



DOI: <https://doi.org/10.38035/gijlss.v3i2>  
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## Balance Between Transparency and Data Protection in Digital Government as Public Information Disclosure Implementation in Indonesia

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**Abstract:** Public information disclosure is one of the main pillars in realizing transparent and accountable governance. In the digital era, information disclosure is increasingly relevant with the development of the concept of digital government that relies on information technology in the provision of public services. Digital government in Indonesia is regulated through various regulations, including Law No. 14 of 2008 concerning Public Information Disclosure (UU KIP) and policies related to the Electronic-Based Government System (SPBE). The regulation emphasizes that every public body is required to provide access to information to the public, except for information that is excluded based on legal provisions. However, the implementation of information disclosure in digital government still faces various challenges, such as limited technological infrastructure, lack of awareness of public officials, and protection of personal data that must be balanced with the principle of transparency. This study aims to analyze public information disclosure in the digital government in Indonesia and the legal responsibilities inherent in its implementation. The approach used is the normative legal research method with statutory regulatory analysis techniques and a conceptual approach. The data used in this study comes from various related regulations, academic literature, and relevant policy documents. The analysis was conducted by examining the government's obligations in providing public information digitally, legal sanctions for non-compliance, and challenges in its implementation. The results of this study are expected to contribute to the development of more effective policies to improve transparency, accountability, and legal certainty in digital government in Indonesia.

**Keywords:** Public Information Disclosure, Digital Government, Legal Responsibility, Transparency

### INTRODUCTION

Digital transformation in the Indonesian government is part of the modernization efforts of state administration aimed at increasing efficiency, transparency, and quality of public services. Advances in information and communication technology have driven the growth of digitalization in government, enabling the provision of public services electronically through the e-government framework (Maryuni, 2024). The Indonesian government has established

various policies related to digitalization, including the implementation of the Electronic-Based Government System (SPBE) which is regulated in Presidential Regulation Number 95 of 2018. Through this policy, the government seeks to create a more transparent, responsive, and integrated bureaucracy. The implementation of digital government also facilitates access to public information, encourages public participation, and accelerates the data-based decision-making process (Rahman, 2021).

In the context of good governance, openness of public information plays an important role in creating transparency and accountability. This principle is in line with the mandate of Law Number 14 of 2008 concerning Openness of Public Information (UU KIP), which requires public bodies to provide information that can be accessed by the public at large (Chairunnisa, 2023). Transparency of information allows the public to monitor government policies, reduce the risk of corruption, and increase public trust in state institutions. With digital government, access to public information becomes easier through various online platforms, such as open data portals, official government websites, and application-based services (Aprilla, 2024). However, in its implementation, the openness of information in the digital era must also consider aspects of personal data protection and information security so as not to have a negative impact on individuals or the state (Almahdali, et al., 2024).

In addition, the openness of public information in digital government also plays a role in increasing public participation in the policy-making process. With easier access to government data and information, the public can be more active in providing input, monitoring public policies, and demanding accountability from government officials (Ulumiyah, 2024). It is aligned with the concept of Open Government which emphasizes openness, collaboration, and public participation as the main elements of democratic governance. The implementation of transparent digital governance can also accelerate the realization of good governance principles by increasing the effectiveness of public services, strengthening the monitoring system, and preventing maladministration practices and abuse of authority (Andhika, 2017).

## METHOD

The research method used in this study is the normative legal research method. This method focuses on the analysis of legal norms related to public information disclosure in digital government in Indonesia. The approaches used in this study include the statute approach and the conceptual approach. The statutory approach is used to study regulations governing public information disclosure and digital government, such as Law No. 14 of 2008 concerning Public Information Disclosure (UU KIP), Law No. 11 of 2008 concerning Electronic Information and Transactions (UU ITE) and its amendments, and regulations related to the Electronic-Based Government System (SPBE). Meanwhile, the conceptual approach is carried out by studying legal theories related to information disclosure, transparency, and legal responsibility in the context of digital government. The data sources used in this study are secondary data consisting of laws and regulations, academic literature, scientific journals, and relevant policy documents. Data collection techniques are carried out through literature studies by tracing various legal documents and related scientific references.

Furthermore, the data obtained were analyzed qualitatively using descriptive-analytical methods. This method aims to describe the applicable legal regulations, analyze the implementation of information disclosure in digital government, and identify the challenges and legal consequences that arise in practice. Through this method, the study is expected to provide a comprehensive understanding of public information disclosure and legal responsibilities in digital government, as well as provide policy recommendations that can support the effectiveness of regulations in Indonesia.

## RESULT AND DISCUSSION

### Legal Aspects of the Implementation of Public Information Disclosure in Digital Government

The implementation of public information disclosure in digital government in Indonesia is a strategic step to realize transparency, accountability, and public participation in the implementation of government policies. The Indonesian government has established various regulations governing the obligations of public bodies to provide information openly, especially through Law No. 14 of 2008 concerning Public Information Disclosure (UU KIP) (Retnowati, 2012). Article 3 of the KIP Law states that the purpose of information disclosure is to guarantee the rights of citizens to obtain information, increase public participation in policy formulation, and encourage the realization of good governance. Furthermore, Article 7 paragraph (1) of the KIP Law stipulates that public bodies are required to provide, disseminate, and/or announce public information that is under their authority to the public. In the context of digital government, this information disclosure is realized through various electronic platforms, such as official government portals, electronic-based service systems, and applications that allow real-time and interactive access to information (Katharina & Jaweng, 2021).

Furthermore, Presidential Regulation Number 95 of 2018 concerning the Electronic-Based Government System (SPBE) is the main legal basis for the implementation of digital governance in Indonesia (Soetarto, 2022). Article 2 of this regulation emphasizes that the purpose of SPBE is to realize clean, effective, transparent, and accountable governance through the use of information technology. In its implementation, various government agencies are mandated to provide public information that is easily accessible through digital platforms, as stipulated in Article 19 paragraph (2). This regulation stipulates that the implementation of information services in the SPBE environment must adhere to the principles of openness, speed, accuracy, and ease of access. In addition, Article 36 mandates that public information must be available in digital format and can be accessed by the wider community, except for exempted information based on laws and regulations.

To ensure the effectiveness of public information disclosure, the government also forms an Information and Documentation Management Officer (PPID), as mandated in Article 13 of the KIP Law. PPID is tasked with managing and providing information to the public, both actively and through information requests. In the digital era, the role of PPID is increasingly crucial in managing data and information published electronically to ensure the accessibility, accuracy, and security of information provided to the public (Giffari, 2024).

However, the implementation of information transparency in digital government also faces challenges, such as the lack of readiness of technological infrastructure in several regions, the potential for data misuse, and the need for clearer regulations in regulating the balance between information transparency and personal data protection (Rachmad, 2024). Therefore, in addition to the KIP Law and the SPBE Presidential Regulation, Law No. 27 of 2022 concerning Personal Data Protection (PDP Law) is also an important instrument in managing public information digitally. Article 16 of the PDP Law regulates the obligations of data controllers in ensuring the security and protection of information managed digitally so that it is not misused or accessed by unauthorized parties (Fauzy, 2022).

To increase the openness of public information in the digital era, a series of policy recommendations are needed that prioritize strengthening regulations, increasing institutional capacity, and optimizing technology in governance. First, the government must align regulations related to public information disclosure, digital government, and personal data protection so that there is no overlapping regulation that can hinder the implementation of information disclosure (Rizky, 2025). Second, a revision or derivation of Law Number 14 of 2008 concerning Public Information Disclosure (UU KIP) is needed through more adaptive regulations so that the information disclosure mechanism in the electronic-based government system can run effectively. Furthermore, regulations related to the Electronic-Based

Government System (SPBE) need to be clarified, especially in regulating the obligations of government agencies to provide transparent and easily accessible public information (Widanti, 2022).

To increase transparency and accountability in the digital era, increasing the capacity of human resources, especially in government institutions, is a must. It will enable state officials to understand the principles of information disclosure and effective data governance (Windiasih, 2019). The government must organize training programs for Information and Documentation Management Officers (PPID) and related agencies to ensure that information disclosure is carried out professionally and by applicable legal standards (Wibowo, 2025).

Furthermore, strengthening digital systems and technological infrastructure is a crucial factor in achieving more effective information disclosure. The government must improve the quality of open data portals, integrate inter-agency information systems, and strengthen cybersecurity measures to maintain the security of data provided digitally. The public must also be actively encouraged to utilize available public information. It can be achieved through digital education initiatives and strengthening participation mechanisms in monitoring public policies. Collaborative efforts between the government, the public, and other stakeholders will further increase public information disclosure, which ultimately optimizes transparency and accountability in digital governance (Zein, 2024).

### **Legal Consequences and Accountability in Digital Governance**

Legal responsibility in digital governance is the main thing, namely ensuring that all public bodies fulfill their obligations in providing, managing, and protecting public information under relevant laws and regulations (Kurnia, 2017). In the context of public information disclosure, the government has a legal obligation to provide information that is accurate, easily accessible, and not misused, as regulated in Law Number 14 of 2008 concerning Public Information Disclosure (UU KIP). Article 7 paragraph (1) of the KIP Law mandates that public bodies are required to provide information that is open to the public, except for information that is excluded based on provisions of laws and regulations. This obligation is further strengthened by Presidential Regulation Number 95 of 2018 concerning Electronic-Based Government Systems (SPBE), which requires the government to manage public information digitally by the principles of openness, effectiveness, and accountability. In digital governance, failure to fulfill the obligation to open information can result in legal consequences, both administrative, civil, and criminal sanctions for parties who are negligent or intentionally obstruct access to public information (Tanaamah, 2021).

Legal responsibilities in digital governance also include the protection of personal data and the security of information managed by public institutions. As more and more government services adopt digital technology, the risk of data leakage and misuse has become an urgent concern that requires serious attention. Law Number 27 of 2022 concerning Personal Data Protection (PDP) mandates that public institutions acting as data controllers are required to maintain the confidentiality, integrity, and security of the data they handle. Article 16 of the PDP Law emphasizes that every data controller is required to comply with data protection principles, including the lawfulness of data processing, limitations on the purpose of use, and data security from unauthorized access. Violations of these principles, such as data leakage or misuse of information by state officials, can result in administrative fines or criminal penalties, by relevant provisions.

In digital governance, achieving a balance between public information transparency and personal data protection presents significant challenges that must be carefully considered in policy formulation and technology implementation. Therefore, strengthening regulations, increasing human resource capacity, and developing secure and reliable technology infrastructure are important steps in ensuring optimal enforcement of legal responsibilities. A strong monitoring system and effective law enforcement mechanisms are essential for digital

governance in Indonesia to operate more transparently and responsibly. This will enable the government to fulfill its obligations in providing information and protecting individuals' rights to personal data while maintaining the integrity and security of public information (Awaludin, 2019).

## CONCLUSION

Digital transformation in the Indonesian government is a strategic step in modernizing state administration that aims to improve efficiency, transparency, and quality of public services. The implementation of electronic-based government through policies such as the Electronic-Based Government System (SPBE) enables a more open, responsive, and integrated bureaucracy. Openness of public information is a key element in creating transparent and accountable governance, as mandated in Law No. 14 of 2008 concerning Openness of Public Information (UU KIP). Digitalization of government facilitates public access to public information and increases participation in policy-making, in line with the principles of Open Government. However, the implementation of openness of information in the digital era must also consider the protection of personal data and information security so as not to pose a risk to individuals or the state.

The implementation of openness of public information in digital government in Indonesia is a strategic step to realize transparency, accountability, and public participation in public policy. Various regulations, such as Law No. 14 of 2008 concerning Openness of Public Information (UU KIP) and Presidential Regulation No. 95 of 2018 concerning Electronic-Based Government Systems (SPBE), have become the legal basis for the implementation of a more open and efficient digital-based government. However, the implementation of this policy still faces challenges, such as infrastructure readiness, personal data protection, and regulations that need to be adjusted to technological developments. In terms of legal responsibility, the government is obliged to provide accurate and accessible information to the public, while ensuring the protection of personal data by Law No. 27 of 2022 concerning Personal Data Protection (UU PDP). To increase the effectiveness of public information disclosure, it is necessary to strengthen regulations, increase human resource capacity, and optimize technological infrastructure. In addition, the balance between information transparency and data security is a major challenge that must be overcome through a stronger monitoring system and law enforcement mechanism. With the right strategy, the digital government in Indonesia can run more transparently, and accountably, and to optimally protect the public's rights to information and personal data.

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