

Anti-corruption policies in Asia and the Pacific: Thematic review on provisions and practices to curb corruption in public procurement Self-assessment report Indonesia

Identifying reform needs, assessing progress and evaluating the effectiveness of anti-corruption policies and practices are central principles enshrined in the ADB/OECD Initiative and its Action Plan. In this context, the present self-assessment report from Indonesia was prepared as background to the Initiative's thematic review exercise on measures to curb corruption in public procurement in the Asia-Pacific region.

This thematic review on public procurement was initiated in reaction to the findings of the Initiative's 2003-2004 in-depth analysis of the legal and institutional anti-corruption frameworks of the Action Plan's then 21 endorsing countries against the standards of this Plan ("Anti-Corruption Policies in Asia and the Pacific – the legal and institutional frameworks", November 2004). In this study, public procurement was identified as one of the areas requiring particular attention in the Asia and Pacific region and where consequently the Initiative's Steering Group had a vital interest to promote reform.

With this aim, the group agreed to pursue analytical work on corruption in public procurement through a thorough review of relevant existing policies, practices and rules so as to assist participating governments in better understanding the corruption risks inherent in their countries' institutional settings and procurement practices. This thematic review further seeks to assess how countries translate into practice their commitment made under the Action Plan to curb corruption in public procurement. Eventually, the review's findings will provide governments with an analytical framework to design policies and procedures that ensure greater transparency and integrity in public procurement and to identify priorities for reform in this respect.

In line with the Action Plan's principle of self-assessment, the review is conducted on the basis of information provided by participating countries in reply to a questionnaire specifically prepared for this purpose by the ADB/OECD Initiative. The present document represents the replies submitted by Indonesia in this framework.

Further information on the exercise, on other participating countries and on the analysis' outcome is available at the Initiative's website at <http://www1.oecd.org/daf/asiacom/stocktaking.htm#trpp>.



A. General framework

Legal and organizational framework:

1. Please list and briefly describe laws and regulations related to government procurement, including those that give exemption to the standard government procurement rules. Where available, please attach a copy or indicate an internet-site for download of these regulations, if possible in English language. Ensure to include secondary legislation, rules and procedures. Also, please indicate relevant international or regional agreements¹ that your country is committed under, including its level of involvement (e.g. signature, ratification, implementation).

Several regulations related to government procurement as follows:

1. Presidential Decree Number 80 Year 2003 title Guidelines for Implementation of Government Procurement of Goods or Service.
2. Presidential Decree Number 61 Year 2004 title Change of Presidential Decree Number 80 Year 2004 title Guidelines for Implementation of Government Procurement of Goods or Service.
3. The Decree of Ministry of Residence and Regional Infrastructure Number 339/KPTS/2003 title Guidelines for Implementation of Procurement of Service Construction by Government Institution.

The public procurement in Indonesia which sources of fund some of or entirely from state budget (APBN) or local budget (APBD) must comply in accordance with these regulations.

2. Please explain the repartition of tasks and responsibilities in the procurement process among centralized, decentralized and specialized authorities (in particular: design of policies and standards; capacity building; definition of needs and terms of individual tenders; execution of different procurement stages from advertising to contract awarding; dispute resolution; control of the fulfillment of the terms and conditions by the contractor).

There is no repartition of tasks and responsibilities in the procurement process among centralized, decentralized and specialized authorities. Each department/government agency or local government has authority to compile its own procurement of goods or service from planning until implementation of procurement of goods or service.

3. Is procurement of goods governed by the same procedures as procurement of services?

Yes, procurement of goods is governed by the same procedure as procurement of services in Presidential Decree Number 80 Year 2003, although in the different name.

¹ e.g. APEC Non-Binding Principles on Government Procurement; WTO Agreement on Government Procurement; etc.

4. Does the procurement law establish a Public Procurement Office (PPO)? Is the PPO appropriately staffed against its mandate? In this context, please state the total number of staff involved in public procurement country-wide. Are the procurement entities/PPO provided with adequate financial resources for the execution of their tasks?

Procurement law does not establish a Public Procurement Office (PPO). Government procurement is not centralized, but each department/government agency/local government/state-owned enterprise/bank of central makes its own procurement of goods or service. Each procurement of goods or service has project officer and procurement committee (entitled by officer in charge-see answer number 27) who work for the position for some period of time until the procurement has done. However, the execution or the implementation of the procurement of goods or service must not opposite against Presidential Decree No.80/2003.

5. Please name the sectors, areas or conditions subject to particular procurement rules (if applicable, e.g. military; local governments; state owned enterprises; urgency).

Only one regulation to govern public procurement of goods and service is Presidential Decree No.80/2003, however, the decree describes several methods of procurement which some of them are subject to particular conditions such as procurement of secret goods/works for state safety or emergency situation.

Procurement policies and practices:

6. Do model tender documents exist (e.g. handbooks, model forms, model contracts, etc)? If yes, is their use mandatory, and do they contain a specific anti-corruption clause?

The decree does not perform all model tender (e.g. model contract). Only few model forms that exist in the attachment of the decree as follows:

- Valuation of Construction Service Qualification, Procurement of Goods or Service form.
- Pact of Integrity form.
- Valuation of Consultant Service form.

On the other hand, the decree explains some requirements that project officer must provide in contract award for example:

- Parties that involve in the contract award.
- Rights and duties for the parties who engage in the contract award.
- Value or contract price which include payment requirement.
- Requirement and technical specification clearly and in detail.
- The explanation of main works include term and amount of the works.
- Technical or after sales guarantee.
- Clause of dispute resolution.
- Other clauses or terms that must be include in the contract.

The decree also requires that the pact of integrity must provide and signed before the execution of procurement. Pact of integrity is the declaration form which is signed by project officer, procurement committee, supplier/contractor/consultant or other party who related to the procurement and may contain a pledge to prevent and not commit to collusion, corruption and nepotism (KKN) in doing procurement of goods or services.

7. Please provide the latest available economy-wide annual total numbers and values of purchases, with breakdown a) by sector and b) by type of procurement. In this context, please describe the procurement types foreseen by law (e.g. sealed tender, direct purchase; limited tendering) and the policy of your Government towards these types.

We can't provide state budget for year 2005, but here we represent state budget plan for year 2005 as follows (*USD 1.00 equals Rp8.700,00 based on official rate of exchange for oil price in state budget year 2004*)

Total Government Expenditure (Central Government) based on State Budget Plan Year 2005 is Rp264.877.300.000.000, 00 (equals USD. 30,445,666,666.67). From that amount, the government expenditure for goods or service is Rp73.941.800.000.000,00 (equals USD8,499,057,471.26) which is divided into expenditure for goods (amount Rp30.971.800.000.000, 00 (equals USD3,559,977,011.49)) and for expenditure for capital (amount Rp42.970.000.000.000, 00 (equals USD4,939,080,459.77)).

Under Presidential Decree No.80/2003, there are 4 methods used by project officer as follows:

1. General auction method.
2. Limited auction method.
3. Direct election method.
4. Direct choosing method.

In principle, all procurement for goods or service is implemented with general auction method. However, somehow particular condition can exist, hence other method than general auction be used in procurement of goods or service.

Limited auction method be used in the case is believed only few suppliers of goods or service (bidder) are capable in doing complex work.

Direct election method be used in the case general auction method and limited auction method is not efficient from auction cost perspective.

Direct choosing method be used under certain condition/circumstance and special condition/circumstance like:

- Emergency handling for the state defend, social safety and security which its work implementation cannot be cancelled or must be done immediately; and/or
- Single distributor/supplier; and/or
- Small scale work with conditions: for itself, low risk, simple technology, implemented by personal enterprise or small enterprise and/or maximum value of the procurement is Rp50.000.000,00 (equal USD 5,747); and/or
- The works that can be implemented only by patent right handler or the party that has get permission; and/or
- The works that need quick implementation in order to bringing back state asset pursuant to the law.

8. Please explain under which conditions pre-selection procedures are conducted.

Pre-selection in Presidential Decree No.80/2003 referred also as pre-qualification that is a process of valuation of competency and ability and to fulfill certain requirement from supplier of goods or service before submit the bidding. Pre-qualification is obliged in procurement of goods or service under direct choosing method with complex work, limited auction method and direct election method. Pre-qualification process generally comprise of:

- Announcement of pre-qualification.
- Getting pre-qualification document.
- Submit pre-qualification document.
- Evaluation pre-qualification document.

- Determination of participants who pass pre-qualification process; and
- Announcement of pre-qualification result.

9. If your country is currently engaged in or planning a major reform of its procurement system, please briefly state the scope and objectives of this reform.

Presidential Decree No.80/2003 title Guidelines for Implementation of Government Procurement of Goods or Service represents completion from Presidential Decree No.18/2000 (same title). The new decree is issued in order to govern procurement of goods or service enforceable effectively, efficient, fair competition, transparent, opened and fair treatment to all party, therefore the result is accountable in physics, finance and to bring benefit for social service and for government duties/tasks fluency.

B. Transparency and Fairness

Transparency of general procurement policies and regulations:

10. Are the existing laws, regulations and policy guidelines on public procurement publicly available and, if yes, where/how?

Yes, existing laws, regulations and policy guidelines on public procurement are available in many bookstores both in capital city (big city) or another area.

11. In your country, do certain territorial entities or institutions establish lists of eligible contractors (sometimes called “white-lists”)? If yes, please explain the criteria for a company to be included in or excluded from this list, and what use is made of such lists.

For the previous time, each local government made list of eligible suppliers/contractors for its own area/territory which called Lists of Eligible Supplier/Contractor. However, with the new decree which required pre-qualification process and also enterprises from another area or foreign enterprise can participate in the procurement, the list no longer be used in procurement of goods or service.

12. Is a bid security and/or a performance guarantee required from the bidder? What are the procedures for advertisement of procurement opportunities?

Yes, in pre-qualification process or post-qualification process, procurement committee conduct evaluation of bidder candidate whether they fulfill the requirement that has been determined in Presidential Decree No.80/2003 as follows:

1. Supplier of goods or service:

- Must comply the regulation of government procurement in doing their duty as supplier/contractor.
- Have experience, specialist, technical capacity and management capacity to supply goods or service.
- Not under justice control, not in bankrupt condition, going concern enterprise.
- Have human resource, capital resource, equipment and other facility which needed in procurement of goods or service.
- Not include in the blacklist.

2. For consultant who conduct as a consultation service:

- Have experience in related field.

- Graduate from national university or private university which have accredit by institution in charge.

The procedures for advertisement of procurement opportunities:

- In general auction method, the advertisement announced widely through mass media or through formal information board for general information, so that many people/enterprises who interest in the procurement and fulfill the qualification can participate.
- In limited auction method, the advertisement announced in the same procedure as the advertisement in general auction method, except the name of capable/eligible suppliers/contractor are inclusions in the announcement.
- In direct election method, the advertisement announced at least through formal information board and if it is enable through internet.

Transparency of procurement opportunities:

13. Describe where and how tender opportunities are published, including if their publication is mandatory or depends on certain criteria (if so, please list)? Please state if a fee has to be paid to receive tendering documents and – if yes – how this fee is fixed and whether other processing fees apply. Please briefly explain whether your country allows adequate and reasonable time for interested suppliers to prepare and submit responsive bids.

Tender opportunities can published through mass media (newspaper), formal information board for general information or through electronic media. Which media will be chosen it is depend on procurement method that has been choosing by procurement committee.

For every phase of procurement process, project officer/procurement committee is prohibited to charge or collect any kind of cost from the supplier/contractor/consultant, except copying cost (for reduplication) of procurement documents.

Project officer and procurement committee must treat all participants (bidder) in equal, so the decree does not allow for interested supplier to adequate reasonable time longer than other suppliers in preparing and submit responsive bids.

14. Are selection and award criteria prescribed by law? If yes, are they prescribed in an exclusive manner? Please name these criteria a) for procurement of goods, and b) for procurement of services (e.g. technical requirements, qualification of the bidder, evaluated price, expertise/experience, etc.) and those that are explicitly excluded (e.g. nationality of the bidder or other affinity, etc.). Is the description of these criteria in the tender documentation mandatory?

Yes, some articles in Presidential Decree No.80/2003 describe selection and award criteria. In selection process for procurement of goods/other service/consultant service, there are 3 documents (bidding documents-administrative requirement documents, technical requirement documents and price offer document) that must submitted by the bidder to procurement committee in three ways that are one-envelope method, two-envelope method or two-phase method. The decree does not prescribe certain nationality requirement that must fulfilled by the bidder.

Transparency of contract evaluation and award procedures:

15. What is the procedure if none of the bids or too few – relative to a prescribed limit – fulfill the technical requirements as defined in the call for tender (e.g. reopening of the bid, negotiations, etc.)? Do you keep a register of all bids received?

Pursuant to article 28 verse (1) and (2) Presidential Decree No.80/2003:

- General auction and limited auction is determined fail by procurement committee if number of suppliers/contractors who submit the bidding less than 3 (three) bidders or no participant who fulfill the administrative and technical requirement or the lowest price offer is above available budget limit.
- General selection and limited selection is determined fail by procurement committee if number of consultants who submit the bidding less than 3 (three) participants or no participant who fulfill administrative and technical requirement or fail to negotiate the price because no participant who agree with the clarification and negotiation.

If auction/selection is determined fail, procurement committee soon conducts new auction/new selection.

Yes, pursuant to article 48 verse (3) Presidential Decree No.80/2003, project officer is obliged to store and keep all documents related to implementation of procurement of goods or service include memorandum (Berita Acara) of auction/selection process.

16. Where and how are actions and decisions in the procurement process recorded? How long and where are these records preserved, and who can access this information?

Pursuant to Presidential Decree No.80/2003:

- Project officer is obliged to make record-keeping and financial report and work report for every activity/project, include the progress and resistance in doing the work and reported to direct supervision and internal control unit in certain institution.
- Project officer is obliged to store and maintain all documents of procurement activities.
- Project officer must response or gives information about procurement of goods and service which under his/her control to participants or any citizen who send complaint or need some information. People can access the information such as:
 - Packet planning.
 - Advertisement of procurement.
 - Evaluation result of supplier/contractor election.
 - Contract award.
 - Contract implementation.

How long the records preserved is not mentioned in Presidential Decree No.80/2003, however, in other regulation, the record which related to state finance must be kept from 10- 30 years.

17. How and to whom is the final decision on awarding the tender disclosed? Do reasons for the selection of the winning bidder have to be stated? Are post-awarding negotiations allowed and, if yes, under what conditions?

Pursuant to Presidential Decree No.80/2003: procurement committee makes conclusion of administrative, technical and price evaluation results and records it in memorandum called Berita Acara. In the memorandum, procurement committee proposes winner sequence based on the evaluation and reports it to officer in charge. Officer who in charge in determining the bidder is:

- For procurement value until Rp50.000.000.000,00 (equals USD 5,747,126), project officer can determine without approval from Minister/Commander in Indonesian Armed Forces/Chief of National Police/Chief of Government Agency/Governor/ Regent/Mayor/Governor Council of Bank of Indonesia/Management of State-owned enterprise/Management of local-owned enterprise, direct supervision of project officer.
- Minister/Commander in Indonesian Armed Forces/Chief of National Police/Chief of Government Agency/Governor Council of Bank of Indonesia/Management of State-owned enterprise for procurement which resource is from state budget (APBN) for the amount above Rp50.000.000.000, 00 (equals USD 5,747,126).
- Governor for procurement which resource is from local budget (APBD) for the amount above Rp50.000.000.000, 00 (equals USD 5,747,126).
- Regent/Mayor for procurement which resource is from local budget (county/municipal budget) for the amount above Rp50.000.000.000, 00 (equals USD 5,747,126).
- Management of local-owned enterprise for procurement which resource is from state budget/local budget for the amount above Rp50.000.000.000, 00 (equals USD 5,747,126) with approval from Governor/Mayor/Regent.

Negotiation after awarded is prohibited.

18. Are framework contracts allowed? If yes, what measures are taken to control against corrupt or unnecessary demands?

If framework contract is interpreted as procurement contract before approval from officer in charge exist, hence the framework contracts mentioned is prohibited.

C. Integrity

Integrity of procurement personnel:

19. Do codes of ethics or similar instruments exist that explicitly apply to procurement personnel and entities? If yes, do they specifically address corruption risks, and do they contain conflict of interest provisions (e.g. provisions making mandatory the declaration of personal interests by agents and buyers)?

Codes of ethics exist explicitly in Presidential Decree No.80/2003. Project officer, supplier/contractor/consultant, procurement committee and other parties who related to the procurement of goods or service must comply with codes of ethics as seen below:

- Avoid and prevent conflict of interest among related parties directly or indirectly in procurement process.
- Avoid and prevent wasteful and leakage of state budget in procurement of goods and service.
- Avoid and prevent authority abuse and/or collusion as mean for personal, group or other party gain/advantage directly or indirectly harm the nation.
- Not accept, not offer or not promise to give or to receive gift, goods in any kind of to anybody whom he/she knows or allegedly related to procurement of goods or service.

20. Does your country provide for specific training for procurement personnel that include integrity issues? Please list manuals or policy guidelines that might exist to clarify procurement procedures and principles to procurement personnel (if existing please attach a copy or internet-address for download).

Yes, however, each department/government agency/local government performs procurement training for its own purpose and also by private enterprise that perform course of procurement of goods and service.

Some items that taught in the courses are:

- General policy of procurement of goods or service.
- Comparison between Presidential Decree No.80/2003 and Presidential Decree No.18/2000.
- Legal aspects of procurement of goods or service.
- Preparation of procurement of goods or service.
- Valuation of post-qualification and pre-qualification (qualification valuation).
- Tax aspects in procurement of goods or service with state budget/local budget burden.

21. Is procurement personnel required – and if yes by what regulation and to what institution – to report attempts by suppliers to undermine the impartiality and independence of action by offering bribes, benefits or other forms of inducement?

Based on article 27 verse (8) Presidential Decree No.80/2003, every complaint must be followed-up by institution or officer who received the complaint pursuant to the law. In Indonesia, people can send the complaint to some institutions like:

- Ombudsman Commission.
- Corruption Eradication Commission.
- Head of department/agency/state-owned enterprises/local-owned enterprise.
- Internal control unit in government institution (e.g. Inspectorate General)
- General Attorney.

22. Which penal and/or administrative sanctions are applicable to procurement personnel for accepting or soliciting bribes? Are public officials liable for the economic damage that the procuring entity suffers? What is the policy that applies to procurement personnel for accepting or soliciting small facilitation payments such as gifts, benefits, hospitality (e.g. outright forbidden, accepted under certain circumstances, etc.; please explain).

Based on article 47 verse (6) Presidential Decree No.80/2003, government is prohibited to collect in any form in procurement of goods or service except tax collection according to the law. In procurement ethics (article 5 letter a. in the same decree), is prohibited for project officer, supplier/contractor and other party related to the procurement to receive, offer or promise to give or to receive gift, any kind of goods to anybody whom he/she knows or allegedly related to procurement of goods or service.

Integrity of bidders and suppliers:

23. Which penal sanctions are applied to a bidding company as a legal person and to its employees if it is found guilty of corruption related to the bidding procedure? Is the company liable for the economic damage that the procuring entity suffers?

Based on article 49 verse (1) Presidential Decree No.80/2003, to any party which proven violate against the rule and procedure of procurement of goods or service, therefore:

- Subject to administrative sanction.
- Claim to compensation/charge under Civil Law Code.
- Report to be processed under Criminal Code/Criminal Code Procedure.

Yes, the company liable for the economic damage that the institution (procuring entity) suffers.

24. Do your country's laws and regulations permit authorities to suspend, temporarily or permanently, from competition for public contracts and/or from other commercial activities an enterprise determined to have bribed a public official? If yes, is such disqualification mandatory or optional and which body decides on the disqualification and its exact terms? Which means are employed to implement the disqualification (e.g. publicly available list, declaration in the bidding process...)?

Yes, based on article 49 verse (3) Presidential Decree No.80/2003, for the enterprise which determined to have bribed a public official will be sanctioned under Indonesia law (Civil Law Code/Criminal Code) preceded with action not to involve the enterprise in procurement opportunity in pertinent government.

25. Do bidders have to explicitly declare their abstention from any means that could improperly influence the procurement process or decision and, if yes, do such declarations also cover such unlawful practices by subcontractors or other third parties?

No, however before the execution/the implementation of the contract, supplier/contractor/consultant together with project officer, procurement committee and other party who are related to the procurement, sign the pact of integrity (has been explained before).

26. Do bidders have to disclose commissions, gratuities, or fees that have been or have to be legally paid to individuals or sub-contractors for their services provided for instance in the preparation of a bid or the execution of the contract?

No, pursuant to article 47 verse (6) Presidential Decree No.80/2003, government agency is prohibited to collect anything (any form) in procurement of goods or service from the bidders, except tax collection in accordance with the law.

D. Accountability

Separation of responsibilities and independent scrutiny:

27. Which means are employed to avoid insulation of procurement staff and to ensure mutual control? (e.g. rotation of officers, decisions taken/validated by more than one actor, etc.)?

In Indonesia, there is no department or government agency which main task is solely making procurement of goods or service for the state needs (no PPO). Therefore, some employees from one department/agency are chosen to be project officer or procurement committees of certain procurement of goods or service and for certain times beside their main tasks. The election of project officer is entitled and mandatory by the decree of minister/commander/council governor/governor/mayor/regent/management of state-owned enterprise/local-owned enterprise or proxy from chief in charge of government agency. However, to keep the procurement of goods or service remain independent from any other party, article 10 verse (8) Presidential Decree No.80/2003 describes that prohibition for project officer and treasurer or internal control unit employees (except for their own procurement) become as procurement committees of goods or service.

Besides, pursuant to article 52 verse (1) Presidential Decree No.80/2003 arranges those project officer and procurement committees are obliged to fulfill certification requirement (certification of specialization in government procurement of goods and service) not later than 1 January 2006.

28. Are there regular and systematic internal and external audits of procuring entities/PPOs? If yes, are they mandatory; which bodies are in charge of this audit; are the audit reports publicly available? Are independent actors/NGOs invited to monitor the procurement procedures and what is the setting prescribed by law?

Pursuant to article 48 Presidential Decree No.80/2003:

- Verse (4), government institution is obliged to conduct supervision of project officer and procurement committee in their own institution, and to assign internal control unit (e.g. Inspectorate General) to do audit in accordance with the law.
- Verse (5), internal control unit of department/government agency do audit of procurement of goods or service/project, accommodate and follow-up people complaint related to the case or misconduct in procurement of goods or service, and report the result to head of department (e.g. minister) and to Development Finance Controller (BPKP) (copy).

No, independent actors/NGOs are not invited to do audit of procurement procedures and also not prescribed by law.

Review and complaint mechanisms:

29. Do your laws and regulations provide for review and complaints procedures? If yes, are they at administrative and/or judicial levels; what is the time limit for complaint/appeal, if any? How many complaint cases related to procurement are handled per year?

Yes, in Presidential Decree No.80/2003:

- Article 27 arranges about implementation of protest from bidder or people related to election of supplier/contractor/consultant.
- Article 48 arranges about controlling of procurement of goods or service.
- Article 49 arranges about following-up of control/audit result.

Participant (alone or together with other participants) of supplier/contractor/consultant election who feels dissatisfied or disadvantage with the matter can submit protest letter to project officer and project officer is obliged to give an answer for at the latest 5 workdays since the letter is received. If the protester still dissatisfy for project officer's answer, hence he/she can submit appeal protest letter to Minister/Commander in Indonesian Armed Forces/Chief of National Police/Chief of Government Agency/Governor/Regent/Governor Council of Bank of Indonesia/ Management of State-owned enterprise/Management of local-owned enterprise for at the latest 5 workdays since he/she received project officer's answer. Appeal protest letter must be answered for at the latest 15 workdays since the letter is received. If the appeal protest letter is valid/proven correct, hence process election of supplier/contractor/consultant is re-evaluated or re-election process conduct or contract is cancelled.

30. Who is entitled to initiate a complaint procedure (e.g. competing bidders, any citizen, etc.) and how are potential informants protected against retaliation (e.g. confidentiality, anonymity)? Are the decisions of the body handling complaints binding? What are the consequences if a complaint is proven valid (e.g. reopening of the bidding, liquidation of damages, etc.)?

Competing bidders or any citizen or whoever can initiate a complaint procedure. Based on Government Regulation Number 71 Year 2000 title Execution Procedures of People Participation and Appreciation-Awarded in Prevention and Eradication of Corruption:

- Article 3 verse (1), information, advice or opinion from people must submitted in written and contain:

- Data about reporter's name and address, head of people organization or head of NGOs (Lembaga Swadaya Masyarakat-LSM) and attach copy of identity card or another identification; and
- Description about allegedly in corruption conduct with preliminary evidence.
- Article 5 verse (1), everybody, people organization or NGOs (Lembaga Swadaya Masyarakat-LSM) have right of legal protection either legal status or security feeling. Legal status means individual status when he/she reports information, advice or opinion to law officer or to Commission (Corruption Eradication Commission-KPK) is guaranteed unchanged, for example the status as a reporter is not changed to be a suspect.