

## Public Information Disclosure in Indonesia: Legal Effectiveness and Enforcement Challenges

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### Abstract

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This research discusses the effectiveness and challenges in implementing Law Number 14 of 2008 concerning Public Information Disclosure in Indonesia amid the absence of strict sanctions for violations of transparency principles. Using a normative juridical method, the study examines the legal substance, institutional mechanisms, and practical implementation of the law across public bodies. The findings indicate that although the UU KIP has expanded citizens' access to public information and promoted transparency in governance, its effectiveness remains constrained by the lack of binding sanctions and weak enforcement mechanisms. Many public institutions do not comply with their legal obligations to disclose information, and decisions issued by the Information Commission are often ignored without any legal consequences. This situation demonstrates that compliance tends to rely on moral awareness rather than legal deterrence. Therefore, strengthening sanction provisions and reforming enforcement mechanisms are urgently needed to ensure citizens' constitutional right to information, enhance governmental accountability, and institutionalize transparency as a core value of democratic governance in Indonesia.

## 1. Introduction

Transparency is a crucial foundation for democratic and accountable governance. In the Indonesian context, the principle of public information disclosure is regulated by Law Number 14 of 2008 concerning Public Information Disclosure (UU KIP), which aims to guarantee the right of citizens to obtain public information and encourage active community participation in monitoring state administration.<sup>1</sup> This regulation affirms that public information belongs to the public, thus public bodies are obligated to provide and serve it openly, accurately, and promptly.<sup>2</sup>

Since its implementation over a decade ago, various studies have indicated that the presence of UU KIP is a main pillar in strengthening transparency and accountability in the public sector. However, achievements in the field have not shown optimal results. Research by Ferdaus and Zaimasuri<sup>3</sup> found that the implementation of information disclosure policies in legislative bodies still faces structural and political obstacles, especially regarding the provision of public data and documentation. A similar finding was revealed by Yuono<sup>4</sup>, stating that many public bodies do not yet have adequate standard operational mechanisms to manage public information requests quickly and accurately.

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<sup>1</sup> Lathifah Chairunnisa, Fikri Habibi, and Rethorika Berthanila. "Implementasi Kebijakan Keterbukaan Informasi Publik." *Jurnal Ilmu Administrasi Negara ASLAN (Asosiasi Ilmuwan Administrasi Negara)* 11, no. 2 (2023): 31-45

<sup>2</sup> R Ricky, and Muh Tanzil Aziz Rahimallah. "Keterbukaan informasi publik di Indonesia (perspektif akuntabilitas, transparansi dan partisipasi)." *Jurnal Ilmiah Wahana Bhakti Praja* 12, no. 2 (2022): 66

<sup>3</sup> Feri Ferdaus, and Zaimasuri Zaimasuri. "Implementation of public information disclosure policy in the house of Representatives of the Republic of Indonesia." *Journal of Governance and Accountability Studies (JGAS)* 3, no. 1 (2023): 32

<sup>4</sup> Cipto Yuono. "Implementasi Keterbukaan Informasi Publik Pemerintah Kabupaten Mukomuko, Provinsi Bengkulu." *Jurnal Pustaka Komunikasi* 6, no. 2 (2023): 421

Another challenge is the low performance of the Information and Documentation Management Officer (PPID), who is the spearhead of UU KIP implementation in every agency. A study by Arpiansyah and Wibowo<sup>5</sup> shows that limitations in human resources, digital infrastructure, and leadership support are dominant factors hindering the PPID's effectiveness in serving the public. PPID actually has a strategic role to bridge the community's information needs with the government's administrative system, which is often closed.

Furthermore, a weak culture of transparency exacerbates the situation. Lutfiyah et al.<sup>6</sup> revealed that although many regional governments have implemented digital e-government-based systems, their utilization is often merely a formality without periodic data updates. In many cases, the official websites of public bodies do not openly provide budget information, performance reports, or other public documents. This condition implies a low level of public trust in government institutions and weakens the principle of accountability.<sup>7</sup>

A crucial issue is the lack of strict sanctions for public information disclosure violations. While UU KIP regulates the dispute resolution mechanism through the Information Commission, it lacks strong legal instruments to prosecute public

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<sup>5</sup> Moh Arpiansyah, and Novianto Eko Wibowo. "Kinerja Pejabat Pengelola Informasi Dan Dokumentasi (PPID) Dalam Pelaksanaan Undang-Undang Nomor 14 Tahun 2008 Tentang Keterbukaan Informasi Publik (Studi Kasus Ppid Pelaksana Di Dinas Kesehatan Provinsi Kalimantan Tengah)." *Edu Sociata: Jurnal Pendidikan Sosiologi* 7, no. 2 (2024): 777

<sup>6</sup> Lutfiyah Lutfiyah, Slamet Muchsin, and Rini Rahayu Kurniati. "Implementasi Kebijakan Keterbukaan Informasi Publik (KIP) Berbasis Grand Digital Pemerintah Kota Pasuruan." *Briliant: Jurnal Riset dan Konseptual* 9, no. 2 (2024): 322

<sup>7</sup> Dila Novita, Mawar Malela, Adi Susila, Muhammad Fadhil, Elvira Suryani, and Muhammad Yunus. "Implementation of good governance principles in the public information disclosure policy." In *Proceedings of the First International Conference on Democracy and Social Transformation, ICON-DEMOST*, pp. 1-14. 2021

bodies that refuse to provide information without valid reasons.<sup>8</sup> Consequently, many information dispute cases end without substantive decisions and tend not to provide a deterrent effect for perpetrators of violations. The University of Kadiri (2024) also noted that bureaucratic obstacles, fear of information misuse, and unclear inter-agency roles are the main causes of the weak application of sanctions.

Meanwhile, from a conceptual side, Luthfia et al.<sup>9</sup> highlighted that information disclosure policy has not been fully understood as part of the open government ecosystem. There is still a gap between regulatory understanding and administrative practice in the field, where most public bodies view disclosure as an administrative burden, rather than a means of increasing public trust and service efficiency.

Overall, the problems above indicate that the effectiveness of UU KIP implementation is highly influenced by a combination of structural factors, bureaucratic culture, and weaknesses in the law enforcement system. Without strict sanctions and strong oversight mechanisms, the regulation has the potential to lose its driving force as a public control tool over government performance. Therefore, this study is important to answer the following two main questions: To what extent is the application of UU KIP No. 14 of 2008 effective amidst the absence of firm sanctions against public information disclosure violations, and what are the main challenges in the implementation of Law No. 14 of 2008, especially related to the

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<sup>8</sup> Maulidia Maulidia, and Lailul Mursyidah. "Meningkatkan Akses Informasi Publik: Evaluasi Efektivitas Petugas Informasi di Indonesia." *Frontiers in Research Journal* 1, no. 2 (2024): 121

<sup>9</sup> Agusniar Rizka Luthfia, Eka Nada Shofa Alkhajar, and Agus Sofyan. "Tantangan implementasi pemerintahan terbuka (open government) di Indonesia." *Wahana: Tridarma Perguruan Tinggi* 73, no. 2 (2021): 1-12

absence of firm sanctions for information disclosure violations, and why is its handling urgent.

## **2. Methods**

This study uses the normative juridical method, which is an approach that focuses on the analysis of written law and applicable norms as the main basis for answering research problems. This method is used because the research topic is directly related to the effectiveness of implementing Law Number 14 of 2008 concerning Public Information Disclosure (UU KIP) and the implications of the absence of firm sanctions for information disclosure violations. The normative juridical approach views law as a system of norms that regulates the behavior of society and state institutions, so the analysis is directed at how these regulations are formulated, applied, and their consistency with fundamental legal principles, such as justice, certainty, and utility.

This research examines primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations related to public information disclosure, such as Law No. 14 of 2008, its implementing regulations, and other supporting regulations governing the public's right to public information. Secondary legal materials consist of previous research results, legal literature, scientific journals, and academic articles discussing the theoretical and empirical aspects of information disclosure, effectiveness of law enforcement, and good governance. Meanwhile, tertiary legal materials include legal dictionaries, encyclopedias, and other sources that provide additional conceptual understanding of the terms and principles used.

Data collection techniques were carried out through literature study (library research), which involves searching, identifying, and analyzing various legal documents and relevant scientific literature. This process aims to obtain normative data that can be used to assess the extent to which the rules in UU KIP provide legal protection and certainty to the public's right to public information. In addition, a literature study was also conducted to investigate the gap between the ideal legal norms and practical implementation in the field, especially regarding the absence of firm sanctions for information disclosure violations.

### **3. Results and Discussion**

#### **3.1. Effectiveness of the Application of UU KIP No. 14 of 2008 Amidst the Absence of Firm Sanctions for Public Information Disclosure Violations**

The application of Law Number 14 of 2008 concerning Public Information Disclosure (UU KIP) is one of the important milestones in bureaucratic reform in Indonesia. Through this policy, the public gains a legal right to access public information from every public body that uses state funds or carries out public service duties. Since its enactment, UU KIP has opened up broader space for public participation in monitoring the running of the government and strengthening the principle of transparency as a tangible form of state accountability to its citizens.<sup>10</sup> However, the effectiveness of UU KIP implementation still faces major challenges

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<sup>10</sup> Lathifah Chairunnisa, Fikri Habibi, and Rethorika Berthanila. "Implementasi Kebijakan Keterbukaan Informasi Publik." *Jurnal Ilmu Administrasi Negara ASLAN (Asosiasi Ilmuwan Administrasi Negara)* 11, no. 2 (2023): 35

due to the weak sanctions mechanism for violators of the principle of information disclosure, which makes the compliance of public bodies more moral than legal.<sup>11</sup>

One of the main achievements of the application of UU KIP is the increased public access to information. The obligation of public bodies to provide information periodically, as well as the mechanisms for requests and objections, provide opportunities for the public to monitor government performance more openly. Several studies show that the availability of public information online, through official public body portals and PPID services, has made it easier for the public to obtain administrative data, financial reports, and policy documents.<sup>12</sup> Although not completely ideal, this change is a positive indicator of the government's efforts towards a more transparent information system that is responsive to public needs.<sup>13</sup>

Nevertheless, this increase in information access is often not accompanied by strong law enforcement. The absence of firm sanctions for public bodies that refuse to provide information causes compliance to be more influenced by social pressure and ethical commitment, rather than by the legal deterrent effect.<sup>14</sup> In some cases, public bodies choose not to respond to public information requests on the grounds of security, privacy, or administrative reasons without a strong legal basis. This

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<sup>11</sup> Feri Ferdaus, and Zaimasuri Zaimasuri. "Implementation of public information disclosure policy in the house of Representatives of the Republic of Indonesia." *Journal of Governance and Accountability Studies (JGAS)* 3, no. 1 (2023): 32

<sup>12</sup> Lutfiyah Lutfiyah, Slamet Muchsin, and Rini Rahayu Kurniati. "Implementasi Kebijakan Keterbukaan Informasi Publik (KIP) Berbasis Grand Digital Pemerintah Kota Pasuruan." *Briliant: Jurnal Riset dan Konseptual* 9, no. 2 (2024): 321

<sup>13</sup> R Ricky, and Muh Tanzil Aziz Rahimallah. "Keterbukaan informasi publik di Indonesia (perspektif akuntabilitas, transparansi dan partisipasi)." *Jurnal Ilmiah Wabana Bhakti Praja* 12, no. 2 (2022): 66

<sup>14</sup> Maulidia Maulidia, and Lailul Mursyidah. "Meningkatkan Akses Informasi Publik: Evaluasi Efektivitas Petugas Informasi di Indonesia." *Frontiers in Research Journal* 1, no. 2 (2024): 121

indicates that the effectiveness of UU KIP in encouraging information disclosure relies more on the moral awareness of the bureaucracy and public pressure than on legally binding sanction mechanisms.

The role of the Information Commission becomes very important in this context. This institution functions as a mediator for information disputes through mediation and non-litigation adjudication mechanisms. In recent years, the Information Commission at both the central and regional levels has played an active role in resolving hundreds of disputes submitted by the public against public bodies.<sup>15</sup> Although the dispute resolution process is relatively effective, problems arise when the decisions of the Information Commission are not respected by public bodies because there are no firm administrative or criminal sanctions for violators. Consequently, the Commission's decisions often remain only declarative and lack legal enforcement power. This condition creates a dilemma in the implementation of UU KIP because the transparency enforcement institution does not have sufficient instruments to compel the compliance of public bodies.<sup>16</sup>

Apart from institutional factors, the effectiveness of UU KIP is also influenced by the efficiency of information request and dispute resolution procedures. The law has established clear time limits and administrative stages, such as a 10 working day limit for responding to information requests, as well as structured objection and adjudication procedures. However, in practice, many public

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<sup>15</sup> Dila Novita, Mawar Malela, Adi Susila, Muhammad Fadhil, Elvira Suryani, and Muhammad Yunus. "Implementation of good governance principles in the public information disclosure policy." In *Proceedings of the First International Conference on Democracy and Social Transformation, ICON-DEMOST*, pp. 1-14. 2021

<sup>16</sup> Cipto Yuono. "Implementasi Keterbukaan Informasi Publik Pemerintah Kabupaten Mukomuko, Provinsi Bengkulu." *Jurnal Pustaka Komunikasi* 6, no. 2 (2023): 423

bodies do not comply with these time provisions without any real legal consequences. Research in several regions shows that delays in responding to information requests occur due to weak internal supervision and minimal sanctions for negligence.<sup>17</sup> Although the mechanisms regulated by UU KIP are normatively efficient, without a firm enforcement system, this process becomes ineffective in guaranteeing the public's right to public information.<sup>18</sup>

The effectiveness of UU KIP implementation is also seen from its impact on an increasingly open bureaucratic culture. Many government agencies have begun to develop digital systems, form PPIDs, and compile lists of public information that can be accessed by the public. This change is a positive step towards accountable governance.<sup>19</sup> However, the effectiveness of this cultural change is not evenly distributed across all regions. In some agencies, openness is still considered an administrative burden, not a legal obligation. Without sanctions that affirm the consequences of violations, public bodies with a high level of resistance to transparency tend to remain closed and reluctant to proactively disclose information.<sup>20</sup>

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<sup>17</sup> Moh Arpiansyah, and Novianto Eko Wibowo. "Kinerja Pejabat Pengelola Informasi Dan Dokumentasi (PPID) Dalam Pelaksanaan Undang-Undang Nomor 14 Tahun 2008 Tentang Keterbukaan Informasi Publik (Studi Kasus Ppid Pelaksana Di Dinas Kesehatan Provinsi Kalimantan Tengah)." *Edu Sociata: Jurnal Pendidikan Sosiologi* 7, no. 2 (2024): 778

<sup>18</sup> Lathifah Chairunnisa, Fikri Habibi, and Rethorika Berthanila. "Implementasi Kebijakan Keterbukaan Informasi Publik." *Jurnal Ilmu Administrasi Negara ASLAN (Asosiasi Ilmuwan Administrasi Negara)* 11, no. 2 (2023): 35

<sup>19</sup> Agusniar Rizka Luthfia, Eka Nada Shofa Alkhajar, and Agus Sofyan. "Tantangan implementasi pemerintahan terbuka (open government) di Indonesia." *Wahana: Tridarma Perguruan Tinggi* 73, no. 2 (2021): 5

<sup>20</sup> Nur Hansah, and Imam Fachrudin. "Implementasi Undang-Undang Nomor 14 Tahun 2008 Tentang Keterbukaan Informasi Publik." *Jurnal Interaksi: Jurnal Mahasiswa Administrasi Publik* 1, no. 1 (2024): 42

Overall, it can be concluded that UU KIP has contributed significantly to increasing transparency, information access, and public participation. However, its effectiveness is still limited by the weak aspect of law enforcement and the absence of sanctions that compel compliance. The implementation of this regulation relies more on moral compliance than legal deterrence, resulting in low legal enforceability. Consequently, the main goal of UU KIP to create an open, accountable, and responsive government has not been fully achieved. Therefore, policy revision or strengthening of implementing regulations is needed so that every violation of information disclosure can be subject to clear and measurable legal consequences, in order to ensure that the public's right to information is truly protected effectively and justly.

### **3.2. Challenges in the Implementation of Law No. 14 of 2008 and the Urgency of Addressing the Absence of Firm Sanctions in Public Information Disclosure**

The implementation of Law Number 14 of 2008 concerning Public Information Disclosure (UU KIP) in Indonesia faces various structural and normative obstacles rooted in the absence of firm sanctions for information disclosure violations. Although this law has become an important legal basis for strengthening the principles of transparency and accountability in state administration, its implementation has not been optimal because many public bodies do not show consistent compliance with the legal obligations regulated therein.<sup>21</sup> UU

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<sup>21</sup> Hutahayan, John Fresly. *Faktor pengaruh kebijakan keterbukaan informasi dan kinerja pelayanan publik (Studi pada Pemerintah Provinsi DKI Jakarta)*. Deepublish, 2020

KIP does not establish adequate administrative or criminal sanctions for public bodies that refuse to provide information, delay responding to requests, or fail to implement the decisions of the Information Commission. Consequently, violations of the public's right to public information are often left without legal consequences, making information disclosure more of a moral recommendation than a binding obligation.<sup>22</sup>

One of the main challenges in the implementation of UU KIP is the low level of compliance of public bodies with transparency obligations. Many government agencies do not respond to information requests from the public, delay the provision of data, or fail to provide information periodically as required. This phenomenon can be found in various sectors, ranging from regional budget management to the publication of government project reports. Public information requests such as audit reports, social assistance data, and the use of village funds are often ignored without an enforcement mechanism that can compel compliance.<sup>23</sup> This low compliance is exacerbated by a bureaucratic culture that is still closed and tends to view public information as institutional secrets, not a public right.

In addition, the weak execution of Information Commission decisions is another serious obstacle. This institution actually plays an important role as a dispute resolver for information through mediation and adjudication. However, in practice, many Information Commission decisions are not carried out by public bodies

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<sup>22</sup> Feri Ferdaus, and Zaimasuri Zaimasuri. "Implementation of public information disclosure policy in the house of Representatives of the Republic of Indonesia." *Journal of Governance and Accountability Studies (JGAS)* 3, no. 1 (2023): 34

<sup>23</sup> Cipto Yuono. "Implementasi Keterbukaan Informasi Publik Pemerintah Kabupaten Mukomuko, Provinsi Bengkulu." *Jurnal Pustaka Komunikasi* 6, no. 2 (2023): 421

because there are no rules governing the execution mechanism or sanctions for refusing to implement the decision.<sup>24</sup> For example, a number of decisions that require public bodies to disclose procurement data, internal audit reports, or public fund usage documents are not heeded, forcing information applicants to go through a long process at the State Administrative Court (PTUN). This condition creates an additional burden for the public and reduces the effectiveness of the Information Commission institution in guaranteeing disclosure.

These challenges show a serious gap between the legal substance and the implementation in the field. In the context of normative law, UU KIP contains the principle that public information is a constitutional right of citizens. However, without firm sanctions, this right is difficult to realize effectively. Consequently, the implementation of UU KIP is highly dependent on the moral commitment of public officials and social pressure from the community, not on a strong law enforcement system.<sup>25</sup> This causes the application of the regulation to be inconsistent: some agencies are proactive in disclosing public data, but many also continue to withhold information for administrative or political reasons.

The urgency of addressing this issue cannot be delayed. First, strengthening sanctions is necessary to guarantee the compliance of public bodies with the principle of information disclosure. Without a clear legal threat, compliance will remain voluntary, and public bodies can easily ignore transparency obligations

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<sup>24</sup> Dila Novita, Mawar Malela, Adi Susila, Muhammad Fadhil, Elvira Suryani, and Muhammad Yunus. "Implementation of good governance principles in the public information disclosure policy." In *Proceedings of the First International Conference on Democracy and Social Transformation, ICON-DEMOST*, pp. 1-14. 2021

<sup>25</sup> Agusniar Rizka Luthfia, Eka Nada Shofa Alkhajar, and Agus Sofyan. "Tantangan implementasi pemerintahan terbuka (open government) di Indonesia." *Wahana: Tridarma Perguruan Tinggi* 73, no. 2 (2021): 5

without a sense of legal responsibility. Second, increasing accountability and transparency is an important requirement for improving public trust in the government. Closed public information hinders public scrutiny of budget use, public policies, and the implementation of development programs. Third, the absence of sanctions poses a risk of misuse of authority and increases the opportunity for corruption or maladministration. Transparency serves as a tool to prevent abuse of power, so its implementation must be accompanied by adequate legal consequences.<sup>26</sup>

In addition, strengthening sanctions is also important to reinforce the enforcement power of Information Commission decisions. Currently, the institution only has recommendatory, not executorial, authority. With clear administrative sanctions, the Commission's decisions can be more respected and effectively implemented by public bodies. This condition will speed up the resolution of information disputes and reduce the public's dependence on the legal process in court. Finally, addressing this challenge is urgent because it concerns the fulfillment of the public's right to public information guaranteed by the constitution. The right to information is part of human rights, and the absence of sanctions protecting it means the state has not fully guaranteed this fundamental right.

Overall, the weakness of sanctions in UU KIP creates a domino effect on the effectiveness of the law, governmental accountability, and public participation. Reform of UU KIP is an urgent need so that every violation of information

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<sup>26</sup> R Ricky, and Muh Tanzil Aziz Rahimallah. "Keterbukaan informasi publik di Indonesia (perspektif akuntabilitas, transparansi dan partisipasi)." *Jurnal Ilmiah Wahana Bhakti Praja* 12, no. 2 (2022): 62-75

disclosure can be subject to clear legal consequences. Legislative revisions are expected to affirm the legal responsibility of public bodies, strengthen the position of the Information Commission as a transparency enforcement institution, and ensure the public's right to information is truly protected effectively and justly.<sup>27</sup> Thus, the affirmation of sanctions is not merely a technical issue, but a strategic step towards open, clean, and responsive governance to public aspirations.

#### 4. Conclusion

The implementation of Law Number 14 of 2008 concerning Public Information Disclosure (UU KIP) has brought significant progress in realizing transparent and accountable governance in Indonesia. This regulation is an important milestone for the public in obtaining access to public information, strengthening social oversight, and fostering a culture of openness within the bureaucracy. However, its effectiveness is still not optimal due to the weak aspect of law enforcement. The absence of firm sanctions for public information disclosure violations causes many public bodies to ignore transparency obligations without legal consequences. Compliance is driven more by moral awareness and social pressure than by a legally binding mechanism.

Furthermore, the weak execution of Information Commission decisions exacerbates the effectiveness of UU KIP implementation. Without legal

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<sup>27</sup> Moh Arpiansyah, and Novianto Eko Wibowo. "Kinerja Pejabat Pengelola Informasi Dan Dokumentasi (PPID) Dalam Pelaksanaan Undang-Undang Nomor 14 Tahun 2008 Tentang Keterbukaan Informasi Publik (Studi Kasus Ppid Pelaksana Di Dinas Kesehatan Provinsi Kalimantan Tengah)." *Edu Sociata: Jurnal Pendidikan Sosiologi* 7, no. 2 (2024): 776-791

enforcement power, it is difficult for this institution to ensure consistent implementation of decisions. Therefore, reform of UU KIP is an urgent need. Strengthening the sanctions mechanism, increasing the capacity of the PPID, and empowering the Information Commission are required to ensure the public's right to public information is effectively protected. This effort is expected to encourage the creation of open, clean, and just governance for all citizens.

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