

## Termination Problems Public Information Dispute Settlement Process

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### Abstract

*Public Information Disclosure is one of the characteristics of a democratic country that upholds the constitutional rights of citizens to information on state administration. Because one of the meanings of democracy is the extent to which citizens are involved in the administration of the state. In the implementation of public information disclosure, it certainly involves 2 parties with mutual interests, namely the community as users of information and the Public Agency as the manager of information and documentation. This difference in interests in practice often leads to disputes over public information. Therefore, the legislators have prepared the means for resolving the dispute through Undang-Undang No.14 Tahun 2008 Tentang Keterbukaan Informasi Publik, and Peraturan Komisi Informasi Nomor 1 Tahun 2013 Tentang Prosedur Penyelesaian Sengketa Informasi Publik. Since the issuance of laws and regulations on public information disclosure and procedures for resolving public information disputes, the Information Commission has been flooded with public information dispute cases. So, to filter cases with good intentions or not, the Information Commission issued a Surat Keputusan Ketua Komisi Informasi Pusat Nomor 1 Tahun 2018 Tentang Prosedur Penghentian Proses Penyelesaian Sengketa Informasi Publik Yang Tidak Dilakukan Dengan Sungguh-Sungguh Dan Itikad Baik. However, with the issuance of the decree, it caused many problems related to the general principles of justice. Therefore, it is necessary to make improvements in the procedure for stopping the process of resolving public information disputes.*

Keywords: *Public Information, Public Agency, Court, Information Commission, Public Information Dispute.*

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### I. INTRODUCTION

Openness of Public Information is a human right of every citizen which must be guaranteed constitutionally by the state. Violation of information disclosure is a violation of the human rights and constitutional rights of citizens. Therefore, the Indonesian state has guaranteed this right constitutionally in Article 28F of the 1945 Constitution of the Republic of Indonesia, which reads: "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 channels available."

As an implementation of the above constitutional mandate, Republic of Indonesia Law Number 14 of 2008 concerning Openness of Public Information has been issued. Apart from guaranteeing human rights and constitutional rights, one of the aims of establishing this Law is to optimize public supervision of the administration of the state and other public bodies and everything that has an impact on the public interest. With optimal public supervision, it is hoped that the administration of public bodies to the community will be more accountable and achieve good governance.

In implementation in the field, it turns out that openness of information has given rise to several problems, including misuse of information for personal or certain group interests. This is what happened in Banyumas Regency some time ago, where certain mass organizations extorted village heads of hundreds of millions of rupiah. The method is to ask for public information to blackmail the Village Head over government administration. At that time, unscrupulous mass organizations asked the victim for a copy of the APBDes on the grounds of auditing, but the victim refused. Individuals also threatened to "destroy" the village head. Out of fear, the Village Head finally complied with the wishes of the mass organizations and handed over hundreds of millions of rupiah. So in practice, many requests for public information have unclear purposes, even for criminal purposes.

Yhanu Setiawan (2014) said, The enthusiasm for expanding access to public information is then distorted by the attitude of applicants for public information who are often unwilling to include clarity on the intent and purpose of their request or the purpose of the request cannot be legally justified. These requests appear to be submitted by the information applicant without any good faith (goeder throuw) which *mutatis mutandis* disrupts the orderly administration of information dispute resolution at the Information Commission.

With the increasing number of applicants who do not have good intentions, the Decree of the Chairman of the Central Information Commission Number 01/KEP/KIP/V/2018 concerning Procedures for Terminating the Process of Settlement of Public Information Disputes that are Not Done Seriously and in Good Faith is issued. Through this decree, the Information Commission has the authority to reject requests for information dispute resolution that are not carried out seriously and in good faith. With this rejection authority, the Information Commission will be more selective regarding every application that comes in, and hopes to achieve quality information disclosure.

However, again in practice there are still problems that disturb the community's sense of justice, especially the process of terminating disputes that is not in accordance with the principles of procedural law.

## **II. METHODOLOGY**

This Legal research is classified as normative juridical research. This research does not only refer to certain laws and regulations, but more broadly, which includes certain legal theories. The types of data collected and used in this legal research are primary data and secondary data. Primary data is obtained through interviews with sources, while secondary data is obtained through reference books, journals, magazines, laws and regulations, court decisions, and online news. The data analysis technique used is in a Descriptive-Qualitative way

## **III. RESULT AND DISCUSSION**

### **A. Resolving Public Information Disputes**

Provisions regarding resolving public information disputes are regulated in Information Commission Regulation Number 1 of 2013 concerning Procedures for Resolving Public Information Disputes. According to Article 1 point 3 of Information Commission Regulation Number 1 of 2013, what is meant by "Public Information Dispute is a dispute that occurs between a Public Body and a Public Information Applicant and/or Public Information User relating to the right to obtain and/or use Public Information based on regulations legislation." So, public information disputes arise because of the public information applicant's dissatisfaction with the services of the Information and Documentation Management Officer (PPID) in fulfilling the applicant's request. The first step for dissatisfied applicants is to take administrative action in the form of an objection to PPID superiors. If you are still dissatisfied with the PPID superior's decision, the applicant then submits a request for dispute resolution through the Information Commission.

### **B. Admininstrative Effort**

As stated above, administrative efforts in the form of filing an objection are the first step for applicants who are dissatisfied with public information services. The applicant submitted an objection to PPID's superiors. The period for submitting an objection is no later than 30 (thirty) working days after the reason for not fulfilling the applicant's rights as intended in Article 35 paragraph (1) of the KIP Law is discovered. Furthermore, the PPID superior must provide a response within 30 (thirty) working days from the time the objection request is submitted by the applicant.

### **C. Dispute Resolution Through The Information Commision**

The Information Commission has the authority to examine information disputes if an objection attempt has been made by the Applicant and the Applicant remains dissatisfied with the results of the objection attempt. The Central Information Commission has the authority to examine information disputes where the Respondent is a Central Public Body. The Provincial Information Commission has the authority to examine information disputes where the Respondent is a Provincial Public Body. Meanwhile, the Regency/City Information Commission has the authority to examine disputes where the Respondent is a Regency/City Public Body. If in an area there is no Information Commission, the authority is the upper level Information Commission.

The application submission period is no later than 14 (fourteen) working days after the applicant receives a written response to the objection from the PPID superior. If the PPID superior does not provide a response, then the application period is calculated as 14 (fourteen) working days after the expiration of 30 (thirty) working days which is the opportunity for the PPID superior to provide a response to the objection.

**Initial Inspection Stage.** Initial examination is a process carried out by the Information Commission during the first hearing regarding the administrative requirements of the application. This is as regulated in Article 36 paragraph (1) of Information Commission Regulation Number 01 of 2013 concerning Procedures for Settlement of Public Information Disputes which reads, *"On the first day of the session, the Board of Commissioners examines: a. authority of the Information Commission; b. the applicant's legal standing to submit a request for information dispute resolution; c. the Respondent's legal position as a Public Body in information disputes; d. deadline for submitting requests for information dispute resolution."*

If the application does not fulfill one of the administrative requirements as stated above, the Board of Commissioners may issue an interim decision to accept or reject the application. However, if the Panel is of the opinion that it is not necessary to hand down an interim decision, then the examination process can be continued and decided simultaneously with the final decision.

**Mediation Stage.** After going through the initial examination stage and the Application is declared to have passed administratively, the dispute resolution process continues through the mediation stage before continuing with the Adjudication examination. Mediation is a right of the parties that must be granted by the Information Commission before proceeding to the non-litigation Adjudication process. The mediation process is led by an Information Commission

mediator. If the mediation stage has been completed but is unsuccessful, the dispute resolution will continue through a non-litigation adjudication process. Specifically for disputes related to excluded information, the dispute resolution process is direct through non-litigation adjudication without mediation.<sup>1</sup>

**Non-litigation Adjudication Hearing Stage.** Non-litigation Adjudication hearings are conducted by a minimum of 3 (three) or more Commission members with an odd number in a hearing that is open to the public. Especially for disputes related to exceptions to information disclosure, trials are held behind closed doors. Likewise, the reading of the decision is carried out in a trial open to the public. Except in disputes related to exceptions to information disclosure, the decision is pronounced in a closed session to the public.

The Information Commission's decision regarding granting or denying access to all or part of the requested information contains one of the orders below:

- a. Cancel the decision of the superior of the Public Body and decide to provide some or all of the information requested by the Public Information Applicant in accordance with the decision of the Information Commission; or
- b. Confirm the decision of the Information and Documentation Management Officer's superior not to provide the requested information in whole or in part.<sup>2</sup>

**Appeal Efforts.** For parties who are not satisfied with the decision of the Information Commission Adjudication, they can take legal action in the form of an objection to the court as regulated in Law Number 14 of 2008 concerning Openness of Public Information and Regulation of the Supreme Court of the Republic of Indonesia Number 2 of 2011 concerning Procedures for Resolving Public Information Disputes in Court.

#### **D. Dispute Resolution Through Court Lawsuits**

Regarding the Information Commission's decision above, parties who are dissatisfied can file a lawsuit with the State Administrative Court (PTUN) or District Court (PN). The PTUN only has the authority to examine and adjudicate disputes if the Respondent is a State Public Body. Meanwhile, the District Court

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<sup>1</sup> Tahun 2014 Yhanu Setiawan adalah salah satu Komisioner Komisi Informasi Pusat, Berita tanggal 12 Februari 2014, melalui <https://komisiinformasi.bantenprov.go.id/read/arsip-artikel/42/Pasal-4-Perki-12013-Tidak-Membatasi-Hak-Akses-Informasi-Publik.html#.Ys9gNnZBzIU> tanggal akses 14 Juli 2022 jam 7.24 WIB.

<sup>2</sup> Tahun 2014 Yhanu Setiawan adalah salah satu Komisioner Komisi Informasi Pusat, Berita tanggal 12 Februari 2014, melalui <https://komisiinformasi.bantenprov.go.id/read/arsip-artikel/42/Pasal-4-Perki-12013-Tidak-Membatasi-Hak-Akses-Informasi-Publik.html#.Ys9gNnZBzIU> tanggal akses 14 Juli 2022 jam 7.24 WIB.

only has the authority to examine and adjudicate disputes if the Respondent is a Public Body.<sup>3</sup>

What is meant by Public Bodies are executive, legislative, judicial and other bodies whose main functions and duties are related to state administration, some or all of whose funds come from the State Revenue and Expenditure Budget and/or Regional Revenue and Expenditure Budget, or non-governmental organizations as long as some or all of the funds come from the State Revenue and Expenditure Budget and/or Regional Revenue and Expenditure Budget, community donations, and/or abroad.<sup>4</sup>

Meanwhile, what is meant by State Public Agencies are executive, legislative, judicial and other bodies whose main functions and duties are related to state administration, some or all of whose funds come from the State Revenue and Expenditure Budget and/or Regional Revenue and Expenditure Budget.<sup>5</sup>

A claim to court can only be submitted by the plaintiff/applicant no later than 14 (fourteen) working days from the date of receipt of the Information Commission's decision. If the specified time period exceeds, the non-litigation adjudication decision from the Information Commission has permanent legal force.

Court decisions can confirm or cancel Information Commission decisions. In the case of confirming or canceling the Information Commission's decision, the court's decision may be accompanied by an order to the Public Body to provide some or all of the information requested by the Public Information Applicant, or to refuse to provide some or all of the information requested by the Public Information Applicant.

Parties who are dissatisfied with the court's decision can submit an appeal to the Supreme Court of the Republic of Indonesia within 14 (fourteen) working days of receiving the court's decision.

## **E. Termination of The Public Information Dispute Resolution Process**

<sup>3</sup> Tahun 2014 Yhanu Setiawan adalah salah satu Komisioner Komisi Informasi Pusat, Berita tanggal 12 Februari 2014, melalui <https://komisiinformasi.bantenprov.go.id/read/arsip-artikel/42/Pasal-4-Perki-12013-Tidak-Membatasi-Hak-Akses-Informasi-Publik.html#.Ys9gNnZBzIU> tanggal akses 14 Juli 2022 jam 7.24 WIB.

<sup>4</sup> Tahun 2014 Yhanu Setiawan adalah salah satu Komisioner Komisi Informasi Pusat, Berita tanggal 12 Februari 2014, melalui <https://komisiinformasi.bantenprov.go.id/read/arsip-artikel/42/Pasal-4-Perki-12013-Tidak-Membatasi-Hak-Akses-Informasi-Publik.html#.Ys9gNnZBzIU> tanggal akses 14 Juli 2022 jam 7.24 WIB.

<sup>5</sup> Tahun 2014 Yhanu Setiawan adalah salah satu Komisioner Komisi Informasi Pusat, Berita tanggal 12 Februari 2014, melalui <https://komisiinformasi.bantenprov.go.id/read/arsip-artikel/42/Pasal-4-Perki-12013-Tidak-Membatasi-Hak-Akses-Informasi-Publik.html#.Ys9gNnZBzIU> tanggal akses 14 Juli 2022 jam 7.24 WIB.

## 1. Formal Application Requirements

In principle, the Information Commission may not reject any request for dispute resolution submitted to it. However, since the issuance of the Decree of the Chairman of the Central Information Commission Number 01/KEP/KIP/V/2018 concerning Procedures for Terminating the Process of Settlement of Public Information Disputes That Are Not Carried Out Seriously and in Good Faith, the Information Commission has the authority to stop the process of resolving Public Information Disputes. So according to the decree, sincerity and good faith are formal requirements that must be fulfilled by the applicant in submitting an application for resolving a public information dispute.

According to the Second Dictum of the Decree of the Chairman of KIP Number 01/KEP/KIP/V/2018, termination of dispute resolution can be carried out on applications with the following conditions:

- a. Requests made in large quantities at once or repeatedly but have no relevance to the purpose of the request.
- b. Requests made with the aim of disrupting the dispute resolution process.
- c. Harassing dispute resolution officers with treatment outside dispute resolution procedures.<sup>6</sup>

Requests made in large numbers include: First, the same Public Information Request is submitted simultaneously to more than 3 (three) Public Bodies, or Second, the Public Information Request submitted by the Applicant causes a massive diversion of human resources and/or a large budget to prepare the requested information.<sup>7</sup>

Repeated requests but which do not have a clear objective or are not relevant to the request, include: First, submitting requests for the same and/or different public information more than once to the same public body within a close period of time. Second, Submitting requests for public information more than once to different Public Bodies but there are no changes to the substance of what has been requested;

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<sup>6</sup> Tahun 2014 Yhanu Setiawan adalah salah satu Komisioner Komisi Informasi Pusat, Berita tanggal 12 Februari 2014, melalui <https://komisiinformasi.bantenprov.go.id/read/arsip-artikel/42/Pasal-4-Perki-12013-Tidak-Membatasi-Hak-Akses-Informasi-Publik.html#.Ys9gNnZBzIU> tanggal akses 14 Juli 2022 jam 7.24 WIB.

<sup>7</sup> Tahun 2014 Yhanu Setiawan adalah salah satu Komisioner Komisi Informasi Pusat, Berita tanggal 12 Februari 2014, melalui <https://komisiinformasi.bantenprov.go.id/read/arsip-artikel/42/Pasal-4-Perki-12013-Tidak-Membatasi-Hak-Akses-Informasi-Publik.html#.Ys9gNnZBzIU> tanggal akses 14 Juli 2022 jam 7.24 WIB.

and/or Third, the requested Public Information Request does not have direct losses due to the non-obtaining of the information.<sup>8</sup>

Applications aimed at disrupting the dispute resolution process include: First, the applicant does not follow public information dispute resolution procedures; Second, the Petitioner submitted a request for resolving public information disputes in large numbers, thereby disrupting the resolution of other public information disputes; Third, the Petitioner submits a request for resolution of the public information dispute to the Respondent where the dispute is being disputed and there is no change in the substance, reasons and/or objectives of the public information request; Fourth, the information obtained is not used for the purposes of a public information request and/or the provisions of laws and regulations.<sup>9</sup>

Applicants who are categorized as harassing dispute resolution officers include verbal and non-verbal harassment.

## 2. Procedure for Examining Formal Application Requirement

To test whether a request meets the formal requirements of sincerity and good faith or not, as described above, the Decree of the Chairman of KIP Number 01/KEP/KIP/V/2018 has regulated this in the Fourth Dictum. According to these provisions, the Information Commission has the authority to examine the seriousness and good faith of the applicant's application through 2 (two) types of examination procedures, namely:

- a. Special Inspection;
- b. Examination through a non-litigation Adjudication hearing.<sup>10</sup>

Special Investigation Procedures are carried out through the Information Commission plenary meeting. Please note, not all types of applications can be tested through Special Examination. What can be tested through a Special Examination are only applications from applicants with large amounts at once and repeated applications without a clear purpose or that are not relevant to the purpose

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<sup>8</sup> Tahun 2014 Yhanu Setiawan adalah salah satu Komisioner Komisi Informasi Pusat, Berita tanggal 12 Februari 2014, melalui <https://komisiinformasi.bantenprov.go.id/read/arsip-artikel/42/Pasal-4-Perki-12013-Tidak-Membatasi-Hak-Akses-Informasi-Publik.html#.Ys9gNnZBzIU> tanggal akses 14 Juli 2022 jam 7.24 WIB.

<sup>9</sup> Tahun 2014 Yhanu Setiawan adalah salah satu Komisioner Komisi Informasi Pusat, Berita tanggal 12 Februari 2014, melalui <https://komisiinformasi.bantenprov.go.id/read/arsip-artikel/42/Pasal-4-Perki-12013-Tidak-Membatasi-Hak-Akses-Informasi-Publik.html#.Ys9gNnZBzIU> tanggal akses 14 Juli 2022 jam 7.24 WIB.

<sup>10</sup> Tahun 2014 Yhanu Setiawan adalah salah satu Komisioner Komisi Informasi Pusat, Berita tanggal 12 Februari 2014, melalui <https://komisiinformasi.bantenprov.go.id/read/arsip-artikel/42/Pasal-4-Perki-12013-Tidak-Membatasi-Hak-Akses-Informasi-Publik.html#.Ys9gNnZBzIU> tanggal akses 14 Juli 2022 jam 7.24 WIB.



of the application. Meanwhile, non-litigation adjudication examinations can only be carried out on applications whose aim is to interfere with dispute resolution and harass dispute resolution officers.

In fact, to test whether the Petitioner is serious and has good intentions or not, the means are provided, namely during the Preliminary Examination by the Board of Commissioners at the first hearing before mediation. This initial examination stage concerns the legal standing of the applicant in the application. If the results of the Preliminary Examination conclude that the applicant is not a serious applicant and has good intentions, then the Board of Commissioners can issue an interim decision with the decision that the application cannot be accepted due to considerations of legal standing. Therefore, there is no longer a need for the KIP Chairman's Decree Number 01/KEP/KIP/V/2018 concerning Procedures for Terminating the Settlement of Public Information Disputes that are Not Done Seriously and in Good Faith. Even if it is deemed necessary, the KIP Chairman's Decree is sufficient as a guideline for the Board of Commissioners to determine Legal Standing in the application.

### 3. Examination Results and Applicant Blacklist

After the Information Commission carries out an examination, the Information Commission then issues a decision. If during the Special Examination the fact is found that the applicant is not serious and does not have good intentions in his application, then a legal product is issued in the form of a Decree from the Chairman of the Information Commission. The content of the decision states:

- a. Applicants are qualified as applicants who do not submit their application seriously and in good faith.
- b. Order the Registrar to record the Applicant's name on the black list.

If during the non-litigation Adjudication Examination the fact is found that the applicant is not serious and does not have good intentions in his application, then a legal product is issued in the form of an Information Commission Decision. The content of the decision states:

- a. The Applicant's Application Cannot Be Accepted;
- b. Applicants are qualified as applicants who do not submit their application seriously and in good faith.
- c. Order the Registrar to record the Applicant's name on the black list.

The interesting thing about the two legal products resulting from the examination, both the Special Examination and the Non-litigation Adjudication Examination, is that the Petitioner's name was recorded on the black list. The applicant cannot submit an information dispute request for 1 (one) year. In the author's opinion, this

violates the Applicant's rights when they truly have an interest and submit the application seriously and in good faith. The blacklist provisions violate the General Principles of Justice, namely that every person has the right to file a case as long as they have an interest (no interest, no action).<sup>11</sup>

#### **4. Legal Effort**

Like decisions in general, the Information Commission's decision, whether the results of the Special Examination or the results of the Non-litigation Adjudication Examination, can be objected to or appealed. In accordance with the provisions of the Ninth Dictum of the KIP Chairman's Decree No.01/KEP/KIP/V/2018, Applicants who are not satisfied with the decision resulting from the Special Examination can submit an objection in accordance with statutory regulations. Unfortunately, this provision does not explain which statutory regulations are aimed at. So the objection mechanism becomes unclear.

In contrast to Special Examination decisions, the rules for objections to Non-litigation Adjudication decisions are clearly stated. Applicants who are not satisfied can submit objections as intended in Information Commission Regulation Number 1 of 2013 concerning Procedures for Settlement of Public Information Disputes Juncto Perma Number 2 of 2011 concerning Procedures for Settlement of Information Disputes. According to these 2 regulations, for State Public Agency Respondents, objections are submitted to the PTUN, while for Public Agency Respondents that are not State Public Bodies, objections are submitted to the District Court.

The time period for submitting objections to the PTUN and PN is the same, namely 14 (fourteen) working days from the time the objecting party receives the Information Commission's decision. If this time passes, the objection request cannot be accepted, and the Information Commission's decision has permanent legal force.

For parties who object to PTUN or PN decisions, legal means of objection are provided. Any objections to PTUN or PN decisions are submitted directly to the Supreme Court of the Republic of Indonesia without going through the High Court.

#### **5. Ideal Model for Terminating The Public Information Dispute Resolution Process**

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<sup>11</sup> Tahun 2014 Yhanu Setiawan adalah salah satu Komisioner Komisi Informasi Pusat, Berita tanggal 12 Februari 2014, melalui <https://komisiinformasi.bantenprov.go.id/read/arsip-artikel/42/Pasal-4-Perki-12013-Tidak-Membatasi-Hak-Akses-Informasi-Publik.html#.Ys9gNnZBzIU> tanggal akses 14 Juli 2022 jam 7.24 WIB.

A good dispute resolution system does not just produce output from the system, but must prioritize achieving outcomes or achievements. In public information disputes, the final result of the system is not a decision from either the Information Commission or the State Administrative Court, but more important than that is the achievement of the initial goal of resolving the information dispute itself, namely that the information applicant's need to obtain the required information is actually fulfilled.<sup>12</sup>

Likewise, in terminating the dispute resolution process, the final result to be achieved is a high-quality and no-nonsense application. However, this legal policy should not disturb the public's sense of justice and must still adhere to the general principles of justice, because after all the Information Commission Adjudication process is quasi-judicial.

To create an ideal model for terminating the dispute resolution process, there are several things that must be considered:

**First**, the principle of fast justice and low costs. In the author's opinion, the author believes that the existence of procedural laws for terminating the information dispute resolution process, which consists of Special Examinations and Non-litigation Adjudication Examinations, only increases the length of the case resolution process. If the aim is only to check the seriousness and good faith of the applicant, then Information Commission Regulation Number 1 of 2013 has provided a means of examination, namely during the Initial Examination event. The trial process at this stage is an examination of the formal requirements of the application before entering into the main case. What is checked during the Initial Examination are: 1). Regarding the Authority of the Information Commission; 2). Applicant's Legal Standing; 3). Legal Standing of the Respondent; and 4). Application Period. It is at this stage that the Information Commission can examine the legal standing of the Applicant, whether it has an interest in public information or not. The applicant's sincerity and good faith can be assessed to determine whether there is Legal Standing or not. So the existence of the Decree of the Chairman of the Central Information Commission Number 01/KEP/KIP/V/2018 is no longer needed. Even if it is still needed, its existence is sufficient as a guideline for the Commission Council in determining the criteria for the applicant's sincerity

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<sup>12</sup> Tahun 2014 Yhanu Setiawan adalah salah satu Komisioner Komisi Informasi Pusat, Berita tanggal 12 Februari 2014, melalui <https://komisiinformasi.bantenprov.go.id/read/arsip-artikel/42/Pasal-4-Perki-12013-Tidak-Membatasi-Hak-Akses-Informasi-Publik.html#.Ys9gNnZBzIU> tanggal akses 14 Juli 2022 jam 7.24 WIB.

and good faith to be used as material in considering whether the applicant has legal standing or not. So the decree does not need to regulate procedural law any more. **Second**, the principle of objectivity (no bias). The legal policy of recording applicants on the black list for 1 (one) year was born from the consideration that the Information Commission does not want to be bothered by the large number of applications that are not serious and in good faith. In the author's opinion, this legal policy is subjective, solely to protect the interests of the Information Commission, but does not protect the interests of the public who sincerely and in good faith wish to submit requests for information during the black list period. To overcome the level of hassle of the Information Commission, the Preliminary Examination hearing is a legal tool that has been provided by the Central Information Commission Regulations to carry out selection of the applicant's Legal Standing. If the results of the examination reveal that the applicant is not serious and in good faith, the Board of Commissioners is provided with legal means in an interim decision to declare the application inadmissible. Furthermore, there is no need to examine the subject matter anymore.

## V. CONCLUSION

Based on the description above, the following can be concluded:

1. Termination of the process of resolving requests for public information disputes has been regulated in the Decree of the Chairman of the Central Information Commission No.01/KEP/KIP/V/2018. There are several requests that are categorized as requests that are not serious and in good faith:
  - a. Requests made in large quantities at once or repeatedly but have no relevance to the purpose of the request.
  - b. Requests made with the aim of disrupting the dispute resolution process.
  - c. Harassing dispute resolution officers with treatment outside dispute resolution procedures.

There are 2 types of inspection procedures, namely:

- a. Special Examination through the Information Commission Plenary.
  - b. Non-litigation Adjudication Examination through the Board of Commissioners.
2. The ideal model for stopping the process of resolving information disputes is through a Preliminary Examination event at the Adjudication session of the Board of Commissioners. Initial testing regarding sincerity and good faith can determine whether or not the applicant has Legal Standing. If at this stage it is concluded that

the applicant does not have legal standing, then the trial does not need to proceed to the main case examination stage, but can simply be decided in an interim decision. This model of discontinuing cases, apart from remaining selective, is also more efficient and respects applicants who truly have good intentions, so that the legal policy of blacklisting is no longer needed.

### **Suggestions**

Based on the 1st and 2nd conclusions, the author provides advice to the Chairman of the Central Information Commission to revoke the Decree of the Chairman of the Central Information Commission Number 01/KEP/KIP/V/2018 which regulates the termination of the public information dispute resolution process and contains the procedural law. To terminate the dispute resolution process, it is sufficient to optimize the legal means of Preliminary Examination which tests the Applicant's Legal Standing.

## **REFERENCE**

### **Books**

- Ashiddiqie, Jimly, *Hukum Tata negara dan Pilar-Pilar Demokrasi*; Serpihan Pemikiran Hukum, Media dan HAM , Jakarta : Konstitusi Press, 2005.
- Astomo, Putera, *Ilmu Perundang-undangan: Teori dan Praktik di Indonesia*, Edisi 1 Cetakan 2, Depok, Rajawali Pers, 2019.
- Bhakti, Teguh Satya, dkk, *Bunga Rampai Peradilan Administrasi Kontemporer, Cetakan 1 Yogyakarta.*, Genta Press, 2014.
- Isra, Saldi, *Lembaga Negara:Konsep, Sejarah, Wewenang, dan Dinamika Konstitusional*, Cetakan ke-1, Depok, PT. Raja Grafindo Persada, 2020.
- Palguna, *Welfare State vs Globalisasi; Gagasan Negara Kesejahteraan di Indonesia*, Edisi 1 Cetakan 1, Depok, Rajawali Press, 2019.
- Panjaitan, Marojahan JS, *Politik, Hak Asasi Manusia, dan Demokrasi: Dalam Bingkai Negara Kesejahteraan dan Kebahagiaan Menurut UUD 1945*, Cetakan I, Bandung, Pustaka Reka Cipta, 2018.
- Permana, Tri Cahya Indra, *Catatan Kritis Terhadap Perluasan Kewenangan Mengadili Peradilan Tata Usaha Negara*, Cetakan Pertama, Yogyakarta, Genta Press, 2016
- , Tri Cahya Indra, *Refleksi Perkembangan Hukum Administrasi Indonesia*, Cetakan Pertama, Bandar Lampung, Pusaka Media, 2017.

- Setiawan, Yudhi, *Hukum Administrasi Pemerintahan; Teori dan Praktek, Edisi 1 Cetakan 1*, Depok PT. Raja Grafindo Persada, 2017.
- Sudarsono, dkk, *Petunjuk Praktis Beracara di Peradilan Tata Usaha Negara; Konvensional dan Elektronik*, Edisi Pertama cetakan 1, Jakarta, 2019.
- Yani, Ahmad, *Tata Hukum dan Sistem Hukum di Indonesia*, Cetakan I, Tangerang Selatan, UM Jakarta Press, 2020.

### **Journal**

- Febrianingsih, Nunuk, Keterbukaan Informasi Publik Dalam Pemerintahan Terbuka Menuju Tata Pemerintahan Yang Baik, *Jurnal Rechtvinding*, Volume 1 Nomor 1, tahun 2012.
- Kristiyanto, Eko Noer, Urgensi Keterbukaan Informasi Dalam Penyelenggaraan Pelayanan Publik, *Jurnal De Jure*, Akreditasi LIPI No.740/AU/P2MI-LIPI/04/2016, tahun 2016.
- Retnowati, Endang, Keterbukaan Informasi Publik dan Good Governance (Antara Das Sein dan Das Sollen), *Jurnal Perspektif Universitas Wijayakusuma Surabaya*, Volume XVII No.1, tahun 2012.
- Setiawan, Agus, dkk. Implementasi Kebijakan Keterbukaan Informasi Publik, *Jurnal Kajian Komunikasi* Volume 1 No. 2, Desember 2013.