The spirit of democracy in the implementation of public information policy at the provincial government of West Java

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Abstract. This article analyses the implementation of Law Number 14/2008 on Public Information Disclosure on the Provincial Government of West Java. This descriptive-qualitative study presents a discussion of the spirit of democracy in the implementation of the above-mentioned policy in West Java Province. With the theory of policy implementation and democratization, data obtains that the element of democratic spirit in the implementation of public information policy in the government of West Java is quite thick. Therefore, there must be a massification of the implementation of the law in West Java, especially its socialization to districts/cities and society in general. It was found that the democratization of the West Java Provincial Government in implementing the Act has been well received in the community. However, the lack of publicity about this Law can reduce the strength of moral messages that exist in the law to the public.

1. Introduction
Indonesia has shown the world a political change from authoritarian politics to democratic politics. Along with these political changes, looking at the developments in Peru, according to Linz and Stepan, there have been at least five trends: first, the conducive conditions to allow the development of a free and active civil society. Second, the political societies are relatively more autonomy. Third, all major political figures throughout the country especially the government and the state apparatus tend to be more obedient to the law which protects the individual's and the society's freedom. Fourth, a neutral state bureaucracy which can be utilized by the government. Fifth, the strengthening of the institutionalization of the economic society (economic institutionalization) (Stefan, 1979).

In terms of reference, the most obvious for a democratic society is the legal change. Democratization has resulted in the desire of the people to live in an open society, where everything that is public can be known and evaluated publicly as well. It is not surprising that Indonesia, as a democratic country, also publishes the Law on Public Information Disclosure (KIP) as the umbrella for the public freedom to obtain public information.

UU KIP has obliged governments and other public bodies to open access to information for the society by actively developing a system of information and documentation to be accessible by public widely, quickly and easily. The government is required to provide the information requested by the public. The rightful domain of accessible information, as guaranteed by the KIP Law, is the right to
transparency management of public fund resource, the right to information administered by public bodies, and the right to information to know the performance of officials in executing government functions.

For the implementation of the KIP Law to work properly, every bureaucracy line, both central and especially in the regions, must have a Regional Information Management Officer (here in after referred as PPID) and establish a Regional Information Commission (KID). For the Provincial Government, the Information Commission established in the Provincial Information Commission (KID), while in the district/city government is called the District / Municipal Information Commission (KID).

As a matter of fact, problems emerged in the implementation of the regulation of public information disclosure (UU KIP) in West Java due to various conflicts of interest in the field. Related to this, the author is interested to discuss how the real process of implementation of UU KIP by West Java Provincial Government, and to determine the factors both support and inhibit the successful implementation of UU KIP in West Java. By knowing the implementation process of UU KIP and the factors that influence the success of UU KIP it is expected that real illustration to help understand the condition and problems related to the implementation of public information disclosure in West Java can be provided.

2. Theoretical Framework
Failure or ineffectiveness in the implementation of public policy may occur due to the many political interests that play, influence each other, and relate to one another. Related to the element of political interest in policy implementation, Bardach (1977) made an analysis of the game model. He revealed that implementation is a game of “bargaining,” persuasion, and maneuvering under conditions of uncertainty. The game model as stated by Bardach shows that political elements in the implementation of policy are something that goes beyond the official institution. Therefore, implementation is another form of politics that takes place in the domain of power, where it never stops in the policy process, and always exists even when the bill is already established into law.

However, policy implementation has several inhibiting factors, which are: 1) unclear policy content. First, policy implementation fails because the policy content is still unclear, the objectives are not adequately detailed, the tools and the implementation of priorities, or the policy programs are too general or nonexistent. Second, because of the lack of internal and external provisions of the policies to be implemented. Third, the policy to be implemented may also indicate significant shortcomings. Fourth, the shortcomings are related to inadequate auxiliary resources, such as those involving time, cost/funds and manpower; 2) the absence of information. Implementation of public policy assumes that the direct role holders have necessary information that is closely related to be able to play their role well. In fact, this information does not exist, for example, due to communication disruption, 3) Lack of support. Implementation of public policy will be very difficult if the implementation is not adequately supported by the implementation of the policy, and 4) potential Distribution. The fail implementation of public policy is also determined by potential distribution aspects among actors involved in implementation. In this case, it relates to duties and authority differentiation among the executors. The organizational structure of implementation may cause problems if the division of powers and responsibilities is less tailored to the division of tasks or marked by the limitation of the less obvious limitations (Hoogerwerf in DeLeon and DeLeon, 2002).

As for the obstacles in the implementation of the policy, a solution to overcome needs to meet soon. A policy will be effective if during the making and the implementation is supported by adequate facilities. The elements that must be met for a policy can be implemented properly are: 1) the rule of law or policy itself, in which there may be discrepancies between policies and unwritten laws or customs in society; 2) the mentality of officers who apply the law or policy. Legal officers (formally) that include judges, prosecutors, police, etc. should perform integrity at implementing legislation or policy. Otherwise, there will be disturbances or obstacles in implementing the policy/the rule of law, 3) expected facilities to support the implementation of the law. If legislation was to be implemented properly, it must also be supported by adequate facilities to prevent disturbances or obstacles in its implementation, and
4) Society as objects. Society is expected to have low awareness, legal compliance, and obedient behavior as expected by legislation (Sunggono, 1994).

In addition, culture can also cause the failure of policy implementation. Charles Handy (in Parsons, 2008) argues that there are four main types of culture that can influence the success of an implementation which is: power, roles, duties, and people. The explanations of these four major cultures are as follows: 1) cultural power is a network in which decisions are resulted by power; the cultural role is the rationality implemented in bureaucratic function; 3) cultural task deals with how the tasks are completed. This culture is efficient and adaptive if it adapts to the demands of consumers (stakeholders); 4) the culture of people is a series of cultures in which individual dominates structure and organization.

Seen in this light, a suitable political culture for it is democratic culture. Spirit of democracy can give ‘fresh air’ for all forms of openness, including the Law of Public Information Disclosure. On the contrary, the law will not necessarily be successful by only using political mobilization. Political mobilization can indeed be effective in the socialization process but does not educate and develop democratization itself. Therefore, this political practice is pseudo-democratization as it only concerns in polling, political framing in press media, and other actions in the way of marketing (Bookchin, 1982).

Democratization processes through several stages or appears from decaying authoritarian regime, traverses from the transition to consolidation period, and finally to maturation (van Klinken, 2000). The democratic transition process is always characterized by "declining components of economic performance (depression, unemployment, food shortage, and hunger)" (Almond & Mundt, 1973). The transition that O'Donnell and Schmitter (1993) argue a "time interval between one political regime and another political regime," is always preceded by an economic crisis that makes the old political regime lose its legitimacy. According to Huntington (2001), the ability of a large number of authoritarian governments to gain legitimacy from economic growth is eroded by the economic policies pursued by authoritarian governments. It is further said that high economic development and short-term economic crisis or economic failure are the most favorable economic formulas for the transition from an authoritarian system to a democratic system.

The democratic transition not only aroused by disappointment on the failure of the government in overcoming rises but also leads to political uncertainty as argued by transitologists Phillippe C. Schmitter (2002). The uncertainty is what drives most people back to the old political lines, where voters prefer to translate issues based on primordial sentiments understood by them (Imawan, 1992). In Russell J. Dalton's study entitled Citizens Attitude and Political Behavior (2000), it is explained that: "in countries where democratic transition occurs, the voters tend to be traditional, articulate their aspirations on the basis of one's charismatic qualification and ideological ties, and are rarely based on party’s programs "(in Eksan, 2004).

The political change from the New Order regime to the reform era in Indonesia also passes through a transitional period, which then emerged the idea of acceleration on democratic elections. After serving as the Indonesian president, BJ Habibie attempted liberalization and political openness, as at the beginning of the New Order era in 1969, Soeharto also did the same by giving enough freedom to Indonesian citizens to communicate more freely via press media, and the formation of social and political organizations (Mulder, 2001). In particular, liberalization is also done by opening public space as much as possible such as freedom of the press, allowing everyone to establish political parties and workers' organizations outside of the existing organizations, - Indonesian Workers Union (SPSI).

The strength of public pressure and the existence of the unstable regime encourage transitional movements to liberalize and not to initiate the way for re-democratization (Alielha 1999), as described by O'Donnell and Philip Schmitter in the Transition from Authoritarian Rule. Juan J. Linz and Alfred Stefan (2001) see that power holder is tempted to believe that after an initial crisis and the chance of political openness (liberalization), they have an opportunity to hold power and set conditions for a false transition process. From this spirit, then, some new laws come, such as Law No. 2 The year 1999. Law no. 3 The year 1999 and Law no. 4 The year 1999 that enables a free, fair and just general elections to be held. Later, there are also KIP Law Year 2008 which encourages the disclosure of information to the public.
In the KIP Law what is meant by information is information, statements, ideas, and signs that contain a value, meaning, and message, both fact and data or explanation that can be seen, heard and read presented in various packages and formats according to the development of information and communication technology electronically or non-electronically.

While public information is information that is generated, stored, managed, transmitted, and / or received by a public body relating to the organizers and the administration of the state and / or organizer and the administration of other public bodies in accordance with this law as well as other relevant information related to the public interest (Article 1 paragraph 1 and 2 of the KIP Law).

KIP Law can be seen to be an effort in recognizing people's right to information and how such right should be met and protected by the state. While for the government and other public bodies, KIP Law is a legal guidance to provide and protect the right to the information society. Such legal guidelines are used to avoid any violations of public rights to information and are a guarantee so that the openness will not harm the everyone's and the state's interest that is protected by law. With KIP Law, it is hoped that it can change the close-minded culture into an open culture which is expected to be able to eliminate any possible "lapses."

The existence of Law Number 14 the year 2008 on Public Information Disclosure (KIP Law) is fundamental as a legal basis on (1) everyone's right to obtain information; (2) public body's obligation to provide and serve information requests promptly, on time, and proportionally; (3) exceptions are strict and limited; (4) public body's obligation to fix the documentation system of the information service.

3. Method
In obtaining the data and information both primary or secondary accurate data, this research uses data collection techniques through observation, interviews, and documentation about the object which includes the theme, policy, and the provision of information services to the public in the Government of West Java Province.

Collecting data through direct observation or 'participant observer' is also done in this research both before and when data is reduced. Research takes a role in certain situations and participates in the planned events. Activities are observed directly by researchers including the implementation of rules and the implementation of information services to the public that comprised of components such as human resources apparatus implementers, facilities and infrastructure, program planning and activities, bureaucratic structure, the function of coordination between agencies and information services to the public.

The interview approach used in this study utilities three types of qualitative interview approaches, in line with Patton's (2002) formulation: "informal conversation interview, general interview approach and standardized open interview" with all informants.

Meanwhile, the informants are consisted of the implementers category, namely structural officials (PPID, public relations staff, diskominfo staff, KID commissioners), target group categories, such as related institutions and community interest groups, and society who has interest in obtaining information services from PPID of the Government of West Java Province and who asks a lawsuit of public information to KID of West Java. The process of collecting primary data is obtained from informants and data sources that are easily obtained or still served. There are several strategies that can be done to determine the informant among them based on the objectives, which are: extreme or distorted case sampling, similar sampling, snowball sampling, sampling based on criteria (purposive sampling), case-strengthening and non-reinforcing case sampling, and authoritative sampling.

4. Results and Discussions
Based on the results of the analysis process described above, there are factors that influence the ineffective on public information disclosure policy in the Provincial Government of West Java. First, the closed-minded mentality and culture in public body, the lack of clarity of the structure and authority of the implementing organs, multi interpretation of public information and supporting policies, the
interpretation of freedom and belief of society, limited support and budget resources, and the last inappropriateness on service pattern.

The culture of work and human resources' mentality in the implementation of information services to the public are still considered to be weak. Although it has been conducted several times socialization and technical guidance related to the implementation of KIP Law, the apparatus of a public body are not able to implement it well. The weakness on mentality can be seen as below: 1) public institutions’ slow response in the West Java Provincial Government, namely OPD-OPD, in updating the information that must be announced on the website jabarpov.go.id, and 2) the slowness or reluctance to respond to public demand for public information (especially sensitive information) is caused by the closed-minded culture that worries about information accessed by the public may disclose state’s confidential information that is not accessible to the public.

PPID as a Regional Device Organization within the Provincial Government of West Java which is responsible for serving the requested information asked by people, has an authority as same as the OPD and there is no explanation on who the supervisor of PPID is, the main PPID and the implementing PPID that are responsible for handling all provincial-scale information services. The uncertainty of the structure and authority makes it difficult for the Provincial Government of West Java to communicate and coordinate so that the flow of information to the public is not well controlled.

Moreover, there is not an appropriate reward for the implementer of public information services according to performance calculation because the public service information affairs provided by PPID is still an auxiliary function and not the main function which is included in main tasks and functions, though the affairs of this public information service requires time, energy and mind, and special attention and concentration.

There is still a debate among the government, community and the regional commission on information (KID) of West Java Province regarding publicly accessible information and its exemption. This is due to the absence of supporting policies, especially on the mechanism of implementation of information test, consequence harm test and public interest test, which should be done to make the classification of the information. The lack of classification and information lists invites multi interpretation and the difficulty of reaching agreement on access to public information.

Democracy and freedom principle is often misunderstood by people who are unwilling to comply with the existing provisions in the rules of access rights to public information services. Rules and mechanisms in obtaining public information are often regarded as an obstacle to people's right and taint the spirit of public information disclosure.

Another challenge facing the government in the implementation of public information disclosure policy is the public perception of the seriousness of the Provincial Government of West Java in realizing a government that holds the principle of transparency and accountability. Until now, the implementation of public information disclosure policy in West Java Province has not been able to change people's bad perception on government performance and government's transparency intention. Poor public perception of government or poor public perception (Liu, 2010) is one of eight challenges and opportunities facing the government. Lack of public trust precludes the successful implementation of a public information disclosure policy and communication between the government and the community, which the public always suspects of government action including suspecting the information submitted by the government. To eliminate such perceptions, the government must prove its commitment to the implementation of public information policy by opening the widest access of the public to information controlled by the government following the prevailing laws and regulations.

The budget in each OPD is less supportive because it does not specifically allocate the budget on the implementation of the public information service. This problem in budgeting causes the Provincial Government of West Java to rely solely on external socialization through the Provincial Government website, but do not conduct socialization in the press media. As a result, the socialization on the implementation of information to the public does not properly work. The reason that public information service has no budget is that it is still considered as a secondary matter. In the way of contrast, the awareness of public information disclosure has to be placed on the main agenda since it includes the
prime objective and function of each OPD so that the function will be given a special budget allocation. Therefore, it is necessary to revise the SOTK (Organizational Structure and Work Procedure) by including the function of PPID in each OPD. Supporting and human resources in utilizing technology and information are still lacking, and, thus, the apparatus serving the public information needs to be facilitated (both equipment and knowledge) so that public services can be done well.

The successful implementation of public information disclosure policy in West Java Province is very dependent on how the implementation process in achieving the objectives of the policy mandate is conducted. Implementation of the decentralization pattern, though it is not wrong, is less effective in the implementation of public information services. Within this pattern, the public information service standards in each OPD are not the same, as well as the difficulty of synergizing information services because of weak communication and coordination within the Provincial Government of West Java (i.e. between OPDs). Therefore, efforts to implement the pattern of centralization are expected to improve the quality of service quality and people's satisfaction.

With the centralization pattern, the Provincial Government of West Java needs to immediately establish the main PPID (or Provincial PPID) which is responsible for the overall public information service and can monitor government information accessed by people. Based on the proposals of some OPDs (and the results of the FGD discussions conducted as one of the strategies for obtaining data in this study), they require the establishment of the main PPID (or Provincial PPID) as an ad hoc committee in which there are elements of the Regional Secretariat (Bureau of Public Relations), Human right and legal bureau, Diskominfo and OPD representatives under the leadership of Echelon II in order to facilitate coordination across the OPD. The main PPID secretariat has to be strong by involving the Office of Communication and Information (Diskominfo)'s engagement in socialization, information dissemination, website management and information services. And it is also supported by the implementation of the functions of the Legal and Human Rights Bureau in the case of complaints handling and disputes public information.

The formation of the ad hoc committee needs to be supported by the Governor's Regulation that governs the mechanism of management and public information services as a guideline for all implementers and OPD in providing the best services to the applicant, including provision of SOP so that the selection and monitoring of public information services can be well implemented.

Implementation of decentralization pattern is aimed to provide a fast, precise and easy service. However, the application of this pattern is not accompanied by the completeness of organ executing that specifically handles the business of public information service, so the service becomes obstructed.

Immediate efforts should be made to implement the centralization pattern by establishing the main PPID structure (Provincial PPID), the secretary of PPID, and the assistant PPID so that the public information service is more systematically coordinated, and synergised between the provincial government and the OPDs and the regency/city government in West Java Province.

5. Conclusion
Based on the results and discussion of research, I formulate research conclusions as follows: 1) Law Number 14 The year 2008 on Public Information Openness (KIP Law) can only be guarded if it is supported by a high spirit of democratization; 2) in West Java, the executing party (PPID) run by the Secretary of the OPD is not supported by supporting organs, whereas according to KIP Law, the implementation of the task of PPID needs to be assisted by the apparatus with functional positions specifically handling the affairs of the PPID and public information services, PPID functions are not too heavy; 3) implementation of KIP Law with decentralization pattern will weaken the function of implementing organization. The implementation of PPID tasks in each OPD will run independently; 3) the Provincial Information Commission (KID) of the Province has not fully exercised its authority yet in providing policy support as a general policy, implementing guidance and technical guidelines for the implementation of public information disclosure, as mandated by the KIP Law; 4) public information request services do not fully meet the expectations of the people. Public bodies in the West Java Provincial Government seem to cover the information, be slow to respond, and the information provided
is not appropriate; 5) the Provincial Government of West Java has not yet made a list of detailed information services that can be accessed by the people; 6) the carrying capacity of the policy at the local level is still generally low; 7) the absence of Standard Operating Procedures (SOP) in public information services in each OPD.

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