

## **Enhancing Information Transparency for Effective Governance: A Study on Government Procurement in Indonesia**

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### **Abstract**

The Indonesian Constitution prioritises citizen welfare, intellectual growth, and a just society. Effective development and public services are key to this government. Government purchase of products and services is crucial to national and regional development. However, data transparency difficulties typically lead to procurement fairness conflicts, making government procurement openness difficult. This is addressed by Presidential Regulation Number 16 of 2018 and its revision. In addition, the Indonesian Information Commission has set public information disclosure requirements, including procurement exclusions. This research explains Indonesian government procurement transparency policies and their relationship to excellent local governance. This qualitative study examines government procurement information openness using normative legal literature and primary data from interviews and observations. Transparency in procurement processes promotes good governance, and community input in information disclosure exemption determinations is needed.

**Keywords:** Indonesia, Governance; Government Procurement; Transparency, Good Governance; Community Participation.

### **Introduction**

According to the Preamble of the Constitution of the Republic of Indonesia from 1945, paragraph IV reads as follows:

“...The state protects the entire Indonesian people and the entirety of Indonesian bloodlines, advances the public welfare, enhances the intellectual life of the nation, and contributes to the establishment of world order based on independence, eternal peace, and social justice.”

The Indonesian nation has formulated its primary governance goals based on these objectives. These laws serve as the foundation for the construction of the Indonesian government, which is geared toward realising public welfare through the implementation of development and public services. For the government to

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accomplish the national goals outlined in paragraph IV of the Preamble to the Constitution of the Republic of Indonesia from 1945, it is essential to carry out various activities and tasks, the majority of which are administrative and regulatory (Wibawa, 2019).

A succession of efforts and actions are conducted to attain national aims and aspirations, collectively called national development. Regional development, which the regional government carries out, always contributes to the nation's growth (Pike et al., 2016). As a result of regional development, the success of national development is also achieved. Similarly, the failure or lack of success in national development will affect the development of regional areas. The government is carrying out continuous development to ensure equitable benefit distribution, considering the vastness and diversity of Indonesia's regions. Therefore, development is essential to maximise the achievement of the fifth principle of Pancasila, which states that justice is the right of every nation (Rifai et al., 2020). As a result, the equitable distribution of infrastructure development is also one of the rights of every region, ranging from Sabang to Merauke. Infrastructure development has been strongly supported under President Jokowi's leadership, which has resulted in the development of a large amount of infrastructure (Negara & Salim, 2019). Within national and regional development, acquiring goods and services is a significant factor, particularly in enhancing and optimising public services and developing the economy on both the national and regional levels.

It is essential to assist in acquiring products and services from the government. Procuring goods and services significantly contributes to the nation's economy (Adjei-Bamfo et al., 2019). Regarding fiscal policy, buying goods and services stimulates the economy by generating job opportunities, increasing foreign exchange, and supporting economic growth (Eichengreen, 2007). The procurement of goods and services, which can be supported in whole or in part by the State Revenue and Expenditure Budget or the Regional Revenue and Expenditure Budget, is done to provide public goods and services. The community is forced to bear the costs of losses caused by unhealthy procurement of products and services, including the government's provision of services of a lower quality. The availability of facilities necessary for community life is what we mean when discussing infrastructure. This availability can affect a region's performance, provided the infrastructure purchase is acceptable. Without a doubt, infrastructure development differs from place to region, with the differences being driven by each region's indicators and money sources (Ferraz et al., 2020). Having adequate facilities is one of the supports to boost the region's income.

In recent years, there has been a discernible rise in the amount of money the government spends on procurement, both in terms of the size of the budget and the complexity of the required goods and services. Government procurement of goods and services in Indonesia is currently governed by Presidential Regulation Number 16 of 2018 concerning Government Goods and Services Procurement and its amendment, Presidential Regulation Number 12 of 2021 concerning Amendments to Presidential Regulation Number 16 of 2018 concerning Government Goods and Services Procurement (Amalia et al., 2023). Both of these regulations were issued in 2018. A problem that frequently arises in the sector is associated with the lack of openness in the information that pertains to the activities of the government procurement department. Issues involving the transparency of data and materials in procurement operations are frequently disputed, particularly concerning the fairness principle in government procurement activities. Concerns are frequently voiced by those involved in government procurement over information associated with auction or tender documents. To prevent information transparency in government procurement is being implemented to prevent activities such as nepotism, conspiracy, and corruption. It is also essential to consider the secrecy of documents about government procurement, which may include copyrights, trade secrets, corporate secrets, unfair business competition, and other similar matters (Tantyo, 2020).

To implement government procurement of goods and services, the Information Commission, an independent body empowered by Law Number 14 of 2008 concerning Public Information Disclosure, has established regulations or policies regarding the disclosure of public information and information exempt from disclosure (Yendra & James Bond, 2022). As the legal basis for information excluded from government purchase of goods and services, the Regulation of the Indonesian Information Commission Number 1 of 2021 Regarding Public Information Service Standards serves as the basis for the exemption. The Regulation of the Information Commission Number 1 of 2010 concerning Public Information Service Standards and the Regulation of the Information Commission Number 1 of 2017 about Information Classification have been repealed due to this Regulation (Neta et al., 2022). The Regulation of the Indonesian Information Commission Number 1 of 2021 Regarding Public Information Service Standards emphasises the information that must be disclosed in the government's activities that involve procuring goods and services (Roringkon et al., 2022). Additionally, it establishes thresholds for public information exempt from disclosure during the procurement process.

This research aims to explain the Regulation of information transparency in government procurement of goods and services in Indonesia and elucidate and

analyse the correlation of information transparency in regional government procurement of goods and services to achieve good local governance. This research is based on the issues that have been identified.

### **Research Methods**

This research uses a qualitative methodology, with a particular emphasis on normative legal (doctrinal) research that is descriptive. Rather than focusing on quantitative approaches, qualitative research emphasises qualitative analysis, giving understanding precedence over numerical data. When conducting legal research, the normative method focuses on secondary sources of information, such as Law, decisions made by courts, and the opinions of legal experts.

Various methodological approaches can be utilised within normative legal research to address issues (Soemitro, 2011). Methods such as philosophical, legislative, conceptual, case-based, comparative, and historical methods are included in this category. For this investigation, both the statutory and conceptual approaches are included.

As a consequence of this, the process of data collecting includes the acquisition of secondary legal documents in addition to primary data gathered through interviews and brief observations. In the Badung Regency, which is located in Bali Province, interviews were carried out with procurement staff as well as staff members working at the Secretariat of the Regency. The interviews in question are considered primary sources of data.

Furthermore, brief observations were carried out simultaneously to supplement the original data collection. To collect secondary data, a literature review was also carried out, which included examining documents and legal texts. Techniques for validating data include cross-referencing data from interviews and observations, comparing the information obtained with various perspectives, and confirming interview data against relevant documents and literature. A qualitative descriptive technique is utilised to analyse the findings. This approach offers a thorough picture of legal and non-legal ideas and conditions.

### **The Evolution of Human Rights and Information Transparency**

Information, in its most basic form, is an essential requirement for individual growth and the social environment, and it is also an essential component for developing national resilience. A democratic state that maintains the people's sovereignty to accomplish effective governance is characterised by several fundamental characteristics, including the ability to access information and human rights (Franck, 1992).

The development of human rights is inextricably linked to the concept of human rights and the history of human rights (Donnelly, 2013). Human rights came into being as a reaction to the oppression imposed by authoritarian authorities (Ignatieff, 2017). As a result of the rise of authoritarian rulers, those who were oppressed were motivated to fight for the rights that were inherently theirs as citizens of the world. Europe was the place where the history of human rights began. John Locke, a well-known English philosopher who lived in the 17th century, is credited with developing the idea of natural rights inherent in every human (Swanson, 1997). These natural rights include life, liberty, and property (Tuckness, 2024). Rights were still restricted to the civil (personal) and political domains throughout that period. The Magna Carta, the American Revolution, and the French Revolution are three key events that have left their impact on the history of the development of human rights in the Western world.

Indeed, the history of human rights in Indonesia can be traced back to when the country gained independence. In this context, the struggle of Indonesian heroes pursuing independence is a defining characteristic. In addition, the fight and movement of Raden Ajeng Kartini, who battled for women's emancipation via various publications, should also be considered a part of Indonesia's human rights history. Furthermore, following Indonesia's attainment of independence, the concept of human rights started to make its way into the sphere of the Indonesian Constitution. This was the case in the 1945 Constitution, the Federal Constitution of 1949, the Provisional Constitution of 1950, and the 1945 Constitution of the Republic of Indonesia, among other documents (Juwana, 2006).

Indonesia had human rights documents that were relatively extensive during the reform era. These documents included the following: The Constitution of 1945, with amendments; The People's Consultative Assembly of the Republic of Indonesia issued the Human Rights Decree Number XVII/MPR/1998. This Law, also known as the Human Rights Law, was passed in 1999 and bears the number 39, and Human Rights Courts, Law Number 26 of 2000 was passed.

In 2005, the government ratified two critical instruments that are essential to the protection of human rights. These instruments are the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which was enacted as Law Number 11 of 2005, and the International Covenant on Civil and Political Rights (ICCPR), which was enacted as Law Number 12 of 2005, along with other regulations that are related to these two instruments (Ekatjahjana et al., 2019).

The first paragraph of Article 1 of the Human Rights Law states the following: "Human rights are a set of rights inherent in the nature and existence of human beings as creatures of God Almighty and are His gift that must be respected,

upheld, and protected by the state, law, government, and every person for the sake of human dignity and protection of human dignity”.

In addition, Article 28F of the Constitution of 1945 states that “Everyone has the right to communicate and obtain information to develop themselves and their social environment, and has the right to seek, obtain, own, store, process, and convey information using all available channels”. This was included to ensure that everyone has the right to communicate and obtain information (Kusdarini & Kemala, 2023).

Therefore, according to these principles, the right to acquire information (also known as information transparency) is a component of human rights that can be derogated. Despite this, the United Nations initially stated that the right to knowledge falls under the fundamental human rights symbolic of freedom. This was ratified in paragraph one of United Nations Resolution Number 50 in 1946. At that time, the right to freedom of information was regarded as a human right that originated from natural rights, which are rights that an individual possesses from birth. These natural rights include the rights to life, liberty, and property. The numerous statements or acknowledgements of human rights made this very clear during that period.

The United Nations General Assembly adopted the Universal Declaration of Human Rights on December 10, 1948, which resulted in significant shifts in the evolution of human rights worldwide, including the categorisation of human rights. Regarding human rights, the Universal Declaration of Human Rights places the right to freedom of information in a secondary classification, referred to as a derogable right. Theon for this growth of the right to freedom of information, which began to be restricted by states (rulers), this e is a provision in the European Convention that stipulates that “the rulers of the state should not interfere with the exercise of the right to freedom of information”. The European Convention, on the other hand, further forbids the disclosure of classified material except in situations in which it is necessary for judicial purposes (Öberg, 1999).

The European Convention and the International Covenant on Civil and Political Rights make it abundantly clear that the right to freedom of expression and information is directly related to individual accountability (Martín & de Zayas, 2012). Both treaties also provide freedom, provided that the state (government) permits radio, television, and film broadcasting simultaneously (Puddington, 2000). Considering this, the state, by its licensing authority, has a role in imposing restrictions on the rights of access to information. As a result of this signal, the right to freedom of information is eventually transformed into a human right that can be derogated. On the other hand, it is essential to underline that international

agreements include the right to freedom of information as a human rights component.

### **Public Information Transparency: Empowering Oversight and Accountability**

Transparency in public information serves as an essential method for maximising public scrutiny of the actions of the state and other public entities and everything that impacts the public interest (Fenster, 2006). Information is defined as data, facts, explanations, and signs containing value, meaning, and messages in electronic or non-electronic format. This definition is rooted in Article 1, paragraph 1 of Law Number 14 of 2008 concerning Public Information Transparency. Information is presented in various packaging and formats by information and communication technology development (Neta et al., 2022).

Furthermore, according to the second paragraph of Article 1 of the Law, public information is defined as information that is generated, stored, managed, transmitted, and received by a public body about the organisation and implementation of the state and other public bodies by this Law, in addition to other information that is related to public interest.

According to Article 3 of the Law on Public Information Transparency, the Law's goals are to ensure that citizens have the right to know about public policy-making plans, public policy programs, and the process of public decision-making, as well as the reasons behind public decision-making. It seeks to realise excellent state administration, defined by openness, effectiveness, efficiency, accountability, and responsibility; it also seeks to improve active community involvement in public policy-making and good public body management; and it seeks to stimulate public participation in decision-making processes. In addition, the Law attempts to develop knowledge and educate the nation, as well as to understand the rationale behind public policies that influence the livelihoods of many people.

Every single item of public information must be open and accessible to any users of public information, as this is a requirement imposed by the Law. It clarifies that the requirements for exempted public information are stringent and limited. Simply put, every public information item should be easily accessible and promptly accessible to everyone who requests public information, with minimal expenses and straightforward procedures.

The user of public information is expected to use it according to the terms of the Law and must cite the source from which they acquired the public information, regardless of whether they are using it for personal use or publication purposes. This is the case regardless of whether the material is being used for publication or personal use.

In addition, public organisations are obligated to provide, deliver, and publish public information that falls within their control to those who have requested public information, except material exempted under the rules within the provisions. It is the responsibility of public entities to offer information that is accurate, truthful, and does not mislead the public. Additionally, they are obligated to design and maintain information and documentation systems to manage public information effectively and make it accessible to members of the public.

Three categories of public information must be delivered and announced: information that must be provided and announced periodically, information that must be proclaimed immediately, and public information accessible always.

Regarding the exceptions, Article 17 of the Law stipulates that every Public Body must grant access to every Public Information Requester to acquire Public Information. However, certain circumstances are exempt from this requirement. These circumstances include law enforcement procedures, the protection of intellectual property rights and protection from unfair competition, national defence and security, the disclosure of Indonesia's natural resources, and other situations mandated by the Law.

In conjunction with the laws that control the government's procurement of products and services, the Law on Public Information Transparency emphasises efficiency, effectiveness, openness and competitiveness, transparency, fairness, non-discrimination, and accountability. This alignment guarantees that all public information, including information connected to procurement, is always accessible, enabling adequate supervision and accountability in the government's procedures (Ainuddin, 2017).

### **The Imperative of Good Governance: Fostering Democratic Principles and Accountability**

For most individuals, implementing good governance is essential for creating a political system that is more inclined toward serving the people's interests by the principles of universal democracy. One definition of governance is "the exercise of economic, political, and administrative authority to manage state affairs at all levels". This definition can be translated into "governance systems". Governance covers all the systems, processes, and institutions that allow citizens and society groups to voice their interests, exercise their legal rights, fulfil their obligations, and bridge the disparities between them (Weiss, 2000).

This can also serve as a driving element in the achievement of political governance, which necessitates the transparent execution of a variety of governance processes, such as the formation of public policy, the management of development, and the administration of public bureaucracy (Sakapurnama & Safitri, 2012).



Within the realm of governance, it is also anticipated that the implementation of government policies about human resources will be carried out effectively and efficiently to improve the welfare of the people. Within the context of the whole governance process, transparency is required for the practice of good governance. Transparency is a notion that is of the utmost importance, and its significance is growing as the need to build good governance practices grows more pronounced (Addink, 2019). The public must have access to information regarding activities taken by the government, including the reasons behind those actions, the shape those actions take, the timing of those actions, and how they are carried out. Citizens can evaluate whether the government has served the interests of the people or whether it has served the interests of other parties when they have access to a variety of facts from which to choose. Citizens can assess the degree to which the government is biased toward their interests and select the best way to react to policies implemented by the government. Through the provision of opportunities for the general public to acquire a variety of information regarding governance, it is possible to facilitate the community's efforts in implementing governance, which is increasingly developing within society as the complexity of national issues increases in various aspects of state administration (Junaedi, 2023).

In the realm of governance, this evolution is characterised by establishing a new paradigm commonly referred to as good governance. There has yet to be a standard understanding and perspective across public organisations or government agencies addressing public information openness, particularly in the procurement sector, even though the Public Information Openness Act has been in effect for more than thirteen years and has been enforced. Regarding the procurement process, public organisations still treat specific information as exempted material that the general public cannot access. This is especially true regarding the evaluation process for the selection of providers.

Solid and responsible development management that conforms with democratic and efficient market principles avoids misallocation of investment funds and eliminates political and administrative corruption. This is usually called good governance. Good governance is also commonly known as "good governance". It is responsible for maintaining budgetary discipline and developing legal and political structures that facilitate the expansion of economic activity. Learning the concepts of good governance is essential to gaining knowledge. Constructing a baseline for governance performance by beginning with these principles but moving forward is possible (Wiratraman, 2006).

One of the efforts that may be made to attain good governance is to practice transparency in government procurement activities. At the local government level, transparency will hasten the occurrence of good governance. This is because the

primary premise of good governance is to prioritise openness and transparency and involve players or parties that are not affiliated with the country or the government. The principle of openness in government procurement of products and services should be strengthened at the local government level. The notion that the acquisition of products and services is something that should be kept confidential is no longer relevant. There is a shift in understanding that everything is open today, except for public information exempt from disclosure.

### **Conclusion**

Effective governance requires transparency in public information, particularly regarding government procurement activities. Open procurement processes demonstrate the government's commitment to providing accessible information to the public. Commission Information Regulation Number 1 of 2021 establishes guidelines for transparency in government procurement operations. Good governance, especially at the local level, entails transparent dissemination of information regarding government procurement of goods and services. Good governance promotes openness, transparency, and engagement of the private sector and civil society in government activities, including procurement.

Increasing community participation is essential for determining exemptions from public disclosure in government procurement processes. Government agencies must clearly define which information is exempt from disclosure and which can be made public during procurement activities.

Limitations of the study may include its scope, which might comprehensively cover only some aspects or viewpoints related to government procurement transparency. The scope could be broadened to encompass diverse geographic regions, procurement types, and stakeholders to address this limitation and enhance future research. Comparative studies across various locations or countries could offer valuable insights into differences in procurement transparency practices.

Another constraint may be the availability and quality of data. Future research could focus on improving data collection methods, such as through interviews or case studies, to obtain more comprehensive and reliable information on procurement transparency.

Additionally, limitations related to resources, time, or access to information may have impacted the study's extent or objectives. Collaborating with government agencies, NGOs, or international institutions can provide access to additional resources, expertise, and data, overcoming these limitations.

Longitudinal studies could also be considered to monitor shifts and developments in procurement transparency practices over time, offering a dynamic understanding of policy interventions and their effectiveness in promoting transparency.

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