



# *Public Information Disclosure in the Judiciary as an Implementation of Court Excellence*

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**Abstract—** Reforms emphasise the significance of great administration, counting responsibility, straightforwardness and open support. Transparency in public administration allows the public to access information that was previously unavailable, increases control over government, reduces corruption, and increases the legitimacy of democratic governments. In Indonesia, the 2008 Law on Open Data Disclosure (UU KIP) requires the government to provide information on public activities and policies. In the judicial context, information disclosure is an integral part of the principles of good and transparent justice. The Indonesian Constitutional Court (MK) of, as a judicial institution, implements UU KIP through a Regulation of the Secretary General, setting standards for public information services. Through various regulations and policies, the Court seeks to provide easy to access the public information, supporting the principles of inclusive and accountable justice. This research analyses the information disclosure policy in the Constitutional Court, highlighting supporting regulations and their implementation in improving the accountability and transparency of judicial institutions as an implementation of Court Excellence.

**Keywords—** Information Disclosure; Court; Public Service; *Court Excellence*.

## I. INTRODUCTION

The Reformation period is characterised by requests for great administration, which needs responsibility, straightforwardness and open support in all open approach forms. Straightforwardness is a vital trait in open organization[1]. In general, the availability of information facilitates public accountability. Straightforwardness increments control over government, because it permits the open to know data that it already may not. Specialists concur that straightforwardness for the most part increments open acknowledgment of political choices, diminishes debasement, and gives more authenticity for equitable governments[2]. Moreover, the modernisation of information and communication technology has made it easier and faster for people to obtain the information they need. In this situation, the government has an obligation to open up its citizens to the information and policies they need, which are easily accessible from anywhere.

The primary Opportunity of Data Act was sanctioned in Sweden in 1766. In any case, the wave of gigantic selection of such laws started in 1966, when the United States adopted their Freedom Of Information Of America (FOIA) [3]. By 2010 around ninety nations had embraced these laws whereas another fifty were planning such measures. By 2017, the number of nations with FOI laws had come to 115. Thus, over time, FOI laws have become commonplace in countries around the world.[4].

In Indonesia, the UU KIP, known as Law No. 14 of 2008, requires the government to provide information about government operations to the public.[5]. According to UU KIP, public information is data that's made, put away, overseen, sent and/or gotten by a open organization in association with the organization of government and official state positions and/or implies of usage included in this law as well as other data significant to the open intrigued . This law requires all government agencies, including central and local (provincial and district/city)

governments, to provide information to the public through information distribution media, except for types of information that are legally exempt. The provision of information by government agencies is handled by the Information Documentation and Management Officer (PPID). PPID personnel are tasked with storing, documenting, making available and/or providing information.[6].

Information disclosure to the public provides opportunities for the public to participate in various public activities. This situation also encourages the creation of clean and good governance, because the government and public bodies are obliged to provide complete information about their activities in an open, transparent and responsible manner. Freedom of information should be the spirit of democracy, while providing both freedom and responsibility. On the one hand, freedom of information should facilitate public access to information. On the other hand, freedom of information should also help the government make clear decisions on how to implement strategic policies[3].

Access to justice is an expensive commodity in Indonesia. Corrupt practices by law enforcement officials and law enforcement agencies hinder citizens in fighting for their rights in court. Failure to respect people's right to justice is a systematic violation of human rights and hinders people's access to justice. The Universal Declaration of Human Rights confirms that everybody has the proper to opportunity of conclusion and expression. This right incorporates opportunity to hold conclusions without weight and to seek, receive and give data and concepts through any media, in any case of wildernesses[7].

In addition, this is further regulated in the International Covenant on Civil and Political Rights, which provides for freedom of expression for all people, including the right to seek information, ideas, etc., both orally and in writing, in both printed and non-printed forms, receive and distribute works, art and other media as desired. Furthermore, the provisions of this Code also require the existence of legal norms governing rights and obligations in the exercise of rights. To violate this is to lose the tools we should be using to fight for our constitutional rights. It is no exaggeration to say that the right to information guarantees the fulfilment of other human rights. For example, freedom of expression (including freedom of the press) is best realised only if there is a guarantee that everyone and the mass media can receive information.[8].

Such mishandle by legal officers in common is showed within the neglect for the rights of court clients and the common open to get to open reports and documents that are the correct of court users. It is well known that open archives within the frame of court choices, court records, trial transcripts and other reports that ought to be available to court clients are not unreservedly accessible. Judicial officials, particularly court organisers, often illegally charge fees to people seeking court documents classified as public records.[9].

In order to provide access to public information, improve institutional accountability and transparency, and fulfil the obligations of UU KIP, the Court as a judicial body and public body, has implemented information and documentation management through the Information and Documentation Management Officer (PPID). Its implementation began in 2008, shortly after the UU KIP was passed by the President. As a cornerstone of this process, Regulation of the Secretary General of the Court No. 3 of 2013 on Public Information Services was established.[10]. This paper attempts to try and analyse how the rules and policies as well as the implementation of activities towards information disclosure in the Constitutional Court.

## II. LITERATURE REVIEW

Transparency in the judiciary is an integral part of the good justice principles. The key principles of the judiciary are independence, impartiality, honesty, equality, competence and diligence. All the basic principles of justice cannot be separated from the general principles of good governance, such as transparency, accountability and participation. Good legal principles are those whose implementation is unambiguous, clear and measurable, and takes into account the views and opinions of the community. The principle of transparent courts is one of the fundamental principles of justice systems around the world. Openness is the key to responsibility. Through straightforwardness, judges and court staff will be more persevering in carrying out their obligations and duties[11]. Transparency is not only a legal principle, but also one of the values of court excellence. [12].

Previously, there has been research that discusses Information Disclosure in the Judiciary in the Framework of Implementation of Integrity and Legal Certainty, written by Ridwan Mansyur. The locus of his research was the Supreme Court. In summary, it can be concluded that as a open institution within the field of equity, the Incomparable Court has an commitment to conduct data revelation. Data revelation inside the system of legal straightforwardness of the Supreme Court is not as it were a open require, but too a require for all individuals of the legal. Legal straightforwardness will continuously fortify responsibility, polished skill and astuteness of individuals of the legal. Commitment to straightforwardness in both the method and the conclusion result could be a unmistakable appearance of open benefit as get to to equity, which is ensured beginning from the most

reduced level court up to the Supreme Court. Excellent public service quality through judicial transparency and information disclosure is the cornerstone of the implementation of bureaucratic reform.[13].

Furthermore, Dimas Prasidi's article discusses Public Access to Information in the Court. The object of his research is still the Supreme Court. In this article, Dimas mentions that the struggle to ensure legal protection of the right to information began in 1999. civil society coalitions pushed for the birth of a law on freedom of public information. The Supreme Court, launching SK KMA 144/2007 on Information Disclosure in the Courts. This decree actually continues the Supreme Court's efforts to eliminate the culture of closure in Indonesia's judicial institutions after the previous systems, Access 121 and SIMARI, were deemed insufficient to fulfil transparency standards and there is still a practice of personal resistance to openness in the judiciary, which is a legacy of deep-rooted court closure.[14].

### III.METHOD

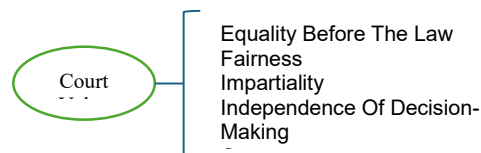
The author conducts normative legal research that focuses on positive laws such as the Regulation of the Secretary General of the Constitutional Court of the Republic of Indonesia. Persekjen No 3 of 2013 concerning Public Information Services and Persekjen No 27 of 2023 concerning the Second Amendment to Persekjen No 5.1 of 2022 concerning Guidelines for Public Service Standards are the main legal sources in this research. To strengthen the validity of primary legal document data, it needs to be supported by secondary legal materials such as books, legal studies, and legal journals. The research approach used is a statutory approach technique (statue approach) which refers to legal documents.[15].

### IV.RESULT AND DISCUSSION

#### A. International Framework for Court Excellence

In the context of improving the judiciary in Indonesia, what is needed is a legal framework on Court Excellence, which will serve as a guideline for the Parliament to determine the direction of regulation, a guideline for the government to provide support and for the judiciary itself. If this does not happen, the direction of judicial reform will be uncertain. In the end, this will lead to a very low level of public trust in the judiciary, which will result in a low number of people using the courts to resolve their problems.

The International Consortium on Court Excellence, a consortium comprising of institutions in various European countries, Australia, the United States and Singapore, has developed a broad international agreement on the core values that courts should apply in carrying out their role called the International Framework for Court Excellence. Among the values that are most important in supporting the successful functioning of the judiciary are as shown in figure below[12]:



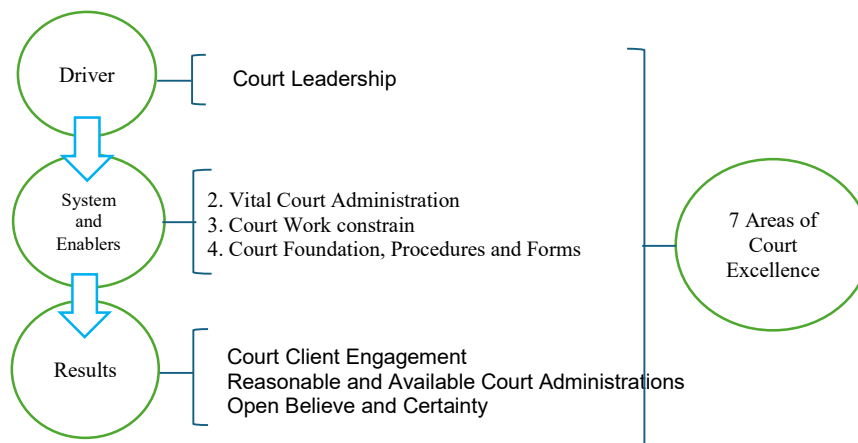
These center values ensure due prepare and break even with security of the law to everybody included in a court case. These values grant course to the courts and give a worldview of suitable legal standards. Values such as decency and unbiasedness set the standard by which the court performs its capacities. The values of autonomy and competence relate fundamentally to a judge's capacity to create choices based exclusively on a cautious understanding of the appropriate law and the truths of the case. Keeness incorporates straightforwardness and precision in forms, choices and decision-makers. Availability incorporates the ease of picking up get to to the law (counting sensible recording expenses, get to to legal counselors, etc.), utilizing court offices successfully, and getting exact and total data approximately court procedures and results. Opportuneness reflects the adjust of time required to get, display and consider prove. Similarly critical is the affirmation of certainty, that a choice will be considered 'final' in a few way, whether at to begin with occurrence or on offer .[12].

In common, the values and securities for citizens in court procedures are specifically connected. In a few nations, key court values can be found in particular arrangements of the law of that nation. In others, they may be determined from worldwide arrangements. Values too decide the quality of the method and the part of judges and courts within the decision-making handle, counting in criminal cases through the application of the assumption of guiltlessness. Examples of value in international law and treaties can be found in the UN Universal Declaration

of Human Rights (Articles 10 and 11), the European Convention on Human Rights (Article 6), the ASEAN Charter (Article 1), and the Bangalore Principle of Judicial Conduct. Regardless of whether a particular State enacts international treaties related to human rights issues, what is important from a citizen's perspective is that core values in court and judicial proceedings are made clear and open[12].

Achieving court excellence requires proactive management and leadership at all levels. It moreover shows how well the frameworks and drivers side of equity (court association, legal administrations, court arrangement) is working and how viably the results side of equity (outside environment and equity searchers) is being served. This concept of court fabulousness distinguishes seven regions, each of which envelops an vital center for the court in its try to attain excellence. Each of these zones features a basic affect on a court's capacity to follow to its center values and to create prevalent court execution. This concept is achieved through optimal court organisation with a focus on strong leadership, clear court policies, quality resource management, effective and efficient justice processes, and quality and reliable court performance. This is part of a continuous improvement effort. Court Excellence Approach Framework. The framework consists of seven areas of Court Excellence, divided into three groups: Drivers (Leaders/Controllers), Systems and Enablers, and Outcomes. The relationship between these key performance areas is presented in figure below.:

### Seven Areas of Court Excellence



### B. Regulations Supporting Openness and Information Services in Courts

The Law on Information Disclosure (Law No. 14/2008) is one of Indonesia's laws and regulations passed in 2008. 'Information disclosure' is an effort to optimise public oversight of state administration in order to achieve good governance (the Law consists of 64 articles), and essentially means that all public institutions should have an obligation to provide the public with access to public information, excluding exempt information.[16].

The Public Service Law (Law No. 25 of 2009) contains standards of great administration that oversee the compelling working of government itself. Viable open administrations given by government and trade fortify popular government and human rights, improve financial thriving and social cohesion, diminish destitution, reinforce natural security, and rearrange characteristic asset administration, which can increment believe in government and reinforce communities[17].

In implementing the two laws mentioned above, the regulation was established. Secretary General Regulation No. 3 of 2013 on Public Information Services within the Registrar and Secretariat General of the Constitutional Court is a significant breakthrough and legacy of the first Chief Justice of the Supreme Court, Jimly Ashiddiqie. This breakthrough is one of the proposals of the Diagram for Building the Sacred Court distributed in 2004. The recommendation is that the Constitutional Court must open and provide easy access to a broad public service law to all levels of society who need information about the performance of the Constitutional Court and information about the development of cases.[18].

This Secretary General regulation is divided into 8 chapters which essentially regulate the management of information and documentation in a fast, easy and reasonable manner to the public [19]. In Chapter IV Market 6 there are Categories of Information that can be accessed by the public in the Constitutional Court as follows:

- a. Made available and announced periodically;
- b. Announced;
- c. Available at all times;
- d. Exempt information.

The information that must be provided and announced periodically at the Constitutional Court as referred to in Article 6 paragraph (1) includes:

- a. General information about the Constitutional Court;
- b. Registered cases;
- c. Schedule of sessions;
- d. Decision;
- e. Recapitulation of cases;
- f. News of sessions and non sessions;
- g. Minutes session.

Then the information that must be announced immediately as referred to in Article 6 paragraph (2) includes:

- a. Decision;
- b. Cases registered.

Furthermore, Article 9 regulates the information that must be available at all times as referred to in Article 6 paragraph (3), including:

- a. Plans and policies, including the Strategic Plan and Macro Plan;
- b. Audio and Video of the trial;
- c. Recapitulation cases;
- d. Financial reports;
- e. State Property Reports;
- f. Performance Accountability Report;
- g. Work Plan;
- h. Information on auctions;
- i. Cooperation carried out.

Meanwhile, exempt information as referred to in Article 6 paragraph (4) includes information about:

- a. Data and information that is still being processed and finalised;
- b. Research results that are in the process of Intellectual Property Rights;
- c. Letters, memoranda, dispositions and official notes which must be kept confidential;
- d. The Internal Audit results and External Supervisory System;
- e. Personal data of employees.

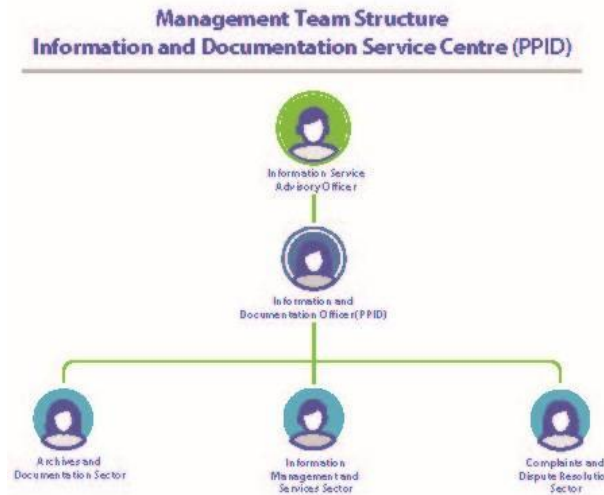
Furthermore, Chapter V Part One Article 13 regulates the Information Request Procedure as follows:

- a. Requests for information are addressed to the work unit designated to handle information
- b. services;
- c. Requests for information may be submitted in writing and not in writing;
- d. Requests for information may be submitted by government agencies, the private sector, community organisations or individuals by completing the applicant's data;
- e. The request for information shall clearly explain the type of data and information requested and explain in detail the plan for the use of the data and information requested.

### **C. Information Services at the Court**

The Secretary General has also appointed an PPID Officer through Decree of the Secretary General of the Constitutional Court Number 3.25 of 2020 concerning the Information and Documentation Management Team. The decree stipulates a management structure consisting of an information service consideration team of eight people. It was also stipulated that the Information Management and Documentation Officer oversees three fields including the field of information management and services, the field of documentation and archives, as well as the field of complaints and dispute resolution.

Based on the Decree of the Secretary General of the Constitutional Court Number 3.25 of 2020 concerning the Information and Documentation Management Team, it was determined that the PPID Officer of the Constitutional Court was the Head of Public Relations and Domestic Cooperation. The structure of the Court's Information and Documentation Manager is as follows[10]:



In order to provide information services to information requesters directly, the Information Documentation and Management Officer provides a PPID counter on the ground floor of the Constitutional Court building, Jalan Medan Merdeka Barat Number 6, Central Jakarta. In addition to being able to come directly, applicants can submit requests for information through the PPID channel on the Constitutional Court Website [www.mkri.id](http://www.mkri.id); and Email at [ppid@mkri.id](mailto:ppid@mkri.id). Submission of Information Requests is free of charge.

In its development in 2018, MK endeavours to enable the public to access all public information of the institution anywhere and anytime. This was realised through the development of the [mkri.id](http://mkri.id) website as a means of self-service of institutional information and documentation. As the ‘face’ of the court in cyberspace, the court website has undergone many changes from 2003 to 2023. With the initial address [www.mahkamahkonstitusi.go.id](http://www.mahkamahkonstitusi.go.id) in 2003, the Court website now carries a shorter and easier to remember address; [mkri.id](http://mkri.id).

At the beginning of the establishment of the Court website, a number of features were used by the Court to promote information about the trial, including decisions, minutes of the trial, and others. Over time, with the use of video conferencing in 2008, live streaming features began to be added to the Court's website to facilitate justice seekers in the regions who wanted to follow the Court's proceedings. With the development of technology, the Court website also includes a number of features that are more comprehensive, containing complete information about the judicial administration system and general administration. The live streaming feature is now replaced by directly connecting to the Youtube channel; Mahkamah Konstitusi RI. In addition to developing the Indonesian version of the website, in order to strengthen support related to the role of the Court in the global arena, the Court also built an English version of the Court website. Although the features are not as complete as the Indonesian version of the website, this website provides features related to the core business of the Court, namely cases and decisions as well as live streaming.

Since the beginning of building the e-court system, MK has prioritised creating an application that can facilitate access for justice seekers to the Court. For this reason, on the Court's initial website, a section was established to register applications online through the Court's website, which at that time was at the address [www.mahkamahkonstitusi.go.id](http://www.mahkamahkonstitusi.go.id). Following the development of technology along with increased utilisation, this system changed its name from year to year until it became the application known as SIMPEL today.

Then the Constitutional Court carries out efforts to disseminate information about the constitution through 5 (five) social media platforms, namely: Instagram, X, Youtube, which includes: Live Streaming, ‘Supremacy’ Podcast, Public Service Announcement, 2 Minute News, Facebook and Tiktok.

This commitment has been proven by the success of PPID MK in delivering this judicial institution to be ranked VIII in the 2017 Public Information Disclosure Category of State Institutions and Non-Ministerial Government Institutions. In the 2018 Public Agency Information Disclosure Award Category of State Institutions and Non-Ministerial Government Institutions, MK achieved the status of Public Agency Towards Informative. The Infomative category in the Public Information Disclosure Award was achieved by MK in 2019 and 2021.[19].

## V. CONCLUSION

Governance reform in Indonesia emphasises the importance of implementing good governance principles that include responsibility, straightforwardness and open support. One important instrument in achieving transparency is the Law on Public Information Disclosure (Law No. 14 of 2008), which requires public bodies to provide access to information to the public through the Information Documentation and Management Officer (PPID).

In addition, in the context of the judiciary, the Court is committed to public information disclosure as part of its efforts to achieve good justice and improve accountability. The implementation of the International Framework for Court Excellence shows that the integrity and core values of the judiciary are essential for public trust.

Thus, modernisation of information technology and bureaucratic reform are key in supporting openness and access to information, which ultimately contribute to improving the quality of public services and justice in Indonesia.

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