



# Analysis of the Decision of the Lampung Provincial Information Commission in the Perspective of Legal Utility

Article	Abstract
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## INTRODUCTION

The Public Information Disclosure Act plays a vital role in ensuring that budgets sourced from the State Revenue and Expenditure Budget (APBN) and the Regional Revenue and Expenditure Budget (APBD) are managed according to the principles of good governance(Mubarok et al., 2023). With a focus on transparency, accountability, and integrity, this legislation aims to increase public trust in the management of public resources(Sululing et al., 2022). The emergence of information openness and transparent financial governance has become a hallmark of the reformation era, enabling active public participation and fostering government accountability(Romdoni et al., 2022). Through this Act, citizens are granted greater freedom to access government-related information, creating a bridge between the government and society based on openness and trust.

However, the era of open information brings not only advantages but also challenges. While information transparency promotes public welfare, it can also be

exploited for personal or group interests(Liambomba, 2023). The ease of access to information allows the public to scrutinize government programs and development initiatives; however, it also opens the possibility for misuse by parties with hidden motives(Siddiquee, 2023). Such exploitation undermines the very objectives of the law, creating risks of manipulation and misinformation(Abdul Hadi et al., 2024). Therefore, maintaining a balance between transparency, accountability, and legal responsibility becomes crucial to prevent the misuse of information under the pretext of public interest.

In many instances, individuals remain dissatisfied with publicly available information, prompting them to directly approach government or private institutions for further details(Putrevu & Mertzanis, 2024). Although these institutions have updated data and documentation on their official websites, the continuous demand for direct access increases the administrative burden, consuming resources such as time, manpower, and finances(Thomas et al., 2022). When such requests lack legitimate objectives or measurable benefits, they may disrupt the efficiency of public services and divert attention from priority programs. To overcome this, government agencies must strengthen public literacy and education on digital access to information, thereby encouraging citizens to utilize official channels more effectively.

Another pressing issue concerns the misuse of information obtained from public bodies, which can lead to the spread of false information(Dávid-Barrett, 2023). Certain individuals or groups, acting under the guise of representing public interests, manipulate data for their own benefit(Sun et al., 2023). Such actions can escalate into the spread of hoaxes, defamation, and character assassination of public officials(Vese, 2022). This not only damages reputations but also weakens public confidence in government institutions. Consequently, the misuse of public information creates a cycle of distrust, erodes institutional credibility, and jeopardizes the democratic values that transparency seeks to uphold(Constantino et al., 2022).

One example illustrating this issue occurred between the Livestock and Animal Health Service (Disnakkeswan) of Lampung Province and the Rimbun Jaya Tiga Producers' Cooperative (KPRJT). The cooperative requested copies of procurement documents for goats and cattle for fiscal years 2021 and 2022 to evaluate electronic catalog procurement standards. The Disnakkeswan denied the request, explaining that no such procurement was carried out during those years. The cooperative subsequently filed a public information dispute with the Lampung Provincial Information Commission, which adjudicated the case under Register Number 011/VIII/KIProv-LPG-PS/2023. In its decision, the Commission rejected the cooperative's request in full and ruled in favor of the public agency.

The author's interest in this issue arises from the legal implications of the Commission's decision, particularly in relation to the principle of legal benefit (kemanfaatan hukum) within the framework of public information disclosure. This research adopts a juridical approach grounded in the Theory of Legal Purpose by Gustav Radbruch and Jeremy Bentham, as well as the principles contained in Law Number 30 of 2014 concerning Government Administration, which regulates the General Principles of Good Governance (AUPB). These legal frameworks are used to assess how the Commission balances justice, legal certainty, and utility in deciding public information disputes.

In the context of Radbruch's and Bentham's legal philosophies, law is expected to function as an instrument that not only provides justice and certainty but also generates the greatest benefit for society. While justice ensures equality before the law, legal certainty guarantees predictability in its enforcement, and utility seeks to maximize societal welfare. The interaction among these principles is dynamic and often contentious, particularly in administrative law where government decisions must weigh public interest against procedural compliance. Thus, the relevance of this theoretical foundation is essential to examine whether the Lampung Provincial Information Commission's decision aligns with these objectives.

This research also considers the ethical and practical dimensions of information disclosure in public administration. The principle of good governance requires that government institutions act transparently while remaining mindful of the potential negative consequences of unrestricted information access. The misuse of information, when driven by bad faith, can compromise institutional efficiency and public integrity. Therefore, it is important to determine whether the Commission's decision-making process took into account both the legal and practical aspects of information utility.

Based on the above background, this study aims to analyze the considerations of the Lampung Provincial Information Commission in resolving public information disputes. The research is focused on assessing whether the Commission's decision reflects the balance between the principles of justice, legal certainty, and legal benefit. Furthermore, it examines whether the Commission has considered the potential adverse effects of granting access to information that may be used irresponsibly or contrary to the purpose stated in the request. These aspects are crucial to understanding how public information disputes are resolved within the framework of Indonesian administrative law.

In accordance with the aforementioned explanation, the formulation of the problems in this study are as follows: (1) Has the decision of the Lampung Provincial Information Commission's Board of Commissioners in resolving public information disputes considered the principles of justice, benefit, and legal certainty? (2) Has the Commission's decision considered the potential negative impact arising from the misuse of public information obtained from public bodies by applicants acting in bad faith or for purposes inconsistent with their stated information request?

## **RESEARCH METHODS**

This research employs a juridical-empirical method, which combines normative legal analysis with empirical data obtained from field studies to provide a comprehensive understanding of how the Lampung Provincial Information Commission applies the principle of legal utility in resolving public information disputes. The normative aspect of the research is based on the study of primary legal materials such as Law Number 14 of 2008 on Public Information Openness, Information Commission Regulation Number 1 of 2013, and related Lampung Provincial Information Commission decisions, while secondary legal materials include books, journals, and previous research discussing public information law and the concept of legal benefit (*kemanfaatan hukum*) according to Gustav Radbruch's theory. The empirical aspect involves field data collection through interviews with commissioners, staff of the Information Commission, and information dispute applicants and respondents in Lampung Province to explore their perspectives on the implementation of legal benefits in decision-making. The research location is at the Lampung Provincial Information Commission Office, and data collection techniques

include document studies, observation, and semi-structured interviews. All data and legal materials are analyzed using a qualitative descriptive approach, in which findings are presented analytically and systematically to reveal the extent to which the principles of justice, legal certainty, and legal utility have been integrated into the Commission's considerations in resolving public information disputes (Ali, 2013).

## **RESULTS AND DISCUSSION**

### **1. Analysis of the Consideration of the Principle of Legal Benefit in the Decision of the Lampung Provincial Information Commission Panel of Commissioners Number 011/VIII/KIProv-LPG-PS/2023 in Resolving Public Information Disputes**

Based on the legal norms contained in Law Number 14 of 2008 concerning Public Information Disclosure and its Technical Guidelines, the Panel of Commissioners of the Lampung Provincial Information Commission has ensured that the principle of legal certainty is applied in making decisions regarding public information disputes under consideration. Before issuing a decision, all evidence and legal facts presented during the hearing were carefully evaluated. The Panel made every effort to act fairly toward both the Information Applicant and the Public Body (Respondent), maintaining impartiality and objectivity in accordance with the applicable procedural rules.

The results of interviews conducted with members of the Panel of Commissioners indicate that the principle of legal benefit (*kemanfaatan hukum*) is expected to be achieved through decisions that uphold both justice and legal certainty. A decision that is fair and based on legal certainty will automatically generate social utility, especially in promoting transparency and accountability as mandated by the Public Information Disclosure Law. The Commission's decision is therefore expected to serve as a reference for improving governance and protecting the public's right to information.

According to the author's analysis, the Decision Number 011/VIII/KIProv-LPG-PS/2023 of the Lampung Provincial Information Commission aligns with Gustav Radbruch's Theory of Legal Purpose, which emphasizes a balance between justice, legal certainty, and benefit. The Panel of Commissioners has decided the case fairly by considering both the factual evidence and legal norms, thereby fulfilling Radbruch's triadic concept of legal purpose. The fairness and certainty of the decision inherently produce legal benefits for society, aligning with the principle of utility as one of the key objectives of law.

#### **a. Based on Gustav Radbruch's Theory of Legal Purpose**

Radbruch's theory holds that law must aim to achieve justice, legal certainty, and expediency (utility) (Supeno & Yanti, 2022). These three elements are interrelated, and an ideal legal system must maintain a proportional balance between them (Borowski, 2024). In the context of public information disputes, this theory provides a philosophical framework for evaluating how decisions contribute to broader societal welfare while maintaining fairness and predictability in legal enforcement (Kristhy et al., 2023).

In applying this theory, the Panel of Commissioners considered the facts and legal arguments presented during hearings, ensuring that the ruling would not only comply with the law but also bring benefits to the parties involved and to society as a whole. By basing its decision on legal norms and factual findings, the Commission ensured both procedural and substantive justice, which simultaneously promotes the benefit of public information transparency.

Thus, the Lampung Provincial Information Commission's Decision Number 011/VIII/KIProv-LPG-PS/2023 can be said to embody Radbruch's triad by producing a ruling that is fair (*gerechtigkeit*), certain (*rechtssicherheit*), and useful (*zweckmäßigkeit*). In conclusion, the decision provides a legal framework that sustains public trust in information governance while balancing the rights and obligations of the information provider and requester.

b. Based on Jeremy Bentham's Theory of Utilitarianism

From the utilitarian perspective, which is an ethical theory emphasizing the greatest happiness for the greatest number, a good action is one that brings about benefit and welfare, whereas a bad action results in harm or suffering (Sola, 2023). In this view, happiness is regarded as a universal goal, and each individual seeks to attain it while avoiding pain. Jeremy Bentham's concept of "the greatest happiness of the greatest number" underscores the importance of maximizing collective welfare through decisions that are fair and impartial (Ikechukwu Anthony & NDUBISI, 2022).

Interview findings reveal that the Lampung Provincial Information Commission adheres to this utilitarian view by striving to deliver rulings that generate the most extensive public benefit. When the Commission resolves disputes in a manner that is lawful, transparent, and equitable, the community experiences a sense of justice and satisfaction, thereby reinforcing public trust in governmental transparency.

In the author's assessment, Decision Number 011/VIII/KIProv-LPG-PS/2023 conforms to Bentham's Utilitarian Theory, since it reflects the effort of the Panel of Commissioners to ensure that legal decisions provide the greatest possible benefit to society. This approach emphasizes not only individual rights but also the broader welfare implications of public information accessibility.

c. Based on Article 10 of Law Number 30 of 2014 concerning Government Administration

Article 10 of Law Number 30 of 2014 outlines the General Principles of Good Governance (AUPB), which include principles of legal certainty, benefit, impartiality, accuracy, non-abuse of authority, transparency, public interest, and good service. These principles guide government institutions in performing their duties and serve as standards for judicial review in administrative disputes (Muhammad Azhar, 2015). The principles ensure that every administrative act prioritizes fairness, accountability, and social benefit (Solechan, 2019).

The findings of this study indicate that the Lampung Provincial Information Commission, in resolving information disputes, consistently upholds these principles particularly the principle of benefit (*kemanfaatan*). The Commission's rulings not only address the legal rights of applicants but also strive to maintain a balance between the interests of the government as a public body and the community as information users. This ensures that decisions contribute positively to governance efficiency and societal well-being.

Therefore, the author concludes that the Commission's Decision Number 011/VIII/KIProv-LPG-PS/2023 fulfills the AUPB principles as stipulated in Article 10 of Law Number 30 of 2014. The decision embodies justice and legal certainty while simultaneously realizing social benefit, thus maintaining equilibrium between governmental objectives and public interests.



## **2. Analysis of the Consideration of the Negative Impact of Public Information Misuse**

The current era of open information provides benefits to certain segments of society; however, it also contains shortcomings and is frequently exploited by individuals or groups to advance their own interests. Information becomes more widely accessible to the public when transparency is implemented. Information regarding government policies and development initiatives that have been implemented or planned constitutes one type of information that may be accessed by the public or stakeholders in order to promote broader societal welfare.

Despite the increasing ease of access to information, some individuals remain dissatisfied with the information provided and continue to approach government or private institutions to obtain more comprehensive details. This situation creates new challenges for institutions that have already updated their data on official websites but still must respond to direct information requests from the public. Such institutions are required to allocate human resources, financial costs, and time to serve these requests, even though the requested information is already available online. This condition places an additional burden on institutions in the form of increased expenditures and workload, which may ultimately hinder organizational efficiency. The situation becomes more complex when the requested information lacks a clear purpose or benefit, thereby reducing the effectiveness of institutional operations.

Certain parties also frequently exploit this situation by disseminating harmful information under the guise of acting on behalf of the public. Information whose accuracy has not been verified often transforms into false news circulating within society. Once the public has been misled by such misinformation, even the most alarming news may result in the character assassination of public officials or members of government institutions. Unverified information frequently spreads within the community, leading to public judgment against government administrators or public bodies that may not necessarily be at fault. This phenomenon damages public perception and culminates in reputational harm. Politicians, celebrities, government officials, and members of the general public are often affected by such practices.

In line with the above phenomenon, the question arises as to whether the Panel of Commissioners considered the negative impacts arising from the potential misuse of information when formulating its legal reasoning in deciding the public information dispute case between the Rimbun Jaya Tiga Producer Cooperative as the Information Applicant and the Lampung Provincial Livestock and Animal Health Service as the Respondent Public Body, as adjudicated in Decision Number 011/VIII/KIProv-LPG-PS/2023.

Based on the Panel's Opinion, Conclusions, and Ruling as described in the decision, the Panel did not consider at all the potential negative impacts that could arise if the requested Public Information were misused by the applicant. This can be observed from the acceptance of the applicant's legal standing in the Conclusion of the Decision (Paragraph [5.1]), as well as the rejection of the Respondent's arguments (Paragraph [3.2], point (3), subpoints (4): a, b, c, d, e and Paragraph [3.2], point (3), subpoint (7), number 2)).

According to the results of an interview with the Lampung Provincial Panel of Commissioners regarding Decision Number 011/VIII/KIProv-LPG-PS/2023, the following explanations were provided:

1. The Respondent's concluding argument in Paragraph [3.2], point (3), subpoint (7), number (1) was accepted by the Panel, stating that the requested documents did not correspond to the documents under the Respondent's control. The documents requested by the applicant were based on the Electronic Catalogue, whereas the documents possessed by the Respondent were based on Electronic Tender procedures.

The Respondent was able to present relevant evidence and facts during the hearing related to the object of the information dispute. Accordingly, the Panel of Commissioners, with sufficient conviction, concluded that the information or documents referred to by the applicant differed from those controlled by the Respondent. Consequently, the documents in dispute *a quo* never existed and were never produced or generated by the Respondent.

2. The Respondent's concluding argument in Paragraph [3.2], point (3), subpoint (7), number (2) was not considered. This argument stated that the Rimbun Jaya Tiga Producer Cooperative (KPRJT) was not directly related to, nor registered as, a participant in the livestock procurement tenders for cattle and goats in 2021 and 2022. Therefore, the applicant had no direct interest in requesting information in the form of Tender Contract Documents (evidence T-6 and T-7, accompanied by jurisprudence from the Lampung Provincial Information Commission Decision No. 005/IV/KIProv-LPG-PS-A/2022).

According to the Panel of Commissioners, the applicant in the *a quo* dispute must possess legal standing. Based on the applicable laws and regulations, the Rimbun Jaya Tiga Producer Cooperative (KPRJT) constitutes a legally recognized organization. The applicant was able to present relevant evidence and legal facts.

3. The Respondent's concluding arguments in Paragraph [3.2], point (3), subpoint (4): a, b, c, d, and e were not considered by the Panel. These arguments essentially stated that, based on the facts revealed during the hearing, the reasons for the information request were inconsistent with those stated in the original application. Moreover, there was an indication of bad faith, as the request was linked to unverified media reports (hoaxes) and bore no relation to the cooperative's competence or functions.

According to the Panel of Commissioners, the Panel does not have the authority to assess allegations of bad faith on the part of the information applicant, as such an assessment exceeds the authority granted by statute. If there are indications that a public information applicant has acted in bad faith in using the obtained data, this matter must be addressed seriously in order to maintain the integrity and credibility of the public information system. In such circumstances, relevant legal mechanisms may be applied. For instance, if the applicant's actions amount to defamation or character assassination, the aggrieved party may pursue legal remedies in accordance with applicable laws.

Thus, according to the author, the aspect of potential negative impacts arising from the misuse of public information obtained from a Public Body as a result of the

acceptance of the information request by the Panel of Commissioners was not considered by the Panel because it falls outside the authority mandated by Law No. 14 of 2008 concerning Public Information Disclosure. Should negative impacts arise in the form of other criminal acts, such as defamation or character assassination, these matters may be resolved through the mechanisms of the general court system.

## CONCLUSION

Based on the results and discussion, it can be concluded that the Lampung Provincial Information Commission, through its Commissioners' Council, has implemented its authority in resolving public information disputes by prioritizing the principles of justice, legal certainty, and legal benefit. The decisions issued generally reflect an effort to balance the rights of the public to access information with the responsibility of public bodies to maintain confidentiality when necessary. However, the principle of legal benefit has not been fully realized because the Commission's authority is limited to determining whether the requested information is open or exempt, without considering the applicant's intent or the potential negative use of the obtained information. This limitation causes the substance of legal benefit to be only partially achieved, as it does not prevent the misuse of information for harmful or unethical purposes.

Therefore, the application of the principle of legal benefit in the decisions of the Lampung Provincial Information Commission still requires improvement. It is recommended that the Information Commission, both at the national and regional levels, revise its regulatory framework to include an evaluation of the applicant's good faith and the intended use of the information. This approach would ensure that public information disclosure not only fulfills procedural justice but also contributes to social welfare and legal harmony. Additionally, it is essential to strengthen the competence of Information Commission officers and enhance public awareness of ethical information use so that the openness of public information truly aligns with the goals of justice, legal certainty, and the overall benefit of the law.

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