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The Urgency of Embodiment of Open Government As an Effort to Realize the Fulfillment of the Social, Political and Economic Rights of the Indonesian Society

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Abstract

The Open Government Policy is a tool for achieving an increase in the quality of democracy in a country to improve meeting the needs of the people through an open policy governance. This policy generates various benefits for the business world and citizens, including for the government that implements the policy. Then this concept of openness sparked a movement that was followed globally, the emergence of government data portals that continue to spread, created by governments and multilateral independent teams working with governments working to develop open government data in a country. In Indonesia the open government movement has been responded to by the Indonesian government through Open Government Indonesia (OGI) which has been rolling since 2011 both in central government and regional government. The OGI movement was born from a similar movement called the Open Government Partnership. The Open Government Partnership (OGP) is a multilateral initiative that aims to secure government concrete commitments in increasing transparency, empowering people, fighting corruption, and leveraging new technology to strengthen government. OGP was officially founded on 20 September 2011 by eight countries, namely Brazil, Indonesia, Mexico, Norway, the Philippines, South Africa, England and the United States.

Keywords: *Open Government, Human Rights, Indonesia Society*

Introduction

The idea of open government has long been recognized by various groups, both academics, politicians, practitioners and bureaucrats. This idea is even more popular and has become a kind of mandatory agenda for every central, local, and bureaucratic government that is currently running (Kornberger et al, 2017). However, before the idea of open government became known as it is today, its embryos had existed for a long time. In historical studies, for example, the inspiration for open government became known in 1945-1955 which was driven by an association called ASNE (American Society and Newspaper Editors). This association encourages maximum openness by creating a report on the rights of a journalist to gain access to government data (Andhika, 2017).

Furthermore, the idea of open government began to echo more when the emergence of the Memorandum of Transparency and Open Government by the Barrack Obama administration in 2009. This memorandum was immediately followed by the same wave in several countries, the UK, for example, immediately responded by launching a system (data.gov.uk) in the 2010s and was followed by several other world donor agencies. Several countries known for their communist ideology, such as China and Russia, do not even want to

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be left behind, these two countries are also involved in implementing the open government agenda. (Wirtz & Birkmeyer, 2015).

According to Meijer et al (2012) that open government is related to the government's commitment to creating broad influence using information technology to foster participation and collaboration in the form of dialogue between government and society. This is in line with Gasco's explanation (2015) which provides a detailed explanation that open government has contributed to redefining the relationship between civil society and government, so that social process aspects cannot be left out of any government policy.

Since the idea of open government began to take root, various countries have started implementing it with various motives. In general, the motive for implementing open government is to eradicate corruption and poverty which have long been enemies of every form of government (Ackerman, 2008). Therefore, the pillars or principles contained in the substance of open government are not far from efforts to eradicate corruption, by embodying the values of openness in every element of government. In this case, referring to Gasco's view, there are three important pillars of open government as explained below.

Transparency, namely government that provides guarantees and is responsible for providing information to its citizens. This information relates to all activities carried out by the government from the first stage to the last stage. In this case transparency can be realized by publishing plans, strategies, as well as the government's performance while carrying out certain programs. At a deeper point, transparency also relates to the extent to which the government can release budget data in a systematic and timely manner.

Collaboration, which is a government mechanism that opens spaces for cooperation with citizens, external and internal actors in every element of the public service agenda. The point is that in the principle of collaboration, there is democratic synergistic activity between all actors to solve public problems. This certainly implies that the collaboration process can take the form of complex forms of cooperation from the design process, implementation to the evaluation stage of a government policy. In this scheme, the government's willingness to admit that in certain practices citizens or other third parties have additional information to solve the problem at hand (Harrison et al, 2011).

Participation, in contrast to the notion of collaboration, the meaning of participation tends to be limited to the involvement of non-state actors in the policy formulation process. This is in line with Gasco's view that participation tends to refer to the involvement of citizens in the political process, and especially in the formulation of public policies. Participation in practice has the potential to push the government to have accountability, as well as encourage the birth of an increase in the quality of decisions made because they are more representative. Furthermore, according to Gasco, the implementation process of the three principles or pillars is carried out using two main tools, namely open data and open action. Open Data is a scheme for implementing open government principles based on data owned by the government. The point is that in the open data scheme the government can utilize structured and systematic data that can be read and analyzed by machines at any time as a tool to support the realization of open government. Whereas in open action, the implementation scheme is more on the use of internet-based platforms in the form of web 2.0, official government blogs and social media that are capable of supporting the implementation of open government.

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The more echoes of the idea of open government in many countries, the stronger the theoretical definition of open government itself becomes. The idea of open government became known as a concept that intends to encourage government efforts to improve quality. In Indonesia, the demand for an open government has actually been called for a long time. However, calls regarding this matter only became louder when the reform era began in 1998.

This call was finally answered where in 2008 the Indonesian government enacted Law Number 14 of 2008 concerning Public Information Disclosure, abbreviated as UU KIP. This legal product obliges every institution that belongs to a public body to proactively provide, provide or publish all public information, especially those within the scope of its territory or domain of authority, to the general public or applicants for public information. This legal product is like a final destination of a long journey considering that in the process of its formulation to its ratification, the law underwent many revisions and arguments.

The era of reform marked the end of the shackles of freedom of the press. At that time, Indonesia was just starting to reorganize its life as a nation, including taking seriously the issue of information disclosure. This is not surprising considering that for decades before, information disclosure was considered a threat to national stability so that there was not a single piece of legislation that regulates the granting of people's rights to public information. Therefore, the ratification and implementation of UU KIP is the initial milestone of "transforming the culture of our bureaucratic system towards an open information regime".

According to Meijer et al (2012) that open government is related to the government's commitment to creating broad influence using information technology to foster participation and collaboration in the form of dialogue between government and society. This is in line with Gascó's explanation (2015) which provides a detailed explanation that open government has contributed to redefining the relationship between civil society and government, so that social process aspects cannot be left out of any government policy. In fact, information disclosure is the foundation for the creation of open government, which is the initial milestone in the creation of a participatory society. When community participation has been formed, it is hoped that decentralization and democracy will be able to achieve its goals, namely regional independence, improvement of public services in the regions, and corruption in the regions can be prevented. As stated by experts, community participation is an important keyword in the realm of democratization (Gascó, 2015).

Based on the background of the problem and so that the discussion and problem solving do not deviate, the authors formulate the problem, namely what is the Urgency of Embracing Open Government as an Effort to Realize the Fulfillment of Social, Political and Economic Rights of the Indonesian Society.

Methods

This study uses a qualitative approach in the form of library research. This research consists of a series of activities to collect, record, use and process various library data such as books, journals, magazines, and various other information relevant to research needs (Zed, 2008). This kind of research requires the ability to select and review various existing literature data to obtain good research results (Keraf, 2004).

Results & Discussion

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This situation certainly has the potential to open up new problems for local governments, mainly related to the potential for budget abuse. Therefore, the precarious situation that requires this massive budget reallocation must be balanced with the issuance of a mandate for the provincial and district/city governments to prepare a special method of open data, in order to implement public budget transparency to the public that is far more optimal. Or in other words, it is necessary to develop a scheme for channeling communications about policies that are more transparent, systematic, sustainable, easy to understand, and have clear stages of work during a pandemic like today (Cahya et al, 2021). Several empirical studies that have been conducted show clearly that the distance from data transparency practices by government organizations will hinder open government data practices. The short-term impact then is the public's inability to see and evaluate the agenda for handling Covid-19 that has been carried out so far. In practice, transparency is actually something that is blurred, due to the complexity of its implementation that does not exist. Meanwhile, in the longer term, unclear transparency practices, aka not optimal disclosure of government data, will also have an impact on disrupting the sustainability of the process of maturing democracy in a region (Ruijer et al, 2019).

Open Government in Indonesia

The implementation of open government in Indonesia was initiated since the enactment of UU KIP. This law has made it clear that the government, namely officials or public bodies, must provide open access to information to the public and provide documents or data to the public as an inherent part of the government bureaucracy's functions. In addition, this law has also discussed sanctions for violators; as well as the classification regarding the types of government/public agency information that can be exempted within a certain period from being disclosed to the public. Then in this Law it has also been regulated regarding the existence of a commission called the Information Commission (IC) as an institution that is tasked with resolving disputes over access to information and is placed at the center to the regions. So, it is clear that based on this law, Indonesia has not only affirmed the public's right to information but also the government's obligation to provide access to information, along with sanctions for violating it.

The public's rights to information as stated in article 4 include: "the right to know, the right to physically obtain information, the right to be informed, the right to utilize and disseminate information." In addition, it has also been stated that the government or public bodies are required to provide legal certainty regarding various types of public information and its mechanisms.

Basically there are three kinds of public information. First, open public information, in the sense that it must be made available and announced. This consists of two kinds namely periodically and immediately. In addition, there is also public information that must be made available at any time. Second, public information is excluded and may not be disclosed under the law. And third, public information that can be obtained based on the submission of public information applicants (See Articles 9-22). In short, public data and information must be available under the principle of maximum access, limited exception, which means that information must be accessible to the widest possible range by imposing exceptions to confidential or strict access. Restrictions on such information must also be based, namely proven by examination of consequences, public interest, level of confidentiality as stipulated in the law (See Article 2, Article 17 and Article 20). Furthermore, the mechanism or method for accessing this information has also been regulated, which must take into account the principles of low cost, fast and precise, simple methods, and timely (See Article 2 Paragraph

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3). So that the impact of the public has the opportunity to obtain as much information as possible. In other words, it becomes a kind of open data.

As expressed by Al-Jamal and Abu-Shanab (2018), "Open data as a concept is found to be useful for people in many ways; the data is usable anytime anywhere free of cost and copyright constraints." In this context, the public can use public data anytime, anywhere, free of charge and free to disseminate. Looking at the implementation of KIP as it currently exists, it can be said that Indonesia has entered the open government era where all data and information on public bodies (except those included in the exceptions) has become a public good. Data and information from public institutions are in the public domain, therefore there is an obligation for state institutions and officials to actively open access to information for the public regarding the implementation of their duties related to state administration in the realm of planning, process and implementation. This is important because access to information gives democratic control to the community, meaning that the community will be able to be involved and participate in governance. Here, public administration must change into an open public administration.

The Policy and Public Engagement

One of the positive impacts of the existence of open government is the formation of an information society which is very crucial in the current digital society era. An information-savvy society will certainly develop into an independent civil society and be able to make positive use of information and digital technology. Society in this position can already be called an informed society.

According to the Global Agenda Council for the Information Society or "the Global Agenda Council on Informed Societies" "An informed society is one where citizens have the resources, education and skills to access and participate in the free flow of reliable and pertinent information through a diverse range of platforms and media organizations that empower them to make considered decisions about their economic, social and political lives." When the public already knows and has data and information, for example, regarding plans, processes and arguments for decision-making, programs, activities, policies and the use of budgets carried out by the government, this can encourage citizen participation in policy making, implementation and evaluation processes.

Under these conditions, the community becomes more prepared and can be involved to play an active role in the development or implementation of programs/policies either directly or through other channels such as the media including social media. They can contribute in the form of aspirations, thoughts, criticisms and input which are very meaningful in encouraging the success of good policies/programs. They can even be involved in the process of making new policies and managing public bodies. This is as stated by Al-Jamal and Abu-Shanab that "The availability of data and knowledge motivated the public to ask for more transparency for their government, while the demand for participation and collaboration with government has increased." Actual and factual data provided by public bodies will certainly make it easier for various parties to utilize it in order to present information that is ready for use by ordinary people to increase their knowledge. For example, it can be used by researchers and journalists as material for the development of science which has implications for the intellectual life of the nation which has a broad impact. Meanwhile, the disclosure of public information can also be a way out of the problem of 'secret' claims made by the state, agencies or public officials when they try to access information on public bodies.

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Indonesia is a constitutional state as stipulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. In the sense that Indonesia is a constitutional state it means that every action and pattern of behavior of the government, society and all other legal subjects must be based on the law and submit and obey all the principles that already exist. In a governance system known as the Open Government model.

The Open Government model or what is commonly referred to as open government was popularized after the Memorandum on Transparency and Open Government by the Barrack Obama Administration in the United States in 2009, and was followed by the launch of data.gov.uk by the British government in 2010. Organization for Economic Co-operation and Development (OECD) defines Open Government as "transparency of government action, access to government services and information, and responsiveness of government to new ideas, requests, and needs."

The Open Government Policy is a tool for achieving an increase in the quality of democracy in a country to improve meeting the needs of the people through an open policy governance. This policy generates various benefits for the business world and citizens, including for the government that implements the policy. Then this concept of openness sparked a movement that was followed globally, the emergence of government data portals that continue to spread, created by governments and multilateral independent teams working with governments working to develop open government data in a country.

In Indonesia the open government movement has been responded to by the Indonesian government through Open Government Indonesia (OGI) which has been rolling since 2011 both in central government and regional government. The OGI movement was born from a similar movement called the Open Government Partnership. The Open Government Partnership (OGP) is a multilateral initiative that aims to secure government concrete commitments in increasing transparency, empowering people, fighting corruption, and leveraging new technology to strengthen government. OGP was officially founded on 20 September 2011 by eight countries, namely Brazil, Indonesia, Mexico, Norway, the Philippines, South Africa, England and the United States.

The founding countries declared the Open Government Partnership movement and approved and announced the action plans carried out by each country. Currently, OGP has membership in sixty-four countries, including hundreds of civil society organizations. In fact, Indonesia was one of the co-chairs of OGP for the period October 2013 – September 2014.

OGP's vision is to create more government that is more transparent, responsible and responsive to the public on an ongoing basis, with the main objective being to improve the quality of government and the quality of public services that the community receives. This requires an effort to change norms and culture so as to ensure collaboration between the government and civil society. real-time computing, directly observable and responsive).

Various channels as a manifestation of the government's increasing openness can be observed in social networks and integrated public service portals for the community, although not yet fully enjoyed by all levels of Indonesian society, the presence of OGI is an effort to see

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the impact of government policies with the issuance of Laws Number 12 of 2008 concerning Public Information Disclosure which has been effective since 2010.

Open Government which is a movement to build a more open government including at the local government level that is more participatory and more innovative is also based on Law No. 37/2008 concerning the Ombudsman of the Republic of Indonesia, Law No. 25/2009 concerning Public Services, Minister of Home Affairs Regulation of 35/2010 concerning Guidelines for Information Management at the Ministry of Home Affairs and local government, as well as Government Regulation of 61/2010 concerning Implementation of Law 14/2008. The harmony of the implementation of Open Government is supported by the implementation of electronic-based government, or what is commonly called e-government, before the presence of the OGI movement, innovation in governance was preceded by the development of e-government which had been initiated since 2003.

Apart from the need for the central government and local governments for an integrated system, the development of e-government in Indonesia is also supported by the Presidential Instruction of the Republic of Indonesia Number 3 of 2003 concerning National Policy and Strategy for the Development of e-government. In addition, in line with the spirit of bureaucratic reform in Indonesia, e-government is increasingly playing a role in improving the quality of public services and helping the process of conveying information more effectively to the public. It needs to be realized and understood that according to the mandate of the 1945 Constitution Article 18 Paragraph (2) and Article 34 paragraph (3), the improvement of public services must receive the main attention of the government, because public services are basic social rights of the community (social rights) or fundamental rights. However, if criticized on a massive scale, the Open Government Model which aims to achieve transparency of government activities in public has not been fully realized, which of course is motivated by various factors, one of which is the government's unwillingness to be widely criticized by the public.

The Open Government model that is desired to be able to provide fulfillment of the social, political and economic rights of the community has not yet been realized properly. An example of this can be seen in the provision of Direct Cash Assistance (BLT) to underprivileged people who seem not open, both in terms of budget, goals and how it is implemented in society. There were many complaints from the public who believed that the BLT they received had been deducted unilaterally, especially by irresponsible elements at the lower levels of the government. This reduction in BLT funds was also due to access to BLT data which was difficult to find for transparency and to review the veracity of the data. Of course, this has tarnished the model and principle of openness which culminates in the transparency principle of the government itself. It's the same with political parties, where it's not uncommon for money politics to occupy a strategic hot seat in a certain position. This really hurts the principle of openness itself. So it should be able to stop and prevent this, not only limited to fulfilling transparency or openness of government performance to the public. But also how to strictly and wisely enforce against anyone who tries to undermine the principle of openness of the government itself. As well as the government must also be prepared to accept criticism and suggestions from the public for each of its performance, and any criticism given by the community should not become an arena for criminalization by the government against the community. Because in truth as a democratic country the people have the right to comment on every act of behavior of government officials and agencies as an effort to fulfill the social rights of the community itself.

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Conclusion

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