



Implementation of public information disclosure in Sabang City

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Abstract

The right to obtain information is an important part of human rights and public information disclosure is one of the important characteristics of a democratic state that upholds the sovereignty of the people to realize good state administration. Public information disclosure is an important point for realizing accountability in the implementation of public services, where there are no longer barriers preventing the public from knowing what public service providers have done, especially in relation to operational standards, this is as explained in Article 22 paragraph (7) The KIP Law states that no later than 10 (ten) working days from receipt of the request, the Public Agency concerned is required to provide written notification. However, the urgency of providing information to the public has not been understood by all Public Bodies, so there are still public reports submitted to the Ombudsman with the substance of Public Information reports (74 reports in 2020, 223 reports in 2021, 196 reports in 2022), with various allegations of maladministration, such as not providing services, allegations of protracted delays, or allegations of discriminatory treatment that stem from the unavailability of service information to the community, so that people find it difficult to access services. This research aims to analyze and review the implementation of public information disclosure which has not been implemented in accordance with Law Number 14 of 2008 concerning Public Information Disclosure, obstacles to resolving public information services which are not in accordance with Law Number 14 of 2008 concerning Public Information Disclosure, as well as solutions to the implementation of public information disclosure that is not in accordance with Law Number 14 of 2008 concerning Public Information Disclosure. The approach method in this research uses an empirical juridical approach, that is research using field data as the main data source, such as the results of interviews and observations. The research results show that it can be concluded that the implementation of public information disclosure in the Sabang City area is still not optimal. There are still many public bodies that have not been able to implement the mandate contained in Law Number 14 of 2008 concerning Public Information Disclosure. As a result of not implementing these regulations, there are several problems regarding public information disclosure that still occur in Sabang City area. Obstacles in implementing public information disclosure in Sabang City are: (1) Regional leadership elements do not act decisively and do not control regional officials to implement information disclosure so that there is still information that has not been provided either manually or electronically; (2) The appointed Information and Documentation Management Officer (PPID)'s minimal understanding of the Public Information Disclosure Law makes it difficult to identify information that must be provided and kept confidential; (3) Regional leaders do not provide support for computer use skills to the appointed PPID so that the PPID is weak in applying electronic-based information (websites); and (4) Minimum implementation of socialization programs due to budget limitations. The solution to the implementation of public information disclosure that is not in accordance with Law Number 14 of 2008 concerning Public Information Disclosure is that the government must be consistent in acting firmly with government officials to implement public information disclosure as intended mandate from the Law; (2) Information and documentation management officials (PPID) must coordinate with the Information Commission to increase understanding of the implementation of information management; (3) Appointed information and documentation management officials (PPID) must be trained in using computers to manage electronic-based information; and (4) Providing a special budget to optimize the implementation of the socialization program in Sabang City. It is recommended that the Sabang City Government improve its transparency policy in providing public information in accordance with Law Number 14 of 2008. This can be done by developing clearer and more detailed guidelines regarding information disclosure, including procedures for requesting and accessing public information, as well as exception criteria stipulated in law, as well as providing training to government officials on the importance of public information disclosure and the implementation of Law Number 14 of 2008. This includes training on the public's rights to obtain information, procedures that must be followed by the government in responding requests for information, and the importance of maintaining the integrity of public data.

Keywords: Implementation, information disclosure

Introduction

The Indonesian government system uses a regional autonomy system which imposes rights, authority and obligations on autonomous regions to regulate and manage government affairs and the interests of local communities within the system of the Unitary State of the Republic of Indonesia. One of the principles in implementing the regional autonomy system in Indonesia is using the Principle of Decentralization. The definition of decentralization is the transfer of government authority by

the central government to autonomous regions to regulate and administer government affairs according to the system of the Unitary State of the Republic of Indonesia. With this, regional governments have an obligation to manage the various authorities entrusted by the central government as well as possible so that regional governments participate in realizing good governance.

One of the democracy principles is the implementation of guarantees for human rights, in accordance with Article 28 letter F of the 1945 Constitution which states that,

"Everyone has the right to communicate and obtain information to develop their personal and social environment, and has the right to seek, obtain, own, store, process, and convey information using all types of available channels." So with the existence of democratic principles that guarantee the rights of every human being as explained in Article 28 letter F of the 1945 Constitution (UUD 1945) above, the Indonesian state is obliged to implement the principle of information disclosure to the public. Thus, the right for information is not only a human right but also a constitutional right of the Indonesian people. The essence of this recognition is that the right for information is actually an inherent right in every human being, both as a citizen and as an individual.

The right to obtain information is an important part of human rights and public information disclosure is one of the important characteristics of a democratic state that upholds the sovereignty of the people to realize good state administration. Information is the data that is processed into a form that is more useful and more meaningful for the recipient, the source of information is data. An information system is a collection of components in a company or organization that are related to the process of creating and distributing information. An information system can also be defined as a system that accepts data sources as input and processes them into information products as output.

Open government is one of the foundations of democratic accountability. In an open government, disclosure of public information is a necessity because with public information disclosure, government can take place transparently and community participation occurs optimally in all government management processes. Since the enactment of Law Number 14 of 2008 concerning Public Information Disclosure (UU KIP) on April 30 2008, Indonesia has become the fifth country in Asia after Nepal, Thailand, India and Japan to guarantee citizens' rights to obtain public information. The right for information to control state administrators so that they can carry out their main duties and functions as good public government. Information disclosure is a means of optimizing public supervision of state administration and other public bodies and everything that impacts the public interest as mandated in the KIP Law. Article 13 of the KIP Law states that to realize fast, precise and simple services, every public body appoints an information and documentation management officer (PPID) and creates and develops a system for providing information services quickly, easily and fairly in accordance with the technical instructions for applicable public information service standards nationally. One of the aims of enacting the KIP Law is to encourage public participation in the process of making public policies and good management of public bodies, which will later create an information society. The KIP Law also regulates the classification of information in such a way as to provide legal certainty regarding what information must be disclosed to the public and what information is excluded. Such as requiring public bodies to provide and announce public information which is then divided into three classifications of mandatory information, namely in Article 9 "Every public body is obliged to publish public information periodically". Article 10 "Public Bodies are obliged to immediately announce information that could threaten the lives of many people and public order." Article 11 "Public Bodies are required to provide Public Information at any time".

In the globalization era, it should be easier for people to get all the information they need through various access from the media, especially information regarding government performance. The existence of open public information is a form of implementing good governance and an effort to prevent all forms of corruption, collusion and nepotism. With community control over government performance, it is hoped that the community will become intelligent, sensitive and active in controlling the process of administering a government. Information disclosure can be a means to develop a country or region so that it is able to compete. Therefore, central and regional governments need to prepare and equip themselves to enter the era of public information disclosure. The readiness of personnel or employees (human resources) in terms of integrity, awareness of service, morals, or culture and abilities (skills) is fundamental.

Disclosure of public information is an important point for realizing accountability in the implementation of public services, where there are no longer barriers preventing the public from knowing what public service providers have done, especially in relation to operational standards. However, the urgency of providing information to the public has not been understood by all Public Bodies, so there are still public reports submitted to the Ombudsman with the substance of Public Information reports (74 reports in 2020, 223 reports in 2021, 196 reports in 2022), with various allegations of maladministration, such as not providing services, allegations of protracted delays, or allegations of discriminatory treatment that stem from the unavailability of service information to the community, so that people find it difficult to access services.

No matter how well a regulation is formed, if it is conveyed or implemented by human resources who are not experts, do not have good intentions and integrity, then the regulation will certainly be useless. A very important thing related to the implementation of public information disclosure is the commitment of all aspects of government administrators, because no matter how well the regulations are formed, if the administrators are not committed to implementing them, they will become mere display. Article 22 paragraph (7) of the KIP Law states that "No later than 10 (ten) working days from receipt of the request, the Public Body concerned is obliged to submit a written notification containing

- a. Whether the requested information is under their control or not;
- b. The Public Body is obliged to notify the Public Body that controls the requested information if the requested information is not under its control and the Public Body that receives the request knows the existence of the requested information;
- c. Acceptance or rejection of the request for the reasons listed as intended in Article 17;
- d. If the request is received in whole or in part, the information material to be provided is stated;
- e. In the event that a document contains material that is excluded as intended in Article 17, then the excluded information can be blacked out, accompanied by the reasons and material;
- f. Means of delivery and format of information to be provided; and/or
- g. Costs and payment methods for obtaining the requested information.

In implementing the duties and functions of PPID as an in charge official and responsible for managing and providing public information services, it is still not running optimally, such as the problems that occurred in Sabang City where there were cases of non-response to public information and/or non-fulfillment of requests for public information over a period of time. 10 working days which have been submitted since July 14 2021 to 14 (fourteen) SKPK Sabang City. The 14 SKPK can be seen in the table below:

Table 1: SKPK that does not respond to compliance with public information in 2021

No	Name	Letter Number and Date	Received Date
1	Badan Perencanaan Pembangunan Daerah	01/VII/2021 July 13 2021	July 14 2021
2	Dinas Pendidikan dan Kebudayaan	02/VII/2021 July 13 2021	July 14 2021
3	Dinas Pekerjaan Umum dan Perumahan Rakyat	01/VII/2021 July 13 2021	July 14 2021
4	Dinas Pariwisata	04/VII/2021 July 13 2021	July 14 2021
5	Badan Pengelolaan Keuangan Daerah	05/VII/2021 July 13 2021	July 14 2021
6	Dinas Penanaman Modal, Pelayanan Terpadu Satu Pintu dan Tenaga Kerja	06/VII/2021 July 13 2021	July 14 2021
7	Dinas Komunikasi, Informatika, Statistik dan Persandian	07/VII/2021 July 13 2021	July 14 2021
8	Dinas Kelautan Dan Perikanan	08/VII/2021 July 13 2021	July 14 2021
9	Dinas Sosial, Pemberdayaan Masyarakat Gampong, Pemberdayaan Perempuan dan Perlindungan Anak	09/VII/2021 July 13 2021	July 14 2021
10	Dinas Kesehatan dan Keluarga Berencana	10/VII/2021 July 13 2021	July 14 2021
11	Dinas Perhubungan	11/VII/2021 July 13 2021	July 14 2021
12	Inspektorat	12/VII/2021 July 13 2021	July 14 2021
13	Rumah Sakit Umum	13/VII/2021 July 13 2021	July 14 2021
14	Sekretariat DPRK Sabang	14/VII/2021 July 13 2021	July 14 2021

Data source: Main PPID Sabang City

Based on the problems above, it is important to carry out research regarding "IMPLEMENTATION OF PUBLIC INFORMATION DISCLOSURE IN SABANG CITY".

Method

The research uses empirical juridical legal research methods. This approach is also known by the general public as an empirical approach or legal research. The empirical juridical approach is the approach used to analyze and research phenomena found in society in depth so that an event can be resolved.

Discussion

Problems, Obstacle and Solutions in Implementing Public Information Disclosure in Sabang City Implementation of Law Number 14 of 2008 concerning Public Information Disclosure in Sabang City

In general, the implementation of Public Information Disclosure in Sabang City is reviewed based on Article 9 of

Law Number 14 of 2008 concerning Public Information Disclosure. Article 9 regulates information that must be provided and announced periodically, which then becomes a benchmark for assessing the implementation of public information disclosure in a government. Weaknesses in the implementation of public information disclosure in Sabang City are dominated by incomplete electronic information, due to the fact that there are several indicators in assessing public information disclosure that are not fulfilled (incomplete) or in other words there are still certain points that are not published.

A public body that does not publish electronically means that it does not publish information in its entirety or does not publish information on its website according to predetermined standards. Manual information is written information and is generally documented. Not publishing manually means not announcing information in a written document according to predetermined standards. However, there is some understanding that certain documents or manual information cannot be published or accessed by the public, in this case the information contains confidential information or exempt information. Discussion regarding the implementation of public information disclosure is as follows.

Implementation of Public Information Disclosure relating to public bodies which is announced periodically

Implementation of information that is announced periodically is as follows

Implementation of Public Information Disclosure relating to Public Bodies, several reviews of public information that are published periodically include: (1) address and position; (2) vision and mission; (3) duties and functions; (4) organizational structure; and (5) brief profiles of structural officials. The explanation is as follows

1. Address and position information, generally there are no problems with address and position information, or in other words, all public bodies in the research object have published or provided comprehensive information electronically and manually;
2. Vision and mission information, all public bodies at the research object have published or provided comprehensive information electronically and manually;
3. Information on duties and functions, published electronically and manually by the Sabang City Government;
4. Organizational structure information, not published electronically or manually by public bodies in Sabang City, there are only few public bodies that provide comprehensive information electronically; and
5. Information on Short Profiles of Structural Officials for all public bodies in the research object has been published or provided electronically or manually.

Implementation of public information disclosure relating to information regarding the activities and performance of related Public Bodies

Several reviews of the Implementation of Public Information Disclosure relating to information regarding the activities and performance of related Public Bodies include:

1. Information regarding names, implementers, program and activity budget targets as well as those in charge have not yet been implemented comprehensively,

- because the information is still not provided electronically;
2. Information regarding important agendas related to the implementation of public bodies' duties has been provided manually but information has not been published or provided electronically;
 3. Information regarding public services is still not implemented properly and completely, not all public bodies in the Sabang City area provide information electronically, or provide information manually;
 4. Information regarding the recruitment of prospective employees to public bodies has been implemented properly and completely by public bodies in the Sabang City area; and
 5. Information regarding government performance accountability reports (lakip) has generally been implemented completely and comprehensively by all public bodies in Sabang City, both manually and electronically.

Implementation of Public Information Disclosure relating to information regarding financial reports

Several reviews of the Implementation of Public Information Disclosure relating to information regarding financial reports include: (1) Budget realization plans and reports; (2) Financial balance of public bodies; (3) Cash flow reports and annual financial report notes; and (4) List of assets and investments of public bodies. The explanation is as follows:

1. Information regarding budget realization plans and reports has not been implemented thoroughly because several public bodies in Sabang City only provide information manually and do not provide it electronically, while there are several other public bodies that have published and provided information electronically and manually;
2. Information regarding the financial balance of public bodies, only a few public bodies in Sabang City only provide information manually and do not provide it electronically, while there are several other public bodies that have published and provided information electronically and manually;
3. Information regarding cash reports and records of annual financial reports, there are many public bodies that do not publish or provide information electronically or manually;
4. Information regarding asset and investment registers has not been implemented comprehensively, there are many public bodies that do not publish or provide information electronically or manually, there are even public bodies that do not publish or provide information either electronically or manually.

Implementation of Public Information Disclosure provided at any time

Reviewing Public Information Disclosure in local government institutions is generally based on Article 9 of Law Number 14 of 2008 concerning Public Information Disclosure, but can be reviewed in more depth by reviewing the implementation of Public Information Disclosure based on Article 11 regarding public bodies which have the obligation to provide information at any time which includes (1) Information on the results of decisions and considerations of public bodies; (2) Policy information and

its documents; (3) Information on project work plans and annual expenditure estimates for public bodies; (4) Information on public agency agreements with third parties; (5) Information on work procedures for public agency employees; (6) Information on public information access services.

Implementation of Article 11 of Law Number 14 of 2008 concerning Public Information Disclosure above in general, all public bodies in Sabang City have provided this information manually by setting it out in a document, because the information that must be provided at all times is as a mandatory guidance document, available in every office and is a standard operating procedure (SOP) which is basically set as a policy by the leadership of every public body. Information according to Article 11 does not have to be provided electronically via a website. Thus, the implementation of Article 11 regarding information that must be available at all times has been implemented well.

Implementation of public information periodically

Implementation of Public Information Disclosure regarding the periodicity of delivery of Public Information is reviewed through the provision of website-based information. In general, for all research objects, the information provided on the website concerns the implementation of activities or programs. Meanwhile, in the mandate of Article 9 of Law Number 14 of 2008 concerning Public Information Disclosure, Public Bodies are obliged to convey information periodically regarding Public Bodies, Activities and Performance of Public Bodies, and Public Bodies' Financial Reports. Based on the explanation above, it can be concluded that for all research objects, information is not managed periodically and updated, especially financial reports, but based on the provisions, this information must be provided and announced periodically at least once every 6 (six) months. Therefore, periodic public information has not been implemented optimally in public bodies in Sabang City.

Implementation of Access and Ease of Obtaining Public Information

Information regarding Public Agency information access reports relating to rights and procedures for obtaining public information in a way that is easily accessible to the public. Generally, every public body implements website-based public information publications in language that is easily understood by users. Thus, the implementation of accessibility and ease of obtaining public information has been implemented well.

Implementation of the Establishment of an Information and Documentation Management Officer

The implementation of Public Information Disclosure in Regional Government institutions can be reviewed further based on Article 13 of Law Number 14 of 2008 concerning Public Information Openness. Article 13 emphasizes that to realize fast, precise and simple services, every public body is obliged to appoint a PPID to create and develop a system for providing information services quickly, easily and fairly. However, the function of PPID has not been implemented optimally. The function of PPID is as an apparatus responsible for managing information in public bodies and a party that has the authority to open and provide information to the public if there is a public requesting access to that

information. The function of PPID has not been implemented optimally because PPID is still unable to identify information that must be provided and information that is excluded/kept secret, which results in public access to PPID being complicated. It is said that PPID's understanding of the law is still very minimal due to the phenomenon that PPID officials still consider several public agency documents to be confidential, especially regarding projects and financial reports which cannot be accessed by the public.

Meanwhile, Law Number 14 of 2008 concerning Public Information Disclosure regulates information that must be provided and announced, namely Article 9 and information that is excluded, namely Article 17. This is the main factor in the emergence of information disputes. Thus, the implementation of Article 13 has not been implemented well but is accompanied by a weakness factor, namely the function or implementation of the PPID that was formed has not been implemented optimally.

According to the results of the discussion, it can be concluded that the implementation of public information disclosure in Sabang City is still not optimal, this shows that the Sabang city government is not transparent yet regarding public information that should be accessible to the public. There are still many public bodies that have not been able to implement the mandate contained in Law Number 14 of 2008 concerning Public Information Disclosure. This does not indicate a country that implements a democratic system. As a result of not implementing these regulations, there are several problems regarding public information disclosure that still occur in Sabang City.

Obstacles in Resolving Public Information Services That Are Not in Accordance with Law Number 14 of 2008 concerning Public Information Disclosure

In Sabang City, information disputes generally occur because information that should be provided is not provided. Requests to obtain information can be made by mail, electronically, or directly to a public body. A dispute occurs if the request is not responded to or rejected by PPID, so the applicant reports it to the Information Commission and asks for a dispute with the aim of obtaining the desired information. Information that is often disputed generally concerns financial reports or project plans.

Like the case that occurred in 2021, where there was a dispute between Yusran's brothers and the Sabang City government. In this dispute, Yusran, hereinafter referred to as the applicant, has requested information from the Sabang City government, hereinafter referred to as the respondent. The information requested by the applicant is:

1. The list of companies winning Contracts for Procurement of Goods and Services within the Sabang City PUPR Service in 2020 and 2021 consists of (name of contract winner, fund allocation, number of bids, location of work/contract, budget year);
2. A copy of the List of Public Information that Must Be Provided and Announced Periodically in 2021 along with the reasons for not including the list on the official website of the Sabang City PUPR Service.
3. A copy of the List of Public Information that Must Be Available at Any Time in 2021 along with the reasons for not including the list on the official website of the Sabang City PUPR Service.

4. Organizational structure and profile of structural officials within the Sabang City PUPR Service in 2021.
5. Organizational structure and PPID profile of the Sabang City PUPR Service in 2021.
6. Decree on the formation of the Sabang City PUPR Service PPID.
7. Explanation of why the official website of the Sabang City PUPR Service is not updated.
8. Number of fishing boats and their catch in 2018-2020.

Apart from this dispute, there was also a dispute between the Aceh People's Advocacy Foundation (YARA) and the Sabang City government in 2021. This dispute began on July 17 2020 when the Aceh People's Advocacy Foundation (YARA) as the Petitioner sent a letter requesting information with Number 014C/YARA /VII/2020 dated 16 July 2020 to the Main Information and Documentation Management Officer (PPID) of Sabang City via electronic mail to the email dishubkominfokotasabang@acehprov.go.id, and on 10 August 2020 the Applicant sent an objection letter with Number 015-B/ YARA/VII/2020 dated 10 August 2020 to the Regional Secretary of Sabang City as the Superior Information and Documentation Management Officer (PPID) of Sabang City via electronic mail to the email dishubkominfokotasabang@acehprov.go.id because the Respondent did not respond to the Petitioner's request for information.

Based on the phenomenon that occurred above, the information dispute between Mr Yusran's party and the Sabang City Government was won by the applicant in a non-litigation adjudication decision. However, in the dispute between YARA as the applicant and the Sabang City Government as the respondent, the lawsuit was rejected by KIA because the time period for the applicant to submit a request for dispute resolution to the Aceh information commission was not met or exceeded the time limit stipulated in Law Number 14 of 2008 concerning information disclosure. public and information commission regulation Number 1 of 2013 concerning Public Information Dispute Resolution Procedures. Based on the description above, public information disputes at the Information Commission have been implemented well and have provided legal certainty for the public. This is in accordance with the theory of legal certainty according to Utrecht, namely that the law has security for individuals from government arbitrariness to know what the state can do to individuals.

Solutions to the Implementation of Public Information Disclosure that is Not in Accordance with Law Number 14 of 2008 concerning Public Information Disclosure

Based on the description of these obstacles, of course, it cannot be separated from effective efforts to deal with them, so that the solutions that should be taken by public bodies in Sabang City to face obstacles in implementing public information disclosure can be described as follows:

1. The Sabang city government has acted decisively and exercised control over elements of regional government apparatus so that the implementation of Public Information Disclosure is carried out in accordance with the provisions of the law. The aim of these concrete actions and controls is to provide public information manually and electronically. This needs to

be done because Public Information Disclosure has an important meaning in optimizing good government based on the principles of Good Governance.

2. PPID has coordinated with the Information Commission to provide PPID officials with an understanding of information management in accordance with the provisions of the Information Commission Law and Regulations. Coordination in the form of counseling or provision regarding the implementation of information management both manually and electronically
3. The leadership of the public agency has provided training in computer operation to the appointed PPID. This training is very useful for PPID to manage website-based electronic information optimally. This is also necessary because in principle PPID officials must be officers who have IT skills or understanding.

The Sabang City Government has made efforts to implement socialization by specifically arranging the budget for implementing the socialization program. The availability of the budget that has been regulated by the regional government is right on target for outreach programs to regional officials, elements of society, and PPID in each public body. Implementation of the socialization program regarding the implementation of Public Information Disclosure is an effective step to attract participation from all elements of society in the region to realize good and clean government based on the principles of Good Governance.

Conclusion

1. Implementation of public information disclosure in the Sabang City area is still not optimal. There are still public bodies that have not been able to implement the mandate contained in Law Number 14 of 2008 concerning Public Information Disclosure. The failure to implement these regulations resulted in the emergence of several disputes regarding the disclosure of public information which are still occurring in the Sabang City area.
2. Obstacles in implementing public information disclosure in Sabang City are: (1) Regional leadership elements do not act decisively and do not control regional officials to implement information disclosure so that there is still information that is not provided either manually or electronically; (2) The appointed PPID's minimal understanding of the Public Information Disclosure Law makes it difficult to identify information that must be provided and kept confidential; (3) Regional leaders do not provide support for computer use skills to the appointed PPID so that the PPID is weak in applying electronic-based information (websites); and (4) Minimal implementation of socialization programs due to budget constraints.
3. The solution to the Implementation of Public Information Disclosure which is not in accordance with Law Number 14 of 2008 concerning Public Information Disclosure is that the Sabang city government has acted decisively and exercised control over elements of regional government

apparatus so that the Implementation of Public Information Disclosure is carried out in accordance with the provisions of the Law. Invite. PPID has coordinated with the Information Commission to provide PPID officials with an understanding of information management in accordance with the provisions of the Information Commission Law and Regulations. Coordination in the form of counseling or provision regarding the implementation of information management both manually and electronically. The leadership of public bodies has provided training in computer operation to the appointed PPID. The Sabang City Government has made efforts to implement socialization by specifically arranging the budget for implementing the socialization program.

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