

Technology to Increase Transparency and Improves Public Service Delivery

It has been noted that government's bureaucracy and lack of transparency as key factors that limits the delivery of effective public services in Indonesia. This critical development constraints are not only found in the executive branch of government, but also found in the judiciary. Issues of corruption and inefficiencies facing the Indonesian judiciary are well documented.

Pundits have prescribed improvement in transparency as one of the best medicines to overcome the challenges in public service delivery. The application of technology, specifically online systems and e-signature offers a unique solution to deter corrupt practices and achieving the much-needed transparency. These technologies not only streamlining the system, but also promote efficiency by cutting down unnecessary interaction with the bureaucracy.

E-Signature

E-signature was first defined in 2008 in the Law on Information and Electronic Transaction (the "IET Law"), as a *signature made up of electronic information that is affixed or related to other electronic information which is used for verification and authentication*. Based on the above definition, e-signature can be in any form of electronic information (essentially any electronic form of data such as text, sounds, images, letters, signs, figures, access codes, symbols, or perforations).

The IET Law sets out the following requirements for an e-signature to be valid and enforceable:

1. It must be able to confirm the signatory's identity, i.e. it is unique to the signatory and is under the sole control of the signatory;
2. It must be able to maintain its integrity, i.e. all changes to the e-signature and associated electronic information after execution can be traced and is verifiable; and
3. It must be undeniable, i.e. the signatory can be clearly identified and consent of the signatory to the executed electronic information or document by the e-signature can be recognized.

Typically, e-signature is used for signing electronic contracts but, as further discussed below, it has evolved and utilized in public services and court administration.



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Public Services

With the introduction of the public services law in 2009, which states that documents, deeds, and other official documents whether in electronic or non-electronic form are deemed valid, public services have started using online systems and e-signature.

A recent example is the Online Single Submission system, or the OSS for short, which is a system developed to integrate the processing of licenses for businesses across all levels of government in an online system. This is enabled by requiring all licenses obtained via the OSS to be issued electronically and signed by the relevant authority through e-signature. Outside of the central government, several regional governments have also employed e-signature for their officials to issue documents electronically, such as licenses and letters, and for their goods and services procurement processes.

Court Administration

Infamous for corruption and not being transparent for its fees and processes, the Indonesian judicial system had much to gain by implementing online systems and e-signature. The Supreme Court launched an online system for courts to administrate their cases. In the so-called e-court system, almost every process of a court case can be conducted electronically, including court summons and notification, reply, rejoinder, surrejoinder, and conclusion (excludes examination of evidence). Most importantly, court fees must be paid in advance through the appointed bank which is then verified through the e-court system.

The e-court system is designed as such to minimize direct contact between litigants and court staff to deter dishonest practices by court staff in marking up court fees that must be paid by litigants, or the moral hazard of eliciting illegal payments. Although only recently launched in August of this year for all courts across Indonesia, the trial run conducted by the Jakarta and Surabaya courts has shown positive results, including the proper court fees being charged and general efficiency in processing cases, i.e. reducing opportunities for interaction between court officials and the users of the court service.

Going Forward

The receptiveness of the branches of government to take advantage of available technologies such as online systems and e-signature to cut bureaucracy, as well as promoting efficiency and transparency must be appreciated. However, the current initiatives are far from optimum, there is still a long road before the use of online systems and e-signature can yield the level effectiveness and transparency that the government can be proud of. The ground-breaking initiative of the OSS must continue by integrating all government offices, including those at the regional levels (particularly those that already have their own system before it was launched). The e-court system is in its infancy being only recently launched in August of this year.

Nevertheless, there is little doubt that technology can play a part in improving the future performance of the Indonesian Government. Going forward, we can expect to see more integration between government institutions in all levels of government as the use of technology becomes more common, and government documents, such as letters and licenses, issued as electronic documents and signed using e-signature will become the norm.

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