

# Good Governance Aspect in Implementation of The Transparency of Public Information Law

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**Abstract.** The Indonesian government has pursued to establish freedom of information for their people in order to enhance good governance in the public sector by implementing the Transparency of Public Information Law Number 14 Year 2008, popularly known as UU KIP. This study is aimed at describing and drawing the factors that affected the implementation of UU KIP in Surakarta City and West Lombok Regency. This research was conducted through a mixed method of a quantitative method through surveys and a qualitative method through in-depth interviews and a focus group discussion. The research concluded that there are numerous factors which affected the implementation of UU KIP such as; political will both from central government and local leader, government ability, flaws in the UU KIP itself, minimum budget, infrastructure, and the culture of the society. UU KIP was also perceived as an Act that regulated the public information and was able to enhance public institutions' implementation of good governance. The local government is believed to be more accountable and transparent, and able to increase public participation.

**Keywords:** good governance, public information, implementation

**Abstrak.** Pemerintah Indonesia telah berusaha menetapkan keterbukaan informasi untuk masyarakat agar badan publik dapat mencapai good governance dengan menerapkan Undang-Undang Nomor 14 Tahun 2008 tentang Keterbukaan Informasi Publik, yang lebih dikenal sebagai UU KIP. Penelitian ini ditujukan untuk menggambarkan dan mencari tahu faktor-faktor yang mempengaruhi implementasi UU KIP di Kota Surakarta dan Kabupaten Lombok Barat. Penelitian ini dilakukan menggunakan mixed method yang terdiri dari metode kuantitatif melalui survey and metode kualitatif melalui wawancara mendalam (in-depth interview) dan diskusi kelompok terfokus (focused group discussion/FGD). Kesimpulan dari penelitian ini adalah bahwa terdapat berbagai faktor yang mempengaruhi implementasi UU KIP yang terdiri dari; keinginan politik (political will) dari pemerintahan pusat dan kepala pemerintahan daerah, kemampuan pemerintah, kesalahan yang terdapat di dalam UU KIP itu sendiri, anggaran minimum, infrastruktur, dan budaya masyarakat. UU KIP juga dipersepsikan sebagai suatu undang-undang yang mengatur informasi publik dan bisa membantu badan publik memperbaiki implementasi good governance. Pemerintah daerah dianggap lebih bertanggung jawab dan transparan, dan dapat meningkatkan partisipasi publik.

**Kata Kunci:** good governance, informasi publik, implementasi

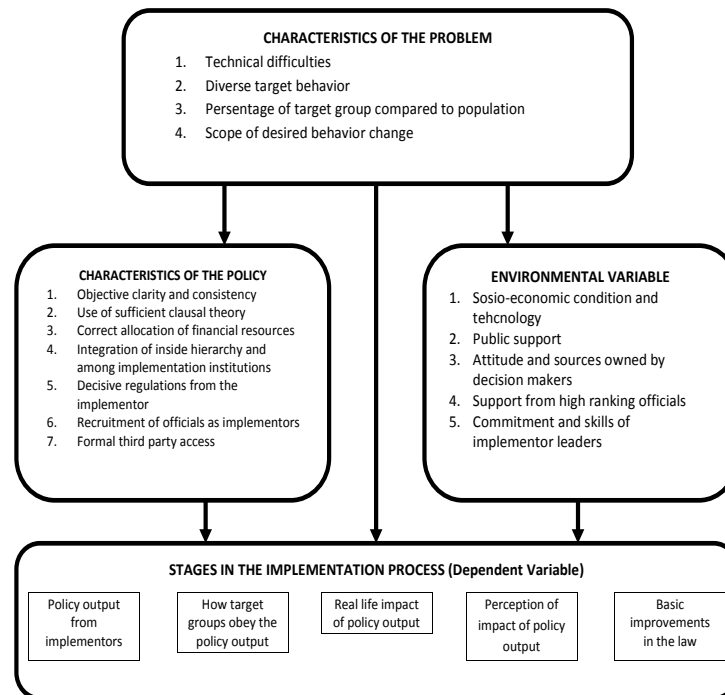
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## INTRODUCTION

The desire to make the dreams of reformation come true through Good Governance, plus the increasing need of information, especially concerning public service, has encouraged the Indonesian Government to issue Law (UU) No. 14 Year 2004 about the Transparency of Public Information, more popularly known as UU KIP.

Basically, UU KIP, which has been put into effect since May 1 2008, consists of three core principles which are transparency, participation, and public accountability. These three core principles have comprehensively regulated the obligations of public councils/ officials in providing open and efficient access to information for the public. Public councils were obligated to become more transparent and information must be publicly revealed with exceptions that relate to state security issues, privacy issues, and those regulated in the Law (Dewangga, 2010).

The government's efforts in encouraging the implementation of UU KIP was done by forming a special unit named the Public Information Commission. Aside from that, through the Ministry of Communication and Information (Kemenkominfo), the government has conducted numerous activities in various regions related to the socializations of UU KIP (Firman dan Chandraruna, 2010). This was done in order to encourage local governments to form their own Information Commission as a way to implement Law No. 14 Year 2008 and also as a way to achieve Good Local Governance that will be useful for the community. The objective of the socialization was in order to have the local governments prepare the necessary things needed in revealing information to the community and prepare for the formation of an Information Commission in their respective regions. A number of local governments were quite serious in forming a Regional Information



**Figure 1. Public Policy Implementation Model**

Source : Elson (2006); Subarsono (2009)

Commission including Gorontalo Province, Central Java Province, West Java Province, East Java Province, Banten Province, Riau Islands Province, South Sulawesi Province, South Sumatera Province, Lampung, and DI Yogyakarta. (Central Information Commission, 2011).

Long before UU KIP was applied, each region tried to guarantee access to public information by forming its own regulations. Research from the Coalition of Freedom to Obtain Information recorded that up until 2006, 19 areas had regulations regarding rights to public information including Tanah Datar District, Solok, Lebak, Bandung, Majalengka, Kebumen, Magelang, Bantul, Ngawi, Lamongan, Boalemo, Bolaang Mongondow, Gowa, Takalar, Bulukumba, Kendari City, West Kalimantan Province, and Manado City. (Toby Mendel, 2008).

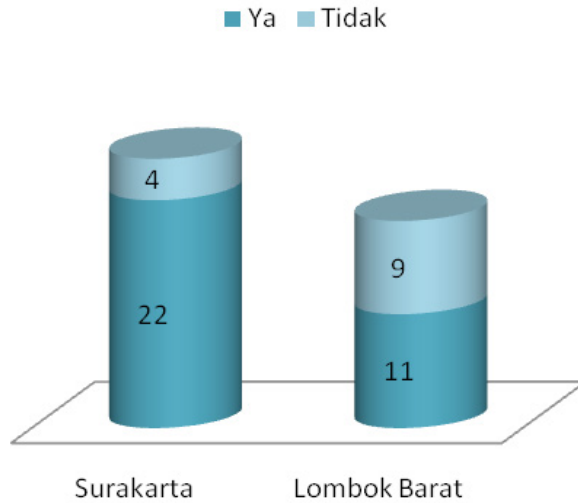
In reality, the application of UU KIP encountered many problems. Media Link No. 03/I/Desember, for example, recorded that the underprivileged had to pay quite a sum of money for healthcare that was supposed to be free through the community health protection scheme (Jamkesmas) program or the Regional Health Insurance (Jamkesda). The community did not know about these programs and the authorized institution also did not notify the community about these programs. The Indonesian Corruption Watch's (ICW) charge of hiding information about School Operational Aid (BOS) in five middle schools (SMP) in Jakarta is another example of how UU KIP was not effectively implemented. These charges occurred because some middle schools and the DKI Jakarta

Education Department did not relay information about BOS because they claimed that the documents consisting of the use of BOS funds were confidential. The dispute regarding the request for public information between ICW and SMP-DKI Jakarta Education Department was mediated by the Central Information Commission (KIP). During the adjudication trial, the KIP favored ICW. However, this verdict did not resolve the problem because the institution that was charged did not obey the verdict of the KIP and instead, conducted a comparative study on another topic. If they abided by the UU KIP, the verdict of the KIP must be obeyed by all public institutions.

As a result, it is not surprising if many have high hopes for the UU KIP because aside from transparency of public information, it is a way to optimize the public's supervision of the state and other public institutions. Transparency of public information is also one of the characteristics of a democratic state that upholds popular sovereignty in order to achieve good governance. This law also guarantees the public in obtaining information without discrimination.

Research regarding the transparency of information is still rare, thus making this researcher interested in reviewing how UU KIP was implemented in Surakarta City and West Lombok Regency, in addition to finding out what factors interfered with the implementation of UU KIP and the relationship between the implementation of UU KIP and the principles of good governance.

Two theories are related in analyzing this issue,



**Test Statistics<sup>a</sup>**

|                        | Pengetahuan tentang UU KIP |
|------------------------|----------------------------|
| Mann-Whitney U         | 183.000                    |
| Wilcoxon W             | 534.000                    |
| Z                      | -2.187                     |
| Asymp. Sig. (2-tailed) | .029                       |

a. Grouping Variable: Daerah

**Figure 2. Respondent Knowledge about UU KIP (n=46)**

Source: Primary Data RUUI KIP (2011)

which are the implementation of public policies, good governance, and public information. The implementation or application of policies can be described as a crucial stage, maybe even the most important stage, because policies are only plans stored in files if it is not implemented well. Basically, the implementation of a policy can be seen as a process of applying the decision to make a policy.

Van Meter and Van Horn (Wahab, 2002) defined the implementation of a policy as “Actions done by individuals or officials or government groups or private groups aimed at achieving the goals that were included in the decision to create a policy”. The implementation of a policy, if viewed in general, can be described as a legal administration tool where various actors, organizations, procedures, and techniques work together in running the policy in order to gain the desired impact or objective (Winarno, 2002). In the implementation process or application of a policy, there is always a possibility that the expectations and plans of the policy makers make differ from the outcome or achievement based on the policy (as a result or prestige from the application of the policy). This is what is named an implementation gap. On certain levels, this gap can be left alone, although it must be identified through monitoring and be repaired immediately if the gap that occurs is much higher than the tolerated limit.

An implementation gap may occur due to several reasons. First, it was not conducted as it was supposed to (non implementation). Second, it was not successfully implemented or a failure occurred during the process (unsuccessful implementation). Third, the implementation was done according to the regulations, yet a problem that could not be overcome appeared during the process (Abidin, 2004).

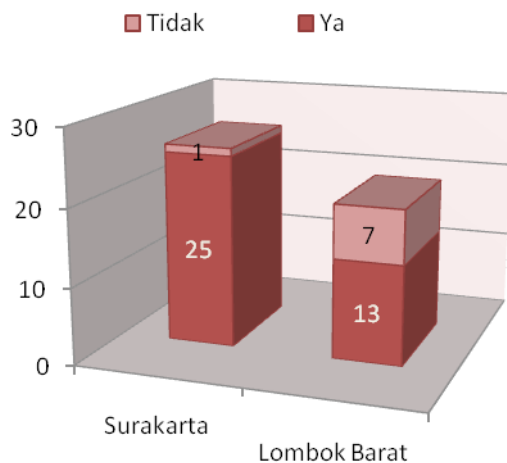
Mazmanian and Sabatier formulated the implementation

process in this nation in a more detailed manner as follows (Wahab, 2002) :

“Implementation is the carrying out of a basic policy decision, usually incorporated in a statute but which can also take the form of important executive orders or court decisions. Ideally, that decision identifies the problem(s) to be addressed, stipulates the objective(s) to be pursued, and, in a variety of ways, “structures” the implementation process. The process normally runs through a number of stages beginning with passage of basic statute, followed by the policy outputs (decisions) of the implementing agencies, the compliance of target groups with those decisions, the actual impacts ---both intended and unintended--- of those outputs, the perceived impacts of agency decisions, and, finally, important revisions (or attempted revisions) in the basic statute”

Elson (2006) classified the factors that affect policy implementation based on a model from Mazmanian and Sabatier, which include (1) material variables, (2) structural variables, and (3) contextual variables. This differs from Subarsono (2009) who classified these variables into (1) the characteristic of the problem, (2) the characteristic of the policy/ law, and (3) environmental variables as can be seen below:

The Asian Development Bank (1995) explained that Governance is defined as the government’s implementation by articulating accountability, participation, transparency, and predictability (can be clearly estimated). UNDP in Grindle (1997) defines good governance as... good governance among other things, participatory, transparent and accountable. It is also objective and equitable and it promotes the rule of law. Good governance ensures that political, social and economic priorities are based on broad consensus able are heard in decision making over the allocation of development resources.



**Figure 3. Respondent Knowledge about Public Information (n=46)**

The concept of good governance in a nation's implementation of a government is a solution in the attempt to maintain the welfare of the people. Bintoro Tjokroamidjojo (2000) stated there are five main elements of Good Governance, which include a) Accountability, the responsibility and accountability of the implementors of governance, political, financial, and legal accountability, b) Transparency, the formulation of political policies, tenders, and others conducted in a transparent manner, c) Openness, providing information, an open free suggestion and criticisms (participation) in open economics and politics, d) Rule of Law, guarantee of legal certainty and the public's feeling of justice on every public policy in a social economic transaction. Conflict resolution based on free law and independent judiciary. Good basics and legal institution as the infrastructure for good governance, e) guaranteed fairness level playing field.

The right to information is an essential to the public who have a right to obtain or access information managed by the nation. Assegaf and Khatarina (2005) explained that public information is information managed by the state – no including personal information about a person or private legal institution not owned by the state, yet owned by the community. UU KIP states that public information can be defined as information that is produced, kept, managed, sent, and / or received by a Public Entity related to the state implementator and implementation and/ or any other Public Entity implementator and implementation as regulated in this Law, along with other information related to the public's interests.

UU KIP states that public information can be defined as information that is produced, kept, managed, sent, and / or received by a Public Entity in relation to a state implementor and implementation and / or any other Public Entity implementor and implementation according to the

regulations of this Law and other information related to the public's interests.

## RESEARCH METHODS

This research is a descriptive research aimed at describing the factors that influence the implementation of UU KIP in local governments, specifically in Surakarta City as a local government that has elected a Regional Information Management Official (PPID) as opposed to West Lombok Regency that has not elected a PPID. A mixed method was used as the data gathering technique, which included library studies, surveys, focused group discussions (FGD), and in-depth interviews (Neuman, 2006). The researcher used a purposive sampling technique by selecting sources that have knowledge on and are related to UU KIP in each research location. Questionnaires were handed out to officials assigned to public relations departments in each of their Regional Working Units (SKPD) in both research locations. Next, a t-test was conducted using the Mann-Whitney test.

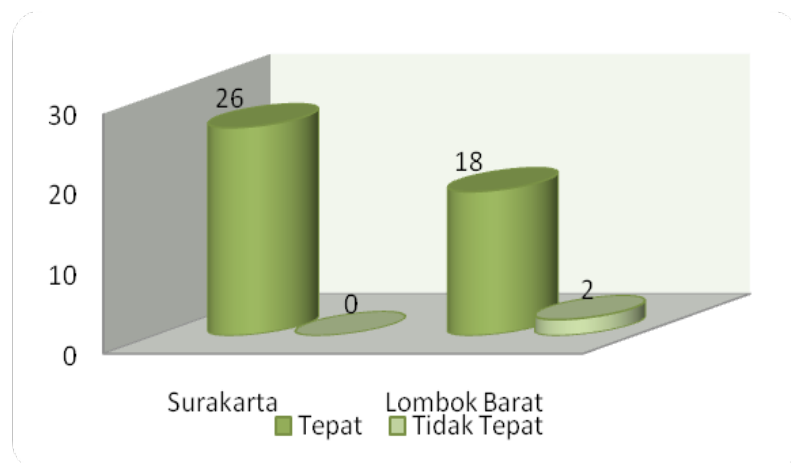
## RESULT AND DISCUSSION

Results of data management from a total of N=46, from the questionnaires handed out in Surakarta City and West Lombok Regency explained that there are some significant differences among the respondents in Surakarta City and West Lombok Regency in relation to the Respondent Knowledge and Understanding About Public Information. Although the government, through the Ministry of Communication and Information, already conducted socialization in all Indonesian provinces, not everyone knew about UU KIP. Ironically, those who did not know were government or non-government employees

### Test Statistics<sup>a</sup>

|                        | Pengetahuan tentang informasi Publik |
|------------------------|--------------------------------------|
| Mann-Whitney U         | 179.000                              |
| Wilcoxon W             | 530.000                              |
| Z                      | -2.733                               |
| Asymp. Sig. (2-tailed) | .006                                 |

a. Grouping Variable: Daerah



**Figure 4. Respondent Knowledge about Public Information (n=46)**

who worked for public entities who should have been active in supporting UU KIP in order to achieve public transparency. This condition is portrayed on Picture 2.

Not all employees of public entities in Surakarta City and West Lombok Regency knew about UU KIP. The highest amount of respondents who had no knowledge regarding this law was in West Lombok Regency, compared to Surakarta City. Out of 20 employees working in public entities in West Lombok Regency, 9 employees had no knowledge about the existence of UU KIP.

Aside from the above irony, there are still more respondents who knew about UU KIP compared to those who did not know. In Surakarta City, 22 respondents knew about UU KIP and 9 respondents knew about the law in West Lombok Regency. Those who knew about the law correctly stated that UU KIP was included in Law No. 14 Year 2008, although 7 respondents did not know this.

Results of the t-test reveal the highest significant value of 0.029 which is smaller than the alpha value at 0.05. Based on the data, it can be concluded that there is a difference between the knowledge of respondents in Surakarta City and West Lombok Regency about the Transparency of Public Information Law.

“the Surakarta government is one of the cities that is fast in responding to the existence of the KIP Law. in 2010, since the Law was applied on April 30 2010, we conducted a socialization aided by the Ministry of Communication and Information both to Regional Working Units (SKPD) and the public working outside of the Surakarta government and the community.” (Interview with PPID Desk member July 21 2011)

This differs 180 degrees with the statement given by employees at West Lombok Regency representing the Department of Communication Information and Transportation stating that “personally, this is the first time I heard about KIP”.

Ignorance about laws or regulations is considered wrong. After being included in the State Gazette or Regional News (for regional regulations), all citizens, without any exception, are considered to know about the law. (Abdul Gani Abdullah, Indonesian Legislation Journal, Volume 1 Number 2, September September 2004). Legally, this condition is defined as a physical law that means everyone is considered to know the law. A person cannot elude by saying he or she does not know the law because ignorance of a law is unforgivable (*ignorante juris non excusant*) and ignorance of a regulation is considered to be a major transgression (*ignorante legis est lata culpa*) (www.hukumonline.com, May 10 2011).

Therefore, a person is not permitted to say that he or she has no knowledge of a certain law because of his or her geographical location being far from Jakarta, such as the excuse given by the following informant.

“Well, this is Lombok. It’s different from Jakarta. You can say that officials are not as sensitive, they are not brave enough to completely accept the law. In Jakarta, they accept it because there’s a law like that, so they are more open to it.” (Interview with Fajar Bali journalist, October 20 2011).

The most basic thing is knowledge about what public information is, as explained in Picture 3

Most of the respondents in Surakarta City and West Lombok Regency know about the definition of public information. This consists of 38 respondents knowing and only 8 respondents not knowing about public information. However, as many as 4 out of the 8 respondents who did not know about public information knew about UU KIP.

The respondents who knew about public information had different understandings on the topic. Some said that public information is information that can be accessed by the community, information that is produced, kept, managed, sent, and or received by a public entity related

**Table 3 Average Time to Fulfill Public Information (n=46)**

| Region              | Average Time |          | Total     |
|---------------------|--------------|----------|-----------|
|                     | 1 - 3        | 4 -7     |           |
| Surakarta City      | 25 (96.2%)   | 1 (3.8%) | 26 (100%) |
| West Lombok Regency | 17 (85%)     | 3 (5%)   | 20 (100%) |
| <b>Total</b>        | 42 (91.3%)   | 4 (8.7%) | 46 (100%) |

**Table 4. Access Test Results in Surakarta City Year 2010**

| No | Public Entity                            | Requested Data                       | Results                                     |
|----|--|--------------------------------------|---|
| 1  | Department of Education                  | RKA, DPA, Resntra, Education Profile | Not Approved                                |
| 2  | Department of Health                     | DPA                                  | Approved, yet numbers remained confidential |
| 3  | Department of Income and Fund Management | RKA and DPA                          | Approved                                    |
| 4  | Development Planning Board (Bappeda)     | Not Mentioned                        | Approved                                    |
| 5  | Surakarta Legislative Council            | Not Mentioned                        | Approved                                    |
| 6  | Department of Public Works               | Not Mentioned                        | Approved                                    |

to the government, up until information delivered through mass media. The different answers of the respondents regarding what public information is reveal that they would like to understand the public information in a simple way, which is information that the public has a right to access.

The results of the t-test regarding knowledge about public information in Surakarta City and West Lombok Regency received a significant value of 0.006 which is smaller than the alpha value of 0.05. This reveals how there is a difference between the knowledge of respondents in Surakarta City and West Lombok Regency.

Research results also reveal that based on the opinions of the respondents about public information, most of the respondents were correct as can be seen in Picture 4 above,

Information from Public Entities was derived through questionnaires in Surakarta City and West Lombok Regency. In Surakarta City, 16 respondents (61.5%) answered that not all public information was relayed, 8 respondents answered all public information was relayed, and 2 respondents did not answer. The reason why the public entities could not relay all public information was due to confidential documents and excluded information. West Lombok Regency also revealed the same thing where out of 20 respondents, 8 answered that not all public information was relayed, 6 respondents answered

that public entities were able to relay all requests for public information, and the other 6 respondents did not answer. Their reason for not being able to relay all public information in West Lombok Regency was because the institution does not yet have the information and there is no PPID.

UU KIP Article 13 Paragraph 1 states that in order to realize fast, correct, and simple service, each public entity should appoint an Information Documentation and Management Official (PPID) (point a) and create and develop a public information service system in a fast, easy, and suitable manner using the standard technical guide for Public Information that is has been applied in the state (point b). The Information Documentation and Management Official is the official who is responsible for keeping, documenting, providing, and / or serving information for the public entity. Therefore, it is clear that the existence of an Information Documentation and Management Official is crucial in order to implement the Law. However, apparently, not all areas have have an Information Documentation and Management Official (PPID).

In Surakarta, 19 respondents (73.1%) answered that they have a PPID, four respondents (15.4%) answered that they do not have a PPID, and three other respondents (11.5%) did not answer. However, when the respondents were asked who the PPID in their area was, the majority

**Table 5. Comparison of Good Governance in the Implementation of UU KIP**

| <b>Good Governance Principle</b> | <b>Surakarta City</b> | <b>West Lombok Regency</b> |
|----------------------------------|-----------------------|----------------------------|
| Transparency                     | Good                  | Poor                       |
| Participation                    | Good                  | Poor                       |
| Accountability                   | Poor                  | Poor                       |

of respondents answered that they did not know or did not answer, and some respondents even stated that the PPID in Surakarta were Department Secretaries of Secretariat Chiefs. Based on field observations and a focus group discussion, it was revealed that the Surakarta City Government appointed a PPID for the city since 2011. The position of PPID is held by the Head of the Department of Communication and Information and deputy PPIDs are located in every SKPD. This was asserted based on an FGD as follows.

“Then, at the end of 2010 there was actually a second activity. Then, in 2011, the PPID was elected even through the PPID was already... umm how do you call it... submitted to the Mayor in 2010, yet after many considerations, finally in the beginning of 2011 the city PPID, which is the DISKOMINFO (Department of Communication and Information), and Deputy PPIDs at SKPDs were formed after the Mayor signed his approval.” (FGD at Surakarta City July 22 2011).

Meanwhile, in West Lombok Regency, there were real differences compared to Surakarta where in West Lombok Regency 15 respondents (75%) answered that they do not have a PPID in their region, four respondents (20%) said they do have a PPID in their region, and one respondent (5%) did not answer. The four respondents who answered that there is a PPID in their region explained that the PPID is from the Division of Publication and Documentation. The following is a graphic regarding the Institution that has Determined PPIDs in regions. The results were understandable because the West Lombok Regency Government have not yet appointed a PPID. The reason for this was because the regional government was waiting for the formation of a provincial PPID and KID. Some of the regional government officials, who were participants in the FGD, understood that the PPID in a region will be elected after a PPID in the province is appointed. Aside from that, the reason the local government has not appointed a PPID yet is because of budget limitations for the operational execution of that new position. Head of the Department of Communication and Information stated that the plan to appoint a PPID and the budget has been suggested to the Regency Chief, yet there has been no response.

Results of monitoring conducted by the Central Information Commission in 2010 reveal that the structure

of PPID varies. Some public entities include the structure of a main PPID or head PPID and deputy PPIDs or PPID implementors. In this scheme, there is a PPIDs that are considered an echelon 1 official (Secretary General), and there are PPIDs that are considered echelon 2 officials. Both of these officials are aided by deputy PPIDs or implementors in other working units. (Central Information Commission Annual Report 2010). Surakarta City has a PPID according to the Mayor’s Decree Number 042.05/01-B/1/2011 about Appointing an Information Documentation and Management Official for Surakarta City. This regulation appointed the Surakarta City Head of Communication and Information as the PPID for Surakarta City with 93 deputy PPIDs.

One of the principles in managing public information is providing it fast so the public entity is hoped to be able to fulfill the request of the public and provide information in a fast and timely manner, as stated in UU KIP Article 2 that each public information must be received by all of those who requested the public information in a fast and timely manner, at low cost, and in a simple way. Article 12 also states that each year, the Public Entity must announce the information service that that covers the time needed by the Public Service in fulfilling each request for information.

Article 21 of UU KIP states that the mechanism in obtaining public information is based on the principle of being fast, prompt, and affordable. Therefore, a public institution is not obligated to provide information that is free of charge. A public institution is permitted to apply a cost for public information to the community or interested parties; however, it may not burden those who request the public information. However, although UU KIP allows a price for public information, regions have apparently opted to provide public information free of charge.

Questionnaire results also reveal the same thing because most of the respondents, both in Surakarta City and West Lombok Regency, have an average time used to fulfill the people’s need for public information between 1 to 3 working days.

A way to find out whether the public entity, in this case the regional government, has implemented UU KIP well and correctly, an access test was done by submitting a request for data/ information to a number of regional government institutions. For example, in Surakarta City,

LSM Pattiro did an access test on a number of government institutions by submitting a written request for data. The test was conducted in 2010 on a number of institutions including the Department of Education, Department of Health, Department of Public Works, Department of Regional Income, and the Surakarta Legislative Council. The results can be viewed in the table below.

Research results in the two areas, both Surakarta City and West Lombok Regency, generally reveal that the implementation of applying transparency in providing public information is still quite low. The lack of policy socialization and unclear mechanism in accessing data has become the indicators of how low transparency is in these two areas. In Surakarta City, the Department of Communication and Information tried to socialize UU KIP through various media such as the radio, mass media, and local television. As for West Lombok Regency, the government admitted they have not socialized UU KIP yet. Most of the government employees do not even know that the law exists.

Even though Surakarta City already has a PPID, most of the sources from outside the government stated that the PPID official does not have a significant role in accessing the necessary data. Even the mass media encountered difficulties. Research results in these two areas indicate that the level of participation in Surakarta City was relatively higher than West Lombok Regency. The participation of the community in Surakarta City can be seen through the various seminars held by local mass media about UU KIP. Aside from seminars, participation was also done by journalists in Surakarta City by competing in a UU KIP implementation competition held by the Indonesian Journalist Association (AJI).

In viewed from accountability, the implementation of UU KIP in Surakarta City is still quite low. The existence of a PPID in Surakarta City was not considered to be significantly effective on the accountability of the government's performance, either in the form of activity reports, financial reports, or any other forms. In general, the Surakarta City government already has routine performance reports yet the quality of these reports is the same as before the law was applied. Financial reports do not consist of an explanation of the budget for each working program that was conducted despite the fact that he community needs the data.

The implementation of UU KIP in West Lombok Regency has not fulfilled the aspect of accountability as regulated by the law. For example, Article 9 Paragraph (1) states that "Every Public Entity is obliged to announce periodic public information" and Paragraph (2) point c states that public information covers includes regarding financial reports. These regulations have not been

implemented and some employees even stil consider financial reports to be confidential.

Table 5 explains that "good" or "poor" criteria were used to analyze findings in the field and process the triangulation of the interviewed sources. In Surakarta City, the principle of transparency and participation was categorized as good because the local governmnet arranged the PPID and several policies to support the spread of public information in the community. The principle of accountability was still categorized as poor because performance reports, especially financial reports, have not been publicly revealed. As for West Lombok Regency, the three parameters are still categorized as poor because the local governmnet has not made any preparations for the implementation of UU KIP.

There are some basic weaknesses that proved to become challenges in the implementation of UU KIP, which include: First, UU KIP does not firmly mention the definition of the public entity that is obliged to provide the public access to information. UU KIP over-asserts the meaning of public in the understanding of a government (including state and regional owned entities) compared to non-government institutions. Second, UU KIP does not obey the principles related to the principle of Maximum Access Limited Exemption (MALE). The MALE principle entails two things: excluding information (the access can be closed off) or technically known as exemption must be based on a careful principle through a consequential harm test and balancing public interest test and application of confidentiality status on information that has a time limit (not permanent) (Koran Tempo, October 25 2007).

Third, UU KIP requires all information seekers to provide an explanation with their request. This is considered to contradict the principle of open information itself, which is information managed by the public entity that is owned by the public and the public entity must categorize the types of open and closed information according to objective reasons and information confidentiality principle. This regulation also may arouse conflict of interest for the public entity because the information seeker's perception may different from what the state deems confidential. Fourth, UU KIP also states that a public entity has the right to refuse information requests if the public entity has not mastered and documented the requested information. Fifth, UU KIP only requires the public entity to answer letters of information requests maximum 10 days, which is able to be extended for an additional 7 days, without clearly regulating the time frame of the public entity in providing the requested information. Sixth, the mechanism of dispute settlements, as regulated in UU KIP, does not suit the fast, simple, and affordable principle because



dispute mediation is to be conducted by the Information Commission which is only available at Provincial levels.

Seventh, the sanction (both civil and criminal) in the UU KIP is not formulated in a comprehensive manner. UU KIP does leave room for the public to take legal action if the public entity does not fulfill their request for information. However, the sanction only applies when there is a request for information, not when information must be provided. There are no clear sanctions for a public entity that does not provide information, which also includes when a public entity does not appoint or determine an Information and Documentation Management Official (PPID) or does not form an Information Commission at a Provincial level, which should be formed at the latest two years after the UU KIP (year 2008) was passed. Eighth, UU KIP also has not asserted that regulations that conflict with the contents of UU KIP must be stated as invalid. UU KIP should function as an umbrella or stabilizer. This means that the law must consist of an affirmation that this is crucial in preventing conflicting laws. (Koran Tempo, October 25 2007). Ninth, a classic obstacle that was experienced in the implementation of UU KIP in regions is the lack of funding. Research results reveal lack of funding was one of the main reasons why UU KIP was not implemented. The Surakarta City local government believed that there is only a limited budget available for providing public information services for the community. The budget entails routine funding in the form of honorarium/ incentive for the head PPID and deputy PPIDs, operational funding such as meetings, UU KIP socialization for the community, information media such as brochures, pamphlets, local regional government bulletins, up until creating an integrated information system for all SKPD in order to support the performance of the PPID. Tenth, minimum infrastructure, especially in West Lombok, is another factor that hindered the implementation of UU KIP. Eleventh, social culture factors in the community also had an impact on the implementation of UU KIP in regions. Twelfth, human resources in each unit/ SKPD of the local government were unprepared. Finally, the local government's weak commitment in driving the human resources and making a breakthrough policy also obstructed the implementation of UU KIP. Research results in West Lombok Regency revealed the fact that the region did not have KID or PPID after UU KIP was legalized two years ago reflects how low the political will of the regional leader is in upholding the regulation. They made excuses by saying that for the city, and even the regency, the law states that a KID or PPID is not compulsory. Aside from that, perception that KID in West Nusa Tenggara Province has not been formed also contributes to the weak commitment of the

regional leader. This is very different from the condition in Surakarta City where the Mayor has a relatively high commitment by issuing the Surakarta Mayor's Decree No. 042.05/01-B/1/2011 which consists of the formation of PPIDs in the Surakarta City government.

## CONCLUSION

The implementation of UU KIP by the Surakarta City Government has been executed well. The local government has arranged policies and a PPID structure in order to facilitate the distribution of information to the community. Meanwhile, the West Lombok Regency Government has not implemented UU KIP yet because of several obstructions related to the readiness of infrastructure, weak human resource capacity, and minimum socialization in the regional government environment. The implementation of UU KIP in regions encountered various obstacles. This condition resulted in the implementation of the existing law to be ineffective. The existence of UU KIP is certainly in line with the desires of many stakeholders in realizing good governance. The Transparency of Public Information Law (UU KIP) is intended to guarantee transparency in the government's implementation and hoped to be raise other realizations of good governance. The Surakarta City Government is relatively more open to public access on information needed by the community.

## REFERENCES

- Assegaf, R & Josi K. 2005. *Membuka Ketertutupan Pengadilan*, Jakarta: Advocacy and Study of Justice Independence (LeIP)
- Birkland, TA. 2005. *An Introduction to the Policy Process Theories, Concept, and Models of Public Policy Making*. New York: ME Sharpe Inc,
- Dewangga, N. 2010. *Faktor-faktor yang Mempengaruhi Impelementasi Pembentukan Komisi Informasi di Garut*. Thesis, FISIP UI
- Irawan, P. 2006. *Penelitian Kualitatif & Kuantitatif Untuk Ilmu-ilmu Sosial*. Depok: Department of Administration, FISIP UI.
- Jannah, LM & Yasin, M. 2006. Akses Publik terhadap Informasi Hukum sebagai Wujud Penerapan Prinsip-Prinsip Good Governance. *Administration and Organization Journal* Volume XIV/Nomor 4/ Desember/2006.
- Central Information Commission. 2010. *Laporan Tahunan Komisi Informasi Pusat*. Jakarta: KIP RI.
- Neuman, LW. 2007. *Basics of Social Research: Qualitative and Quantitative Approaches*, Second Edition. Boston:

- Allyn and Bacon
- Partodihardjo, S. 2009. *Tanya Jawab Sekitar Undang-undang No. 14 Tahun 2008* tentang Keterbukaan Informasi Publik. Jakarta: PT. Gramedia Pustaka Utama.
- Pasolong, H. 2007. *Teori Administrasi Publik*. Bandung: Alfabeta
- Subarsono, AG. 2009. *Analisis Kebijakan Publik: Konsep, Teori, dan Aplikasi*. Yogyakarta: Pustaka Pelajar
- Tjokroamidjojo, B. 2000. *Good Governance, Paradigma Baru Manajemen Pembangunan*. Jakarta
- Yasin, M. 2007. *Akses terhadap Informasi dan Dokumentasi Hukum (Prinsip-Prinsip Transparansi dan Dokumentasi Hukum dan Peraturan Perundang-Undangan Indonesia 1998 – 2006)*. Law Postgraduate Thesis University of Indonesia.
- Yasin, M. 2011. *Keterbukaan Informasi sebagai Sarana Optimalisasi Pengawasan Kebijakan Publik*. Paper included in a seminar during the IV State Administration Conference, Makassar.