



Reconstruction of public information disclosure regulations in electronic-based government systems based on justice values

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Abstract

The aim of this research is to see the weaknesses of Indonesia's public information disclosure in the current Indonesian electronic-Based Information system (KIP) and how to reconstruct public information disclosure regulations in electronic-based information systems based on the value of justice. Using a constructivism paradigm, through direct interviews with informants empirically supported with studies literature through theoretical steps.

The result shows that the KIP Law still has many weaknesses and must be updated immediately, especially regarding the duties and authority of the Public Information Commission, and the submission of information is still too complicated, where requests must be made in writing and unwritten, which must be submitted to the relevant bodies, as well as the existence of unclear limitations and barriers for information accessers to be able to search for information in public bodies that cannot be accommodated by the KIP Law. The author is of the view that if these improvements can be implemented in the KIP Law where all applications can be submitted electronically without exception and access may be limited but with clear regulations and reasons so that the e-government system will be able to run better.

Keywords: Legal Reconstruction, KIP, Disclosure, Justice Value

Introduction

Technological advances are of course also followed by the government, such as in providing information to the public, for example. The use of websites in government circles shows a very rapid increase. As of 2012, the web index shows that more and more countries in the world are utilizing information and communication technology to provide information to their citizens, provide online financial transaction facilities, conduct consultations, and educate citizens. According to the 2012 UN Survey Report, of the 193 UN member countries, 190 of them, or 98.4% have built websites to bridge public information services (Ndau, 2023) ^[2]. Indonesia is one of 90 countries that already have regulations regarding Public Information. More than that, 70% of public information facilities utilize electronic information systems. One of several important parts of implementing an Electronic Based Government System (SPBE). is the provision of big data as a source of all information, especially regarding public services. The Ministry of PANRB, through the Deputy for Public Services, continues to encourage every government agency to input public service information into the Public Service Information System (SIPP). PANRB Ministerial Regulation No.13 of 2017 concerning SIPP.

SIPP is a one-stop electronic information media covering information storage and management as well as a mechanism for delivering information from public service providers to the public. Providing public service information is to provide accessibility, ease, and speed in obtaining public service information and ensure the accuracy of public service information.

Based on the description above, it shows that the application of electronic-based information disclosure in regulations using the use of electronic systems is limited by the principle of maximum access, limitation of exceptions that

have been owned and used, and even a reduction in the aim of regulations that provide openness for citizens, which can still eliminate the right to information. open so that access to information that has been organized via the web cannot provide guarantees of legal certainty, guarantees of justice, and benefit (Toebagus, 2022) ^[7, 8].

For information that is not included on the public body's website, the public or information requesters can also request information from the public body manually or come directly to the office of the targeted public body (Supriatna, 2017) ^[6]. However, based on the principle of Maximum Access Limitation Exception above, often Public Bodies or PPIDs do not provide the information requested by applicants for security reasons but do not further explain what form of security is being maintained, thus making the information exempt information. Actions like this do not reflect justice towards the information requester because the information requested is actually still related or related to the requester himself, such as land issues. People generally want to know the status of land ownership with inheritance rights. Sometimes it is found that the status of the land has changed ownership without the knowledge of the heirs. Meanwhile, the village government was unwilling to provide information until finally, they complained to the Regional Information Commission (Widodo, 2019) ^[9, 10].

However, currently, the implementation of the KIP Law for the public to obtain information is still very difficult where not every public body provides public information on a regular basis. Apart from that, there are still many public bodies that have not implemented an electronic-based government system, especially for people who need information that is excluded under Article 17 of the KIP Law.

It must be admitted that the KIP Law does not yet regulate requests for information via an electronic system, because

information applicants are required to apply in person (face to face) as stipulated in Article 22. The existence of this article's regulation can be said to hinder the government's goals and aspirations to implement an electronic-based government system, therefore, the regulation of this article is no longer relevant at this time.

Based on this problem, the author then formulate several problem discussed in this article, namely:

1. What are the weaknesses in the Public Information Disclosure Regulations In Electronic-Based Government Systems in Indonesia currently?
2. How Is The Legal Reconstruction Of Public Information Disclosure Regulations In Electronic-Based Government Systems Based On The Value Of Justice?

Method of research

This study uses a constructivist legal research paradigm approach. The constructivism paradigm in the social sciences is a critique of the positivist paradigm. According to the constructivist paradigm of social reality that is observed by one person cannot be generalized to everyone, as positivists usually do.

This research uses descriptive-analytical research. Analytical descriptive research is a type of descriptive research that seeks to describe and find answers on a fundamental basis regarding cause and effect by analyzing the factors that cause the occurrence or emergence of a certain phenomenon or event.

The approach method in research uses a method (*socio-legal approach*). The sociological juridical approach (*socio-legal approach*) is intended to study and examine the interrelationships associated in real with other social variables (Toebagus, 2020) [7, 8].

Sources of data used include Primary Data and Secondary Data. Primary data is data obtained from field observations and interviews with informants. While Secondary Data is data consisting of (Faisal, 2010) [1]:

1. Primary legal materials are binding legal materials in the form of applicable laws and regulations and have something to do with the issues discussed, among others in the form of Laws and regulations relating to the freedom to express opinions in public.
2. Secondary legal materials are legal materials that explain primary legal materials.
3. Tertiary legal materials are legal materials that provide further information on primary legal materials and secondary legal materials.

Research related to the socio-legal approach, namely research that analyzes problems is carried out by combining legal materials (which are secondary data) with primary data obtained in the field. Supported by secondary legal materials, in the form of writings by experts and legal policies.

Research Result and Discussion

1. Weaknesses In The Public Information Disclosure Regulations In Electronic-Based Government Systems In Indonesia Currently

SPBE is an abbreviation for Electronic-Based Government System. a government administration system that utilizes information and communication technology to provide services to its Users. This is as stated in Presidential

Regulation No. 95 of 2018 concerning Electronic-Based Government Systems. SPBE is aimed at realizing clean, effective, transparent, and accountable government governance as well as quality and trustworthy public services. National governance and management of electronic-based government systems are also needed to improve the integration and efficiency of electronic-based government systems. (Widodo, 2018) [9, 10].

One thing that must be realized is that the availability of information will be greatly influenced by the performance of the PPID itself, because the PPID is the party responsible for storing, documenting, providing, and/or serving information in public bodies. For this reason, whether public information openness is successful or not really depends on PPID's efforts to maximize its duties and functions in the field of public information, so that the government, both central government and regional government, must be maximal in providing support in the form of training, budget and facilities and infrastructure, especially This public information disclosure will be implemented based on an electronic-based government system. Thus PPID must be selected based on good capabilities in the field of information and technology (IT).

Currently, the weaknesses in the implementation of public information disclosure in SPBE are (Setiaman, 2013) [5]:

- a. Obstacles to policy/legislation: lack of coordination between stakeholders, poor e-government governance (SPBE), lack of regulation in the form of policies, rules, and regulations, and lack of long-term strategic planning.
- b. Constraints on economic aspects: lack of staff/employee incentives, motivation, and long-term financial plans for e-government projects (SPBE).
- c. Obstacles to implementation in the political aspect: low political support and strategic political policies for the successful implementation of the e-government system (SPBE) in society, etc.
- d. Geographical constraints: implementation is limited by the unfavorable geographic location of most rural and island locations, which makes implementing e-government a challenge.
- e. Obstacles to implementation in the human resources aspect: inadequate competency, lack of readiness among individuals/people to use e-government services, acceptance of citizen behavior towards e-government systems, lack of education, lack of digital literacy, citizen awareness initiatives and citizen intention usage is consistently low.

By analyzing the weaknesses above, the author believes that these weaknesses are a basic or main part of implementing SPBE, where Human Resources, Budget Facilities, and Infrastructure are things that cannot be separated when talking about technology. These weaknesses may not be too much of a problem for the central government, or regional governments located in developed areas, but for areas that are still underdeveloped it is still very difficult to implement SPBE because, in terms of facilities and infrastructure alone, they are still far behind more developed areas.

The Information and Documentation Management Officer (PPID) is the spearhead in implementing Law No. 14 of 2008 concerning the Openness of Public Information. PPID in Law No. 14 of 2008 Article 1 Paragraph 9 states explicitly that PPID is an official responsible for storing,

documenting, providing, and/or serving information in public bodies (Rahimallah, 2022) ^[4].

The important role of PPID in implementing Public Information Openness is that PPID should not be underestimated by anyone. The existence of PPID in every public body must be given more attention because with a good PPID, openness of public information in public bodies will be well maintained, on the other hand, if the role of PPID in public bodies is bad then information openness in public bodies will be bad too.

2. Legal Reconstruction Of Public Information Disclosure Regulations In Electronic-Based Government Systems Based On The Value Of Justice

The provisions of Article 2 of the KIP Law regulate the administration of information, namely: public information that is open and can be accessed by every information user, except for information that is kept confidential as regulated by law, propriety, and public interest is on examination of consequences. Which arises when information is provided to the public and after consideration is taken to protect greater interests. Every public information must be obtained by every public information applicant quickly, in a timely manner, at a low cost, and in a simple manner (Pratama, 2021) ^[3].

The openness of public information is a form of implementing good governance and preventing all forms of collusion, corruption, or nepotism. Because there is a form of control from the community on government performance (central and regional). With the openness of public information, it is hoped that the public will become sensitive, intelligent, and active in controlling the process of administering a government. In fact, one indicator of how much responsibility the government has in carrying out government administration can be measured by the openness of public information that they have provided.

As the author has stated previously, the formation of the KIP Law has not yet accommodated an electronic-based government system, so public bodies and PPIDs related to providing information are still done manually, for sub-districts usually put up a banner in front of the office explaining the use of the budget and some information related to the activities of the ward. Meanwhile, most regional government agencies already have websites, but not all of them are active.

Meanwhile, for people who want to get information, the regulations in the KIP Law still use manual methods, meaning that applicants for information come directly to the office where the information is needed. The process after the information request is received still takes approximately 10 days. Meanwhile, it is still not certain whether the information contained in the oil can be shared with the applicant or not. The reconstruction that the author offers in the KIP Law could be in the form of adding an article that could state emphatically that the KIP Law will then be in line with an electronic-based government system by ordering all public bodies to immediately integrate both budgets to immediately equip facilities and infrastructure and conduct training. Towards existing human resources so that they can immediately implement an electronic-based government system. The next step is to make changes to the information request mechanism, which is all done online, and another important change is to strengthen the

information commission so that it can be more proactive in carrying out its duties and authority.

The next thing that is no less important is making changes to the information request mechanism, which is all done online, where information applicants no longer need to come to the office in person to make information requests. Information applicants are expected to simply fill out the information request form via the website, and the time required to process the request is not too long, in order to comply with the principles of fast, timely, and low cost. In addition, the Information Commission, which functions to implement the KIP Law and its implementing regulations, must be able to establish technical guidelines for public information service standards and resolve public information disputes through mediation and non-litigation adjudication in accordance with the mandate of Article 26 and Article 27 of Law Number 14 of 2008 concerning Openness of Public Information.

The position of the Information Commission must be strengthened and proactive, that is, when in discussing a law the Information Commission considers that public participation and public access to information is still lacking, the Information Commission can make an official statement regarding this matter and invite the public to report their problems to the Information Commission.

An active information commission not only encourages public bodies to be more open but can also encourage public participation so that they are not passive in seeking information. No longer passively waiting for reports from the public before following up. The Information Commission's active role is in monitoring and evaluating public information disclosure in each public body. With the changes to the KIP Law, it is hoped that in the future, after carrying out monitoring and evaluation, the Information Commission can sit down with various public bodies, non-governmental organizations, and other stakeholders to discuss the final results and what actions can be taken to increase public information disclosure.

Conclusion

1. The Weaknesses in the implementation of public information disclosure in SPBE are constraints on policy/legislation: constraints on economic aspects: constraints on implementation on political aspects: constraints on geography: and constraints on implementation in aspects of human resources where inadequate competence, lack of readiness among individuals/people to use e-government services, acceptance of citizen behaviour towards e-government systems, lack of education, lack of digital literacy, citizen awareness initiatives and citizens whose intention to use is continuously low.
2. Reconstructing public information disclosure regulations in electronic-based information systems based on the value of justice requires changes to Law Number 14 of 2008 concerning the Openness of Public Information. The change in question could be in the form of the addition of an article that could state unequivocally that the KIP Law will then be in line with an electronic-based government system by ordering all public bodies to immediately integrate both budgets to immediately complete facilities and infrastructure and carry out training for existing human resources so that immediately be able to run an

electronic-based government system. The next step is to make changes to the information request mechanism, which is all done online, and another important change is to strengthen the information commission so that it can be more proactive in carrying out its duties and authority.

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