the obligation of Public Institution to provide transparent response on every received input (feedback method) f. the obligation of public institution to provide explanation on the final decision made; g. the obligation to complete the whole participation process within sufficient time (minimum 90 working days); <p>3. Protection guarantee for those with good intention to disclose information and participate is considered good when there are rules which guarantee:</p> <ol style="list-style-type: none"> a. Protection for the <i>Whistleblower</i> and witness actor who cooperates (<i>justice collaborators</i>); 	
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			<p>and</p> <p>b. Anti-SLAPP law (<i>Anti-strategic lawsuit against public participation</i>) which is protection for people expressing their aspiration/opinion to not be easily sued back by those feeling offended by such opinion through mechanism such as the ruining of good reputation.</p> <p>4. the obligation of capacity building of the government apparatus and the community in understanding REDD+ as well as existing policy alternatives with its disadvantages and advantages in the form of regulation which requires:</p> <p>a. the government to be responsible for building the capacity of customary/local community in understanding REDD+ as well as existing policy alternatives;</p> <p>b. the higher level government to build the capacity of lower level government (such as the national government providing training for the provincial/local government and likewise provincial government to local government) in understanding REDD+ as well as other policy alternatives;</p> <p>c. easy mechanism for the customary/local community to access the budget of capacity building;</p> <p>d. The implementation of participatory planning for community's capacity building program. If it is too complicated, then it can be deleted.</p> <p>5. The obligation of public institution in carrying out objective assessment on the impact of to-be-issued-regulation toward economic, social and environmental consideration in participatory</p>	
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			<p>manner (<i>participatory regulatory impact assessment/PRIA</i>).</p> <p>6. Complaint filing mechanism and conflict resolution are considered good when:</p> <p>a. There is mechanism for community to file complaints which makes it easy for all parties (including competitors) to express complaints and to receive explanation on the action taken toward complaints filed within clear period of time;</p> <p>b. There is conflict resolution mechanism and dispute settlement through negotiation channel when there is sharp different in perception on an issue;</p> <p>c. There is obligation to employ the service of a mediator with the expertise and understanding on the issues of custom;</p>	
	<p>The effectiveness of regulation which regulates the mechanism of follow-thru (findings & recommendation) on the result of audit by BPK, BPKP and inspectorate is internally related to the activities of REDD+</p>	<p>Strong rules are rules which clearly, strictly, steadily and harmoniously regulate on:</p> <p>4. the obligation of public Institution to carry out system overhaul based on the recommendation from BPK;</p> <p>5. The result of BPK recommendation is transparent;</p> <p>6. The overhaul to be done opens the possibility for effective public participation.</p>	<p>3. Effective public participation in the process of system overhaul requires the following things:</p> <p>f. The obligation of public Institution to inform through combined methods (written and verbal) and with the easily understandable language the method of planned system overhaul to be done;</p> <p>g. The obligation of Public Institution to ensure that there is mechanism which makes it easy for all stakeholders to provide input on the planned system overhaul;</p> <p>h. The obligation of public institution to appoint one specific officer responsible for managing public input in the process of system overhaul;</p> <p>i. The obligation of public institution to document every input both written or non-written;</p>	<ul style="list-style-type: none"> • The comprehensiveness level of rule which regulates the obligation of public Institution to carry out system overhaul based on BPK's recommendation • The most effective legal form • The rule making process transparently and inclusively • The rule implemented effectively

			j. The obligation of public institution to provide transparent response on every received input;	Verification Method: document analysis and interviewed are applied
	The effectiveness of regulation to ensure the reporting of corruption indication to the law enforcement officer (KPK).	There is one specific system which receives complaints filed by the community on corruption indication which is responsive.	<p>What is meant by the system of reporting corruption indication to the law enforcement officer is as follows :</p> <ul style="list-style-type: none"> d. such mechanism makes it easy for all parties (including competitors) to file complaints; e. the mechanism spells out clear time frame for the response to be given; f. such mechanism offers simplicity and clarity of the party to contact in order to learn about how far has the complaint been processed and the result of that complaint as well as its justification. g. There is mechanism of external monitoring on the performance of law enforcement officer in following through on the complaints filed by the community. 	<ul style="list-style-type: none"> • The comprehensiveness level of rule which regulates the reporting of corruption indication to the law enforcement officer (KPK). • The most effective legal form • The rule making process transparently and inclusively • The rule implemented effectively <p>Verification Method: document analysis and interviewed are applied</p>