

Citizens Constitutional Rights to Access Public Information in the Era of Digital Government

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Abstract

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The constitutional right of citizens to access public information is a fundamental element of democratic principles and transparent governance. In the era of digital government, public information disclosure has become increasingly important alongside the use of information technology to expand access, enhance citizen participation, and strengthen government accountability. This literature study aims to analyze the development of regulations, implementation, and challenges faced by Indonesia in safeguarding this constitutional right amid the digital transformation of governance. The review examines scholarly articles published in the last five years, both national and international, focusing on public information disclosure, e-government, and citizen participation. Findings indicate that although digitalization has expanded access to information, barriers such as the digital divide, limited literacy, and bureaucratic resistance remain significant challenges. The study's implications highlight the need for strengthening legal frameworks, developing infrastructure, and implementing digital literacy strategies to ensure that citizens' constitutional rights are genuinely upheld.

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1. Introduction

The right to public information is universally recognized as a fundamental human right, guaranteed in both international instruments and the constitutions of various countries. In the context of Indonesia, Article 28F of the 1945 Constitution of the Republic of Indonesia affirms that every person has the right to communicate and obtain information. This right was later reinforced by Law Number 14 of 2008 concerning Public Information Disclosure (*Undang-Undang Keterbukaan Informasi Publik/UU KIP*), which provides the legal basis for citizens to access public information held by public bodies. This regulation is an important instrument in ensuring government transparency, public accountability, and encouraging public participation in the policy-making process. The era of digital governance brings new dynamics to the implementation of this right. The development of information technology allows governments to provide data and public services online, facilitate citizen participation, and enhance transparency and accountability.¹

The concept of open government becomes relevant, with pillars of open data, public participation, and collaboration strengthened by digital technology.² However, this transformation also raises new challenges, ranging from the digital divide to data security issues that demand serious attention from policymakers. Digital governance in Indonesia has developed rapidly since the launch of various e-government initiatives, including open data portals and public service applications.

¹ Bernd W Wirtz, Marcel Becker, and Jan C. Weyerer, "Open government: Development, concept, and future research directions," *International Journal of Public Administration* 46, no. 12 (2023): 805.

² M. Jae Moon, "Shifting from old open government to new open government: Four critical dimensions and case illustrations," *Public Performance & Management Review* 43, no. 3 (2020): 543.

Nevertheless, the level of public utilization is not yet evenly distributed. Factors such as digital literacy, infrastructure availability, and the quality of information content are determinants of the successful use of these platforms.³ This is in line with the findings of Shepherd et al.⁴ who highlight the unexpected consequences of information disclosure, including information overload and the potential for public misinterpretation, which can reduce the effectiveness of transparency.

In addition to information availability, this constitutional right also includes quality, relevance, and ease of access. Effective transparency requires information that is understandable, accurate, and timely.⁵ Digital governance can strengthen the fulfillment of these aspects through the integration of information systems, the use of artificial intelligence for data management, and the provision of responsive feedback mechanisms.⁶ However, previous research shows a gap between regulation and practice. Cho,⁷ found that many government digital platforms fail to meet their original goals due to weak coordination between agencies and low public involvement. In Indonesia, this challenge is even more complex due to infrastructure

³ Riswan Wagola, Achmad Nurmandi, Misran, and Dimas Subekti, "Government Digital Transformation in Indonesia," In *International Conference on Human-Computer Interaction*. Cham: Springer Nature Switzerland, 2023: 291.

⁴ Elizabeth Shepherd, Jenny Bunn, Andrew Flinn, Elizabeth Lomas, Anna Sexton, Sara Brimble, Katherine Chorley, Emma Harrison, James Lowry, and Jessica Page, "Open government data: critical information management perspectives," *Records Management Journal* 29, no. 1/2 (2019): 162.

⁵ Suud Sarim Karimullah, Arif Sugitanata, and Fawwaz Elmurtadho, "Juridical Analysis Of Public Information Disclosure In Government Systems In The Digital Era," *Constitution Journal* 2, no. 2 (2023): 8.

⁶ Saar Alon-Barkat and Madalina Busuioc, "Human AI interactions in public sector decision making: "automation bias" and "selective adherence" to algorithmic advice," *Journal of Public Administration Research and Theory* 33, no. 1 (2023): 164.

⁷ Seongkyung Cho, Karen Mossberger, David Swindell, and John David Selby. "Experimenting with public engagement platforms in local government." *Urban Affairs Review* 57, no. 3 (2021): 763-793.

disparities between urban and rural areas Hafel,⁸ as well as bureaucratic resistance to openness.⁹ This situation indicates that good policies are not always directly proportional to on-the-ground implementation, especially if they are not followed by technical support, cross-sectoral coordination, and a reform of the bureaucratic culture.

The globalization of information and the adoption of digital technology also broaden the scope of the right to access information, but at the same time demand adaptive policy reform. Threats from cyber security, data misuse, and information polarization are risk factors that can disrupt the goal of openness. Therefore, the government needs to ensure that the digitalization of public services continues to guarantee the principles of openness, accountability, and privacy protection.¹⁰ Based on this background, this study focuses on analyzing the development of the legal and policy framework related to the right to public information access in the context of digital governance in Indonesia, identifying the implementation obstacles faced, and formulating strategic recommendations to strengthen the fulfillment of citizens' constitutional rights in the digital era.

⁸ Muhlis Hafel, "Digital transformation in politics and governance in Indonesia: Opportunities and challenges in the era of technological disruption," *Society* 11, no. 2 (2023): 748.

⁹ Dadi Ahmadi and A. T. I. E. Rachmiate, "Public participation model for public information disclosure," *Jurnal Komunikasi: Malaysian Journal of Communication* 35, no. 4 (2019): 313.

¹⁰ Amanda Clarke, "Digital government units: what are they, and what do they mean for digital era public management renewal?," *International Public Management Journal* 23, no. 3 (2020): 367.

2. Literature Review

The constitutional right of citizens to obtain public information in the era of digital governance has become an important focus in academic studies, both nationally and internationally. A number of studies highlight that the digitalization of governance brings both opportunities and challenges in the implementation of public information disclosure. According to Moon,¹¹ open government data is a main pillar of digital governance that contributes to transparency, innovation, and citizen engagement. This study asserts that the success of data openness requires a strong legal framework, interoperability standards, and sustained political commitment. In the context of Indonesia, Law No. 14 of 2008 concerning Public Information Disclosure is the main reference, but its implementation still faces a gap between regulation and practice.¹²

Wirtz et al.¹³ identify that digital governance is effective in providing public information when supported by technology integration, good data management, and citizen participation. However, the literature also shows challenges related to the digital divide that limits access for some segments of society.¹⁴ This disparity includes limited internet infrastructure, low digital literacy, and the uneven distribution of

¹¹ M. Jae Moon, "Shifting from old open government to new open government: Four critical dimensions and case illustrations," *Public Performance & Management Review* 43, no. 3 (2020): 543.

¹² Riswan Wagola, Achmad Nurmandi, Misran, and Dimas Subekti, "Government Digital Transformation in Indonesia," In *International Conference on Human-Computer Interaction*. Cham: Springer Nature Switzerland, 2023 : 291.

¹³ Bernd W Wirtz, Marcel Becker, and Jan C. Weyerer, "Open government: Development, concept, and future research directions," *International Journal of Public Administration* 46, no. 12 (2023): 805.

¹⁴ Muhlis Hafel, "Digital transformation in politics and governance in Indonesia: Opportunities and challenges in the era of technological disruption," *Society* 11, no. 2 (2023): 748.

technological devices. Shepherd et al.¹⁵ underscore the phenomenon of information overload, where massive information disclosure actually makes it difficult for citizens to accurately understand public issues. This challenge becomes more complex when the quality and accuracy of information are not guaranteed, triggering the risk of misinformation in the digital space. Karimullah et al.¹⁶ add that the quality of public information must meet the criteria of relevance, clarity, and timeliness.

Hariguna's¹⁷ research shows that the success of e-government platforms is determined by coordination between agencies, service integration, and user-oriented system design. However, bureaucratic resistance to transparency remains a significant obstacle.¹⁸ Issues of data security and privacy also emerge as limiting factors for openness, as identified by Clarke,¹⁹ who highlights the need for a balance between information access and personal data protection. Alon-Barkat & Busuioc,²⁰ examine the use of artificial intelligence-based technology in public information

¹⁵ Elizabeth Shepherd, Jenny Bunn, Andrew Flinn, Elizabeth Lomas, Anna Sexton, Sara Brimble, Katherine Chorley, Emma Harrison, James Lowry, and Jessica Page, "Open government data: critical information management perspectives," *Records Management Journal* 29, no. 1/2 (2019): 162.

¹⁶ Suud Sarim Karimullah, Arif Sugitanata, and Fawwaz Elmurtadho, "Juridical Analysis Of Public Information Disclosure In Government Systems In The Digital Era," *Constitution Journal* 2, no. 2 (2023): 8.

¹⁷ Taqwa Hariguna, Athapol Ruangkanjanases, and Sarmini. "Public behavior as an output of e-government service: the role of new technology integrated in e-government and antecedent of relationship quality." *Sustainability* 13, no. 13 (2021): 7464.

¹⁸ Dadi Ahmadi and A. T. I. E. Rachmatie, "Public participation model for public information disclosure," *Jurnal Komunikasi: Malaysian Journal of Communication* 35, no. 4 (2019): 313.

¹⁹ Amanda Clarke, "Digital government units: what are they, and what do they mean for digital era public management renewal?," *International Public Management Journal* 23, no. 3 (2020): 367.

²⁰ Saar Alon-Barkat and Madalina Busuioc, "Human AI interactions in public sector decision making: "automation bias" and "selective adherence" to algorithmic advice," *Journal of Public Administration Research and Theory* 33, no. 1 (2023): 164.

management. They found that AI can increase efficiency, but it must be balanced with accountability mechanisms to avoid bias and violations of citizens' rights.

In Indonesia, national literature emphasizes the need for digital literacy strategies to increase the utilization of public information disclosure portals.²¹ In addition, collaboration between the government, civil society, and the private sector is key to expanding the reach of information disclosure in the digital era. In general, these studies show that while digital governance offers great opportunities to strengthen citizens' constitutional rights, there are a number of structural, technical, and cultural challenges that must be addressed. An adaptive legal framework, adequate infrastructure, digital literacy, and the integrity of governance are determining factors for the success of public information disclosure in the digital era.

3. Method

This study uses a literature review method with a qualitative approach to examine the constitutional rights of citizens in accessing public information in the digital governance era. The research focus is directed at the development of regulations, implementation, and challenges faced in the Indonesian context, while considering lessons from international literature. The main research sources are relevant scientific journal articles published between 2019–2023. The selection of this time range aims to ensure that the study reflects current conditions, especially

²¹ Arief Prayitno, "Technological innovation in public administration transformation: Case study of e-government implementation in Indonesia," *Journal of Governance* 8, no. 4 (2023): 637.

after the acceleration of digitalization due to the development of information technology and the COVID-19 pandemic. The search was conducted through Google Scholar with the keywords “constitutional rights, public information digital government,” and “open government e-government transparency.” The selected articles are national and international journal publications that directly discuss issues of public information disclosure, citizens' rights, and digital governance, while non-academic sources such as theses, media reports, or blogs were not used to maintain scientific validity.

The literature selection was based on inclusion criteria: peer-reviewed articles, discussing the relationship between public information disclosure and digital governance, and having relevance to the Indonesian context or being applicable to the Indonesian context. Articles that only discuss information technology without relevance to public access rights or are opinions without academic data and analysis were excluded. The analysis process was carried out in three stages. The first stage was data collection, which involved downloading and organizing 15 selected articles in PDF format for in-depth reading. The second stage was thematic coding by identifying key themes such as regulations and policies, implementation challenges, supporting technology, and the role of digital literacy. The third stage was synthesis, which involved combining findings from various sources into a structured narrative that connects international literature with actual conditions in Indonesia.

The validity of the research was maintained by comparing the data obtained with relevant secondary sources such as official government reports and international organizations. The reliability of the analysis was ensured through cross-

checking findings between articles to see consistency. This literature review method was chosen because it is able to provide a comprehensive understanding based on existing academic evidence, while also allowing for cross-study comparisons to identify research gaps and opportunities for future policy development.

4. Results

4.1. The Development of Regulation and Implementation of Public Information Access Rights in the Digital Era

The results of the literature review show that the constitutional right of citizens to obtain public information in Indonesia has been explicitly recognized through Article 28F of the 1945 Constitution and regulated in detail in Law No. 14 of 2008 concerning Public Information Disclosure (*Keterbukaan Informasi Publik/KIP*). This constitutional basis ensures that every citizen has the right to seek, obtain, and disseminate information, which is one of the important prerequisites for realizing a democratic and accountable government. Along with the digital transformation of government, these provisions are reinforced by various e-government policies that aim to facilitate public access to information through the use of information and communication technology. This transformation not only accelerates public service processes but also expands the reach of information to groups of people who were previously difficult to reach.

Several studies, such as those conducted by Wagola et al.²² found that the application of government digital platforms like online PPID (*Pejabat Pengelola Informasi dan Dokumentasi* - Official for Information and Documentation Management) has increased the accessibility of information for the public. Through this innovation, the public can access official documents, reports, and data without having to come directly to a government office. Public information disclosure portals, ministry/agency websites, and online public service applications have proven capable of shortening the time for information access, reducing administrative costs, and expanding reach to remote areas. This positive impact is felt especially in sectors of public services that require high transparency, such as procurement of goods and services, regional budgets, and social assistance programs.

However, studies by Hafel,²³ and Karimullah et al.²⁴ show that the implementation of public information disclosure in the digital realm is still faced with problems of information quality and consistency. Much of the data uploaded is not updated regularly, the format is not user-friendly, and it is sometimes difficult to download. In some cases, the information available is also incomplete or not presented in an open format that allows for further processing. Some regional PPIDs still rely on manual procedures, such as submitting requests in writing or in person,

²² Riswan Wagola, Achmad Nurmandi, Misran, and Dimas Subekti, "Government Digital Transformation in Indonesia," In *International Conference on Human-Computer Interaction*. Cham: Springer Nature Switzerland, 2023 : 291.

²³ Muhlis Hafel, "Digital transformation in politics and governance in Indonesia: Opportunities and challenges in the era of technological disruption," *Society* 11, no. 2 (2023): 748.

²⁴ Suud Sarim Karimullah, Arif Sugitanata, and Fawwaz Elmurtadho, "Juridical Analysis Of Public Information Disclosure In Government Systems In The Digital Era," *Constitution Journal* 2, no. 2 (2023): 8.

which slows down the information service process and contradicts the spirit of digitalization.

Research by Wirtz et al.²⁵ identified that in countries with advanced digital governance, public information disclosure is always accompanied by a clear data governance framework, including interoperability standards, easily accessible complaint mechanisms, and regular public evaluations. These standards allow data provided by the government to be widely used by the public, the private sector, and academics, thereby encouraging data-based innovation. Meanwhile, in Indonesia, this framework has not been fully integrated between the central and regional governments, creating an implementation gap that impacts the quality of information disclosure services.

In addition, several studies, such as the one conducted by Mutiarin,²⁶ highlight that the success of public information disclosure does not only depend on digital infrastructure, but also on the quality of Human Resources (HR) who manage the data. Without adequate training, digital transformation is prone to producing ineffective services, and can even lead to errors in information publication. Technical ability, understanding of regulations, and commitment to the principles of openness are determining factors in ensuring that citizens' constitutional rights are truly fulfilled in the digital governance era. Therefore, an approach is needed that

²⁵ Bernd W Wirtz, Marcel Becker, and Jan C. Weyerer, "Open government: Development, concept, and future research directions," *International Journal of Public Administration* 46, no. 12 (2023): 805.

²⁶ Dyah Mutiarin, Yasmira Moner, and Achmad Nurmandi. "The adoption of information and communication technologies in human resource management in the era of public governance." *Public policy and Administration* 18, no. 2 (2019): 346-362.

combines the strengthening of technology infrastructure, an increase in HR capacity, and the establishment of consistent data governance standards to guarantee transparent, accurate, and sustainable public information access.

4.2. Structural, Technical, and Cultural Challenges in Fulfilling Public Information Access Rights

The main challenges found in the literature can be grouped into several interrelated dimensions. From a structural perspective, the research by Ahmadi and Rachmiate,²⁷ shows bureaucratic resistance to data openness. This obstacle often arises from an organizational culture that tends to be closed, fear of information misuse, and the absence of incentives that encourage public officials to proactively publish data. This situation is even more complex due to differences in fiscal capacity between regions, where some local governments have difficulty building and maintaining adequate digital infrastructure. As a result, the quality and availability of public information disclosure services are uneven across various regions.

From a technical perspective, limited internet connectivity is a serious barrier, especially in 3T (*tertinggal, terdepan, terluar* - lagging, frontier, outermost) regions. A report analyzed in Sulistya's,²⁸ study reveals that although national internet penetration has increased rapidly, the digital divide is still very real. Many citizens in rural areas only have limited internet access with low speeds, making it difficult to

²⁷ Dadi Ahmadi and A. T. I. E. Rachmiate, "Public participation model for public information disclosure," *Jurnal Komunikasi: Malaysian Journal of Communication* 35, no. 4 (2019): 313.

²⁸ Adi Qumara Wahyu Sulistya, Bernardus Bastian Sulistiyo, Faizan Aditya, Imelda Doharta Aritonang, Stephen Amos Simangunsong, Muhammad Rifki Shihab, and Benny Ranti. "A case study of Indonesian government digital transformation: Improving public service quality through E-government implementation." In *2019 5th International Conference on Science and Technology (ICST)*, vol. 1, pp. 1-6. IEEE, 2019.

utilize online information disclosure services. This obstacle not only limits citizens' access to public data but also reduces the effectiveness of digital government programs that rely on online interactions.

From a cultural dimension, the level of public digital literacy influences citizens' ability to search for, understand, and utilize public information. Studies by Alon-Barkat and Busuioc,²⁹ show that even though information is available online, many citizens do not use it because they do not understand the search procedures or find the process complicated. In many cases, the information provided by the government is not accompanied by adequate guides or explanations, so citizens are reluctant or confused to access it. In addition, issues of data security and privacy have become a serious concern in the context of public information disclosure. Clarke,³⁰ emphasizes the need for policies that can balance the right to public information access with the protection of personal data. In practice, the government sometimes chooses to withhold the publication of data that is considered sensitive to prevent privacy violations, even though the data has important relevance for public accountability. This lack of clarity between openness and privacy protection has the potential to cause mistrust among the public, especially when the decision not to publish information is not accompanied by transparent explanations.³¹

²⁹ Saar Alon-Barkat and Madalina Busuioc, "Human AI interactions in public sector decision making: "automation bias" and "selective adherence" to algorithmic advice," *Journal of Public Administration Research and Theory* 33, no. 1 (2023): 164.

³⁰ Amanda Clarke, "Digital government units: what are they, and what do they mean for digital era public management renewal?," *International Public Management Journal* 23, no. 3 (2020): 367.

³¹ Christopher James Sampson, Renée Arnold, Stirling Bryan, Philip Clarke, Sean Ekins, Anthony Hatswell, Neil Hawkins et al. "Transparency in decision modelling: what, why, who and how?." *Pharmacoeconomics* 37, no. 11 (2019): 1359.

Another challenge is information overload. Shepherd et al.³² show that when the government releases too much data without clear curation or classification, the public has difficulty finding relevant information. This phenomenon can actually weaken the function of information disclosure as a means of public oversight, because abundant information without a neat structure makes data searching a confusing and time-consuming process.

In general, the literature shows that although digital transformation has opened up great opportunities to strengthen citizens' constitutional rights to public information, the success of this effort is highly dependent on bureaucratic reform that leads to a culture of openness, equitable digital infrastructure in all regions, an increase in public digital literacy, and the implementation of integrated data governance. Without synergy from these four factors, the implementation of public information disclosure in the digital governance era will tend to result in gaps in access and service quality. Therefore, a comprehensive policy strategy is needed to ensure that every citizen, without exception, can enjoy their constitutional right to obtain public information that is transparent, accurate, and useful.

5. Discussion

The results of this literature review show that the constitutional right of citizens to access public information in the era of digital governance is at the intersection of technological progress and implementation challenges. On the one

³² Elizabeth Shepherd, Jenny Bunn, Andrew Flinn, Elizabeth Lomas, Anna Sexton, Sara Brimble, Katherine Chorley, Emma Harrison, James Lowry, and Jessica Page, "Open government data: critical information management perspectives," *Records Management Journal* 29, no. 1/2 (2019): 162

hand, the development of e-government in Indonesia has expanded access channels, increased efficiency, and strengthened transparency. On the other hand, there are still structural, technical, and cultural obstacles that limit its optimal utilization. From a human rights theory perspective, Article 28F of the 1945 Constitution guarantees the freedom to obtain information as a fundamental right that supports public participation in government. Digital transformation provides an opportunity to realize this right more broadly and quickly. However, the literature, such as that written by Wirtz et al.³³ underscores that digitalization without a strong data governance framework risks creating new gaps both in terms of access and information quality.

In practice, differences in infrastructure readiness between regions are a determining factor. The central government has built various platforms such as PPID and open data portals, but infrastructure disparities make the results uneven. This is in line with Sulistya's,³⁴ findings that the digital divide is still significant between urban and rural areas. In this context, the success of information access is not enough to be measured by the availability of online channels, but also by their affordability and usability by all layers of society. In the realm of bureaucratic culture, resistance to openness is a classic problem that still persists. Several studies in the 2019–2023 period show that some public officials still view openness as a threat to

³³ Bernd W Wirtz, Marcel Becker, and Jan C. Weyerer, "Open government: Development, concept, and future research directions," *International Journal of Public Administration* 46, no. 12 (2023): 805.

³⁴ Adi Qumara Wahyu Sulistya, Bernardus Bastian Sulistiyo, Faizan Aditya, Imelda Doharta Aritonang, Stephen Amos Simangunsong, Muhammad Rifki Shihab, and Benny Ranti. "A case study of Indonesian government digital transformation: Improving public service quality through E-government implementation." In *2019 5th International Conference on Science and Technology (ICST)*, vol. 1, pp. 1-6. IEEE, 2019.

organizational stability or data security. As a result, even though there are regulations and digital platforms, their implementation is half-hearted. This cultural transformation requires pro-transparency leadership and a clear accountability mechanism.³⁵ From the public literacy side, increased access to technology does not automatically increase the utilization of information. Low digital literacy makes some people unable to search for, understand, and use public information effectively. This has implications for the weak participation of citizens in policy oversight.

A massive, integrated, and sustainable digital literacy program needs to be a priority to optimize the benefits of digital governance. The discussion also highlights the issue of personal data protection, which is increasingly relevant amid information openness. The balance between transparency and privacy is a policy dilemma. The government must ensure that openness does not mean a leakage of sensitive data, while also ensuring that the reason for privacy protection is not used as a justification to close off public information that is important for accountability.³⁶ Thus, academic discourse and government practice both show that the successful fulfillment of citizens' constitutional rights to access public information in the digital era requires a holistic approach. This approach includes equitable infrastructure development, improved data governance, a change in bureaucratic culture, an increase in digital literacy, and balanced regulations between openness and privacy protection.

³⁵ Jorge Hochstetter, Carla Vairetti, Carlos Cares, Mauricio García Ojeda, and Sebastián Maldonado. "A transparency maturity model for government software tenders." *Ieee Access* 9 (2021): 45678.

³⁶ Mohammed Binjubeir, Abdulghani Ali Ahmed, Mohd Arfian Bin Ismail, Ali Safaa Sadiq, and Muhammad Khurram Khan. "Comprehensive survey on big data privacy protection." *Ieee Access* 8 (2019): 20067-20079.

6. Conclusion

This literature review affirms that the constitutional right of citizens to access public information, as guaranteed by Article 28F of the 1945 Constitution, has a significant opportunity for strengthening through the digital transformation of government. The use of information technology allows the process of providing public information to be faster, more transparent, and widely accessible, especially through online PPID platforms, open data portals, and public service applications. However, the successful implementation of public information disclosure is not only determined by the existence of digital infrastructure but also by the quality of data governance, equitable internet access, the readiness of human resources, and a bureaucratic culture that supports transparency. Challenges in the form of the digital divide, low digital literacy, bureaucratic resistance, and personal data protection issues show that e-government policies must be designed holistically. Personal data protection needs to go hand in hand with information disclosure so as not to sacrifice individual privacy or hinder public accountability. By integrating regulatory reform, infrastructure development, HR training, an increase in digital literacy, and public oversight mechanisms, the right to information access can be guaranteed effectively. Ultimately, the digital governance era offers great opportunities to strengthen democracy and public participation in Indonesia, as long as policies and their implementation are in line with the principles of openness, accountability, inclusivity, and the protection of human rights.

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