

SUMMARY

The transparency of public information in the Act Number 14 Year 2008 concerning the Transparency of Public Information, has carried more change in the order of statehood, mainly in relation to the right to get public information, including the system of administration. Due to this fact, the focus of this dissertation study is the absolute competence of the Administration Court after the Act Number 14 Year 2008 concerning the Transparency of Public Information has binding into force, the existence of the Information Commission in the system of dispute settlement of the Administration field arising from the public information dispute, and dispute settlement mechanism laid down the Act Number 14 Year 2008 concerning the Transparency of Public Information.

It is hoped, this research may contribute for the development of jurisprudence especially State Administration Law, and give in-put the apparatus in managing relationship between the Organ or the Administration Apparatus and Communities in applying public information transparency and public services. It is hoped also, may give in-put to the legal enforcement officers in the field of the dispute settlement of State Administration and that of public information.

As a normative legal research, this research study legal material whether primary, secondary as well as tertiary materials. This study is meaning at philosophical, theoretical and dogmatical level, with statute, conceptual, and historical approaches. Based on the result this research, may be concluded that:

Firstly, after Act Number 14 Year 2008 concerning the Transparency of Public Information has binding into force, the absolute competency of the State Administration Court has been extended, both object (*raesone materiae*) and subject of dispute (*raesone peronae*). The object of dispute that is limited to the Decision of State Administration, is extended to the Act of State Administration in the form of non decision (*feitlijke handeling*). Whereas, the subject of dispute that is limited to the Person and Private Legal Person is extended to the Body or Apparatus of State Administration that may be conflict with the other Body or Apparatus of State Administration in the dispute of State Administration arising from public information. As a juridical consequence, there is no unanimity in the system and procedure of the the Settlement of State Administration Dispute as a whole.

Secondly, there is a new board, namely Information Commission as an independent body contrast to the administrative appeal, and has function: carry out Act Number 14 Year 2008 concerning the Transparency of Public Information and its implementation rule, lay down

technical guidance for service standard of public information and settle dispute through mediation and/or non litigation adjudication.

Thirdly, the Settlement Mechanism of State Administration Dispute under Act Number 14 Year 2008 concerning the Transparence of Public Information as follows:

- a. to submit appeal to superior institution to Officer of Information and Documentation Management;
- b. to submit application dispute settlement to the Information Commission;
- c. to submit legal action to the State Administration Court or District Court (Pengadilan Negeri);
- d. to submit cassation to the Supreme Court.

Based on the result of this Research, may be recommend that: Absolute Competence of State Administration Court and Dispute Settlement Mechanism of State Administration Court need to be regulated unanimously, therefore need to be done efforts in developing law, by adapting or revising the Act Number 5 Year 1986 concerning State Administration Court by reviewing provisions related to the meaning of dispute of State Administration, and the meaning of Defendant. Likewiswe Act Number 14 Year 2008 concerning the Transparence of Public Information, related to the position of Information Comission, and the level of the court having competence to try the public information dispute decided by Information Commission.