

RESOLUTION OF PUBLIC INFORMATION DISPUTES AT THE PUBLIC INFORMATION COMMISSION

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Abstract

Public information disputes refer to conflicts between public bodies and users of public information as legal subjects concerning the right to obtain and utilize information in accordance with statutory regulations. This study aims to examine the procedural flow for submitting requests for public information to public bodies and the mechanism for resolving public information disputes at the Public Information Commission, with a case study of Case Number 005/IV/KIProv-LPG-PS-a/2022.

The research employs a normative legal research method with a descriptive approach, intended to clearly and comprehensively elaborate the procedural stages of submitting public information requests and the dispute resolution mechanism based on the aforementioned case. The findings show that requests for public information submitted to public bodies must be made in writing by the applicant—whether an individual or a legal entity—as demonstrated in Case Number 005/IV/KIProv-LPG-PS-a/2022, in which the applicant was a legal entity.

The mechanism for resolving the public information dispute in Case Number 005/IV/KIProv-LPG-PS-a/2022 was carried out in accordance with Law No. 14 of 2008 on Public Information Disclosure, in conjunction with Article 59 paragraphs (4) and (5) of the Information Commission Regulation No. 1 of 2013 on Procedures for Resolving Public Information Disputes. The decision of the Public Information Commission may be accepted or rejected, and the parties retain the right to pursue further legal remedies through the Administrative Court.

Keywords: Mechanism, Resolution, Dispute, Public Information Commission (KIP)

Introduction

Information is a fundamental necessity for every individual and legal entity, particularly for personal development and social engagement. The right to obtain information is a human right, and public information transparency is one of the key characteristics of a democratic state that upholds popular sovereignty to ensure good governance. Access to information is essential today because it enables the optimization of public oversight over the administration of the state and other public bodies.¹

A public information dispute refers to a conflict between a public body and a user of public information concerning the right to obtain and utilize information in accordance with statutory regulations,² as defined in Article 1 of Law No. 14 of 2008 on Public Information Disclosure. Public information generally consists of information produced, stored, managed, transmitted, and/or received by state administrators or public bodies in compliance with the law, often relating to matters of public interest.

The Public Information Commission of Lampung Province has provided guidelines to the public regarding the procedure for requesting information from public bodies as part of ensuring information transparency. However, in practice, public bodies may sometimes refuse to provide requested information to individuals, legal entities, or private parties on the grounds that certain information may be exempted under applicable laws and regulations. In many cases, applicants seek such information as a legitimate means of conducting public oversight of state administration.

¹ Eko Noer Kristiyanto, 2016, URGENSI KETERBUKAAN INFORMASI DALAM PENYELENGGARAAN PELAYANAN PUBLIK (Urgency of Disclosure of Information in the Implementation of Public Service), Jurnal Penelitian Hukum De Jure, Vol 16 : 1

² Esra Natasya Sitepu, 2025, Tinjauan Yuridis Sengketa Informasi Publik dalam Administrasi Negara: Studi Kasus Putusan PTUN Nomor 410/G/KI/2024/PTUN.JKT, [JOURNAL OF ADMINISTRATIVE AND SOCIAL SCIENCE](https://doi.org/10.5281/zenodo.17921244) VOL 6 : 1

Accordingly, it is necessary to examine the procedural flow for submitting requests for public information to public bodies and to assess whether these procedures were followed in Case Number 005/IV/KIProv-LPG-PS/2022. Furthermore, it is important to analyze the dispute resolution mechanism for public information cases and evaluate whether the applicable procedures were properly implemented in Case Number 005/IV/KIProv-LPG-PS-a/2022. For these reasons, the authors consider it important to discuss “The Mechanism for Resolving Public Information Disputes at the Public Information Commission (Case Study: Case Number 005/IV/KIProv-LPG-PS-a/2022).”

Research Methods

This study employs a normative legal research method, which examines the application or implementation of normative legal provisions in actual legal events occurring within society. The research is descriptive in nature, aiming to clearly and comprehensively explain the clarity and implementation of specific legal rules.³

The research adopts an applied normative approach. The application of normative provisions to legal events involves analytical activities to determine whether the relevant normative rules have been properly implemented in accordance with statutory provisions or contractual documents forming the legal basis between the parties, and whether the implementation and its outcomes align with the normative standards that serve as the applied benchmarks.⁴

Data Utilized in This Research

1. **Primary data**, obtained directly from:
 - a) Law of the Republic of Indonesia No. 14 of 2008 on Public Information Disclosure.
 - b) Regulation of the Indonesian Information Commission No. 1 of 2013 on Procedures for Resolving Public Information Disputes.
 - c) Regulation of the Minister of Home Affairs of the Republic of Indonesia No. 3 of 2017 on Guidelines for Managing Information and Documentation Services within the Ministry of Home Affairs and Local Governments.
 - d) Regulation of the Indonesian Information Commission No. 1 of 2021 on Standards for Public Information Services.
 - e) Decision of the Lampung Provincial Information Commission No. 005/IV/KIProv-LPG-PS-A/2022 in the case between DPC PWRI of West Lampung Regency and the Office of Highways and Construction (Dinas Bina Marga dan Bina Konstruksi) of Lampung Province.
2. **Secondary data**, consisting of legal literature and other scholarly materials relevant to the issues examined in this research.

Data Collection Methods

Data for this research were obtained through:

1. **Literature Study**, conducted by reviewing academic materials relevant to the topic—particularly those pertaining to partnerships and funding mechanisms—through reading, quoting, recording, and identifying information in accordance with the research problem.
2. **Document Study**, conducted by reviewing and analyzing the Decision of the Lampung Provincial Information Commission No. 005/IV/KIProv-LPG-PS-A/2022 between DPC PWRI of West Lampung Regency and the Office of Highways and Construction of Lampung Province, along with related documents.

Data Processing Techniques

Once all necessary data were collected, the data were processed through the following stages:

³ Singarimbun, Masri dan Effendi, Sofian (Editor). (2011). *Metode Penelitian Survey*. Jakarta: PT Pustaka LP3ES Indonesia.

⁴ Muhammad, Abdulkadir, 2004. *Hukum dan Penelitian Hukum*. Pt. Citra Aditya Bakti. Bandung

- Editing**, which involves verifying whether the collected data are complete, accurate, and relevant to the research problem.
- Coding**, which consists of marking and classifying the data—through numbering or categorization—based on their type and source.
- Reconstructing**, which involves reorganizing the data in a systematic, sequential, and logical manner to facilitate interpretation.
- Systematizing**, which means arranging the data according to a structured framework based on the order of the issues discussed.

After processing, the data were analyzed qualitatively. Qualitative analysis involves presenting the data in coherent, logical, and effectively structured narrative form, ensuring clarity and facilitating interpretation of the findings related to the Mechanism for Resolving Public Information Disputes at the Public Information Commission in connection with Case Number 005/IV/KIProv-LPG-PS/2022.

Results and Discussion

I. Procedures for Submitting Requests for Public Information to Public Bodies, Specifically to the PPID (Information and Documentation Management Officer)

A public information applicant is any Indonesian citizen and/or legal entity submitting a request for public information.

Direct Request Procedure

- The applicant visits the office of the Information and Documentation Management Officer (PPID) of the relevant public body.
- The applicant completes a public information request form and provides the required attachments within no later than three (3) working days after submitting the request.
- The request is deemed accepted once all required data and documents are declared complete.
- The PPID registers the request and issues a Receipt of Public Information Request.
- The applicant must retain this receipt properly.
- The PPID processes the request for public information.
- The PPID provides a written notification to the applicant within a maximum of ten (10) working days from the date the request is accepted.

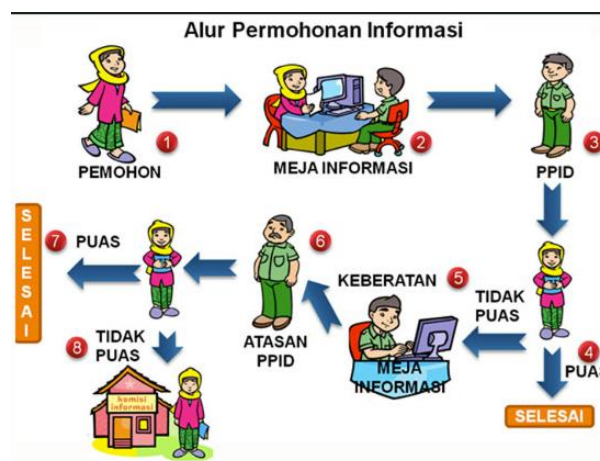


Figure 1. Public Information Request Flowchart

Objection Procedure

A public body may refuse to provide requested public information. In such cases, the applicant may file an objection on the following grounds:

1. Refusal to provide public information in accordance with statutory regulations.
2. Absence of response to the public information request.
3. The information provided does not correspond to that which was requested.
4. Failure to fulfill the public information request.
5. Imposition of unreasonable fees.
6. Delivery of the requested information exceeding the time limits stipulated in the regulations.

If the public body rejects the information request, the applicant may file a public information dispute with the Lampung Provincial Information Commission.

II. Mechanism for Resolving Public Information Disputes at the Lampung Provincial Public Information Commission

The process of resolving public information disputes at the Lampung Provincial Public Information Commission consists of three main stages: the information request stage, mediation, and adjudication. During the information request stage, the applicant may submit a direct request; however, if the request is denied, the applicant may subsequently file an objection.

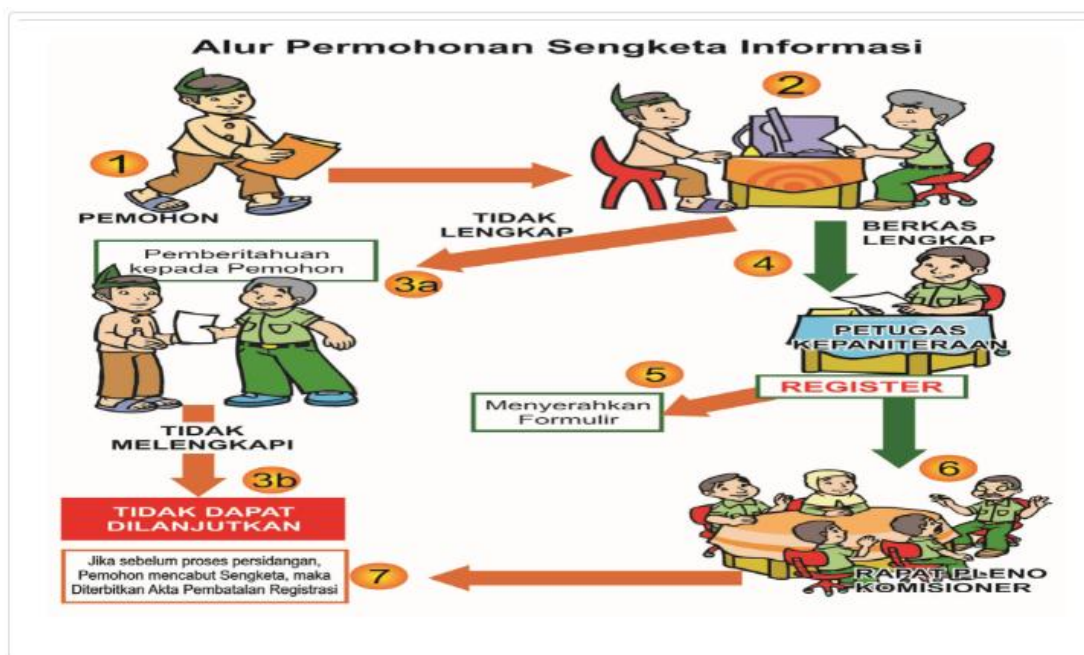


Figure 2. Flowchart of Public Information Dispute Submission

Resolution of Public Information Disputes through the Public Information Commission

A public information dispute may be brought before the Public Information Commission under the following circumstances:⁵

⁵ Rahmadhona Fitri Helmi, 2019, PENYELESAIAN SENGKETA INFORMASI PUBLIKDI KOMISI INFORMASI PROVINSI SUMATERA BARAT, Journal of Education on Social Science, vol 3 : 1

1. The applicant is dissatisfied with the response to their objection provided by the superior officer of the PPID; or
2. The applicant does not receive any response to the objection submitted to the PPID superior within thirty (30) working days from the date the objection was received by the PPID superior.

Applications for dispute resolution may be submitted directly to the Public Information Commission or through an online dispute registration system. However, based on our observations, the online system cannot yet be effectively used.

Requirements for Filing a Request for Public Information Dispute Resolution

Applicants must satisfy the following requirements:

1. Valid proof of the applicant's identity, consisting of:

- a) A photocopy of an Identity Card (KTP), passport, or other identification proving Indonesian citizenship; or
- b) A photocopy of the deed of establishment (notarial deed) and legalization of a public or private legal entity by the Ministry of Law and Human Rights, in the case of legal-entity applicants, as well as a decree of organizational appointment (SK Perkumpulan), organizational profile and Articles of Association/Bylaws (AD/ART), registration certificate from Kesbangpol, or other valid documents;
- c) A photocopy of a power of attorney if the applicant is represented by an authorized representative.

2. Proof of having submitted an information request to the public body, in the form of:

- a) A written information request letter or completed request form; and/or
- b) A written notification letter regarding the information request;
- c) Proof of submission such as a receipt and written response to the information request.

3. Proof of having submitted an objection to the public body, consisting of:

- a) A letter of objection, in cases where the PPID superior failed to respond within thirty (30) days, accompanied by proof of receipt;
- b) A written response from the PPID superior to the applicant's objection.

4. The Public Information Dispute Resolution Request Form, containing at minimum:

- a) The applicant's identity;
- b) A description of the grounds for the request;
- c) The relief sought from the Public Information Commission.

Case Analysis: Dispute Resolution in Case No. 005/IV/KIProv-LPG-PS/2022

1. The public information applicant submitted a request for dispute resolution to the Public Information Commission after fulfilling all procedural requirements as mandated by law. The applicant initially requested budget documents (RKA) from the PPID, which responded through a written notification. The applicant then filed an objection, to which the PPID also responded. Consequently, the dispute proceeded to a hearing before the Public Information Commission.
2. The dispute resolution procedure at the Public Information Commission involves hearings conducted through the following steps:
 - a) The hearing is opened by the panel of commissioners assigned to the case, who then request verification of the legal standing and identity documents of both the applicant and respondent.

- b) The agenda proceeds with the reading of the applicant's petition, followed by the respondent's obligation to present a response.
- c) The panel grants the respondent one week to submit a written response (Answer and Exception).

Based on these procedures, the respondent must submit a formal response (answer and exception). The Commission then examines the legal standing of the applicant and verifies compliance with the statutory timeframe. Because the respondent raised an absolute exception, the Commission issued an interlocutory decision affirming that the applicant possessed valid legal standing and that the request for dispute resolution was submitted within the legally required timeframe. The case then proceeded to mediation.

During mediation, the Commission appointed a mediator to facilitate a settlement between the parties. However, mediation failed to produce an agreement, and the case proceeded to the evidentiary stage, followed by the submission of written conclusions and issuance of a final decision.

Decision in Case No. 005/IV/KIProv-LPG-PS/2022 (28 April 2022)

Decides:

1. To grant the applicant's request *in part*;
2. To declare that the information requested by the applicant, namely:
 - a) The budget plan (RKA) for the construction of the Pekon Balak–Suoh road segment in West Lampung Regency for fiscal year 2020;
 - b) The realization report for the construction of the Pekon Balak–Suoh road segment in West Lampung Regency for fiscal year 2020;
 - c) The design documents for the construction of the Pekon Balak–Suoh road segment in West Lampung Regency for fiscal year 2020; constitutes publicly accessible information (active disclosure) that must be provided and periodically published by the respondent.
3. To reject the applicant's request for the third-party tender contract documents for the construction project, on the grounds that the applicant does not have a direct interest and is not a legal entity engaged in construction services participating in the tender.
4. To order the respondent to provide the applicant with copies of the information referred to in Point 2 within fourteen (14) working days from the date the decision is received.
5. To assign the reproduction costs associated with the documents in Point 4 to the applicant.

In resolving public information disputes handled by the Public Information Commission and the courts, there is no significant procedural difference; the primary distinction lies in terminology, in which the panel is referred to as the *Judicial Panel* in the court system, whereas in the Public Information Commission it is referred to as the *Commissioners Panel*. The dispute resolution mechanism implemented by the Lampung Provincial Public Information Commission is in accordance with Law No. 14 of 2008 on Public Information Disclosure, in conjunction with Article 59 paragraphs (4) and (5) of Public Information Commission Regulation No. 1 of 2013 concerning procedures for resolving public information disputes. The Commission is required to resolve disputes within 100 (one hundred) working days, while the court must deliver a decision within a maximum of six months.

With regard to decisions issued by the Public Information Commission, any party dissatisfied with the decision may seek legal remedies by filing a claim with the Administrative Court (*Pengadilan Tata Usaha Negara*). Conversely, if both parties accept the Commission's decision, it must be implemented within 14 working days.

Conclusion

Following the analysis of the issues examined in this study, the following conclusions may be drawn:

1. The procedure for submitting a public information request to a public body must be made in writing by an applicant, who may be an individual or a legal entity, as demonstrated in Case Number 005/IV/KIProv-LPG-PS-a/2022, in which the applicant was a legal entity.
2. The mechanism for resolving public information disputes in Case Number 005/IV/KIProv-LPG-PS-a/2022 complies with Law No. 14 of 2008 on Public Information Disclosure, in conjunction with Article 59 paragraphs (4) and (5) of Public Information Commission Regulation No. 1 of 2013 concerning procedures for resolving public information disputes. The Commission's decision may be accepted or rejected by the parties; in the latter scenario, the dissatisfied party may pursue further legal remedies through the Administrative Court. Public information disputes must be resolved within 100 (one hundred) working days at the Commission level, whereas judicial proceedings may take up to six months.

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