



# Transparency Urgency of Non-Governmental Organization as a Public Body to Provide Information Accessible To Public

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## Article Info

### Article history:

Received 6 Dec, 2023

Revised 04 January, 2024

Accepted 04 January, 2024

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### Keywords:

Public bodies; NGO;

Transparency

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## ABSTRACT

Lembaga Swadaya Masyarakat (LSM) is a local term that appeared in Indonesia to replace the term Ornop as a translation of Non-Governmental Organization (NGO). NGO together with the government and the private sector have a role to play in realizing good governance. Because of the strategic role of the NGO, it also requires good governance for NGO so that in the process of manifesting their roles can be accounted for to the community. The approach used to solve problems in scientific articles in the form of conceptual thinking uses normative approach methods, with skunder data sources, which are primary, skunder and tertiary legal materials. Law No. 14 of 2008 on Public Information Disclosure, classifies that non-governmental organizations whose sources of financing come from all or as from the State Budget/APBD, community donations, and/or foreign aid are public bodies. As a public body, NGO have an obligation to provide public information that is periodic, immediately and at any time that is easily accessible to the public. The urgency of transparency in the management of NGO can be seen from philosophical, juridical and sociological aspects. With the transparency of NGO management, there will be no more suspicions about NGO in Indonesia.

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## 1. INTRODUCTION

Indonesia has the ideals written in the Opening of the Constitution of the Republic of Indonesia in 1945 (UUD NRI 1945) which is to protect the entire nation and all Indonesian blood, promote the general welfare, educate the life of the nation, and participate in implementing world order based on independence, peace and social justice (Suhardin, 2012). These ideals are in line with the theory of welfare state. Even Indonesia is often also referred to as a country that advocates the idea of welfare state because in the basis of the state, Pancasila, it mentions "social justice for all Indonesian people." (Suhardin, 2012).

In order to realize the ideals of public welfare, the government needs to organize good governance, with characteristics such as: the quality of public services, low handling of corruption cases, high sensitivity to public needs related to education, health, and other social services, openness in terms of planning and implementation of development programs, bureaucratic efficiency, law enforcement, accountability, and There is community participation (Saidi, 2006).

Democracy as a form of government that is a condition of the realization of good governance, accepted by the state as an inevitability. David Held, a British political theorist, said that the history of democracy is very interesting, because the history of democracy itself is very confusing (Held, 2007). This is because there is no common ground on how to implement a universally appropriate democracy. Each country determines its own way to practice the concept of democracy which is sometimes considered undemocratic by society. Nevertheless, the country formally calls itself based on democracy.

Abraham Lincoln in gettysburg address stated "government of the people, by the people, for the people" (Epstein, 2011). The concept of democracy presented by Lincoln is in line with the spirit of the 1945 NRI Constitution Article 1 paragraph (2) which reads: "Sovereignty is in the hands of the people and

implemented according to the Basic Law."

The implementation of good governance becomes the basis of policy for a democratic country. According to Muhammad Arifin Siregar, the democratic system in a country works well when the emergence and strengthening of public control over the implementation of the government (Siregar, 2011). Even democracy does demand a redefinition of the role of governance. If before the implementation of democracy in a country then the strong holder of government control is only the government (executive, legislative, judicial), while after democracy is applied in a country it becomes a facilitator of society (Epstein, 2011).

Community participation is further actualized through modern nonprofit institutions / organizations commonly called Non-governmental organizations (NGO). NGO (Kemendagri) it is one of the three important sectors to realize good governance. The United Nations Development Program (UNDP) in its "governance for sustainable human development" states that good governance is when there is a collaborative interaction between government, the private sector and community participation in the implementation of government (Dwiyanto, 2005). The three domains have their own logic and laws, ideally each domain should go hand in hand with each other to strengthen each other and not mix each other's main tasks and functions (Asshiddiqie, 2005). Good governance will result in accountability, transparency, community participation, the rule of law and accountability in the administration of government. Due to the important role of NGO as pillars of good governance in Indonesia, realizing transparency in the management of NGO becomes an unavoidable need, so that there are no suspicions about the NGO itself.

Starting from the above thought, then this paper will discuss about the transparency of NGO management, which will be preceded by discussing the non-governmental organizations (NGO) in connection with the State, especially to realize the concept of a welfare state, then discuss further what is the urgency of realizing NGO transparency in Indonesia.

## **2. METHODOLOGY**

The method used in this scientific paper uses more primary legal material, skunder which is the main data in normative juridical research, processed by qualitative data processing method consisting of analytical description.

## **3. RESULT AND DISCUSSION**

### **3.1 Welfare State and NGO**

Indonesia as a country born on August 17, 1945 is also referred to as adherents of the welfare state theory, which can be seen at the Opening of the 1945 Indonesian State Constitution which states that the purpose of the Indonesian state is "To protect the entire Indonesian nation and all Indonesian blood and to promote the general welfare, educate the life of the nation, and participate in implementing world order based on independence, lasting peace and social justice."

Civil society aims to restore individual independence as citizens, guarantees of human rights, freedom of opinion and equitable justice (Marzuki, Juni 2001). Based on the history of this movement in Europe shows that the arbitrary power of the state (authoritarian) can be paralyzed with the power of society which according to Vaclav Havel as the politics of truth or which on other occasions is also called the politics of antipolitics. (Vaclav Havel, 1990)

The role of public participation played by NGO becomes an important element in the implementation of good governance. The role of the community in the democratic process according to Bambang Sugiono aims to: 1) give birth to the principle of prudence from government officials in making policy; 2) bringing about constructive social control; and 3) to establish the social readiness of the community to the impact of development (MD, 2000). Pancasila as the basis of the Indonesian state and the 1945 Indonesian State Constitution guarantee freedom of opinion. The condition of this democratic country is good for the development of civil society in Indonesia, in addition to the state run by the government, the community through civil society actually also wants to jointly realize the ideals of development. Synergy of relations between the state and NGO in Indonesia, will be able to accelerate the realization of the welfare state, when the symbiosis of mutualism can be realized by the state in dealing with NGO.

### **3.2 Non-Governmental Organizations (NGO)**

The Indonesian Center for Civic Education (ICCE) defines NGO as organizations created and formed by communities outside the government that are the embodiment of civil society (ICCE, 2000). Mansour Fakhri defines NGO as organizations that emerge from the civil realm that certainly fight for civil rights as alternative agents of development (Fakhri, Masyarakat Sipil Untuk Transportasi Sosial: Pergolakan Ideologi LSM Indonesia, 2000). NGO is an organization founded by civil society independently performing the role of balancing the government, not profit-oriented and power oriented, but oriented towards improving the standard of living of the undercurrent community through activities and activities that have been chosen in a focused manner.

Instruction of the Minister of Home Affairs (Inmendagri) Number 8 of 1990 on the Construction of Non-Governmental Organizations addressed to Regional Heads throughout Indonesia into laws and regulations that expressly provide the understanding of Non-Governmental Organizations. In the Annex, the General Understanding Section of the Provisions of the Ministry of Home Affairs explained that Non-Governmental Organizations are organizations/institutions whose members are citizens of the Republic of Indonesia who willingly or will themselves intend and engage in certain areas of activities established by organizations / institutions as a form of community participation in efforts to improve the standard of living and welfare of the community, which focuses on self-service. The definition in the Ministry of Home Affairs indicates that the government has recognized and legalized the term NGO as a nomenclature and legal term in the laws and regulations.

Emil Salim stated that NGOs have the following characteristics or characteristics: 1) Established by the community not part or extension of the government; 2) Not a mass organization (member-based); 3) Membership is limited; 4) Established based on the common purposes of members; 5) Non-provite motive; and 6) Interpreting development (Rokhman, 1992).

Muhammad AS Hikam stated that the special character of NGOs is very beneficial for civil society empowerment, namely: 1) NGO in Indonesia are quite a lot with an even distribution throughout the country to the corners of the country; 2) NGO become an alternative medium to connect people's aspirations with valid field data due to the proximity of NGO to the community; and 3) NGO have a wide network of stakeholders both at the regional, national, and even international levels. The network can be used to exchange information and spread ideas of community empowerment.(Hikam, 1996).

According to Afan Gaffar, NGO are the backbone of civil society that is self-help and independent. The reality on the ground that NGO have helped encourage the strength of civil society in building civilization. The role of NGO as a driver and catalyst for the birth of civil society is very important for the lives of Indonesian people(Gaffar, 2004). Furthermore, Gaffar identified three important roles that NGO play in development, namely: 1) Supporting and empowering grassroots communities that are the most vulnerable groups to a wide range of interests; 2) Increase political influence more broadly, through networks and relations between NGO or other parties, either within the state or with other countries of one vision; and 3) Take part in determining the agenda and direction of the country's development(Gaffar, 2004).

Mansour Fakhri expressly stated that the presence of NGO has a basic function, namely as a pioneer that serves social change in the strengthening of the civil sphere(Fakhri, Masyarakat Sipil Untuk Transportasi Sosial: Pergolakan Ideologi LSM Indonesia, 2000). Maya Sari writes about the function of the existence of NGO in Indonesia, among others: 1) As an organization that accommodates, processes, manages and implements the aspirations of the community in the field of development, especially those that are less concerned by the government, 2) As an encouragement in developing the empowerment of the undercurrent community, 3) As executor, supervisor, designer of continuous development program. 4) As a community extension institution, actively maintaining and creating a conducive atmosphere in the life of the nation and state. 5) As a forum for the distribution of aspirations for the rights and obligations of citizens(Sari, 2015).

### 3.3 Transparency of Public Bodies

The definition of Public Bodies according to Article 1 number 3 of Law No. 14 of 2008 on Public Information Disclosure is an executive, legislative, judicial, and other body whose basic functions and duties relate to the implementation of the state, some or all of whose funds are sourced from the State Revenue and Expenditure Budget and/or the Regional Revenue and Expenditure Budget, or non-governmental organizations as long as some or all of the funds are sourced from the Revenue Budget. and State Spending and/or Regional Revenue and Spending Budgets, community donations, and/or overseas. From this understanding, the public body in Indonesia can be qualified in 2 groups:

The group of public bodies formed by the government is: 1) executive, legislative, judicial and other bodies, 2) its basic functions and duties are related to the maintenance of the State, 3) some or all of its funds are sourced from the State Revenue and Expenditure Budget and/or the Regional Revenue and Spending Budget.

Groups of public bodies formed by non-government are: 1) Non-governmental organizations, 2) As long as some or all of the funds are sourced from the State Revenue and Expenditure Budget and/or the Regional Revenue and Spending Budget, community and/or foreign contributions.

In order to realize transparency in the management of public bodies, every public body is obliged to provide, provide and/ or publish Public Information under its authority to the Public Information Applicant, in addition to information that is excluded in accordance with the provisions. The obligation of public bodies must provide accurate, true, and non-misleading information by establishing and developing information systems and documentation to manage public information properly and efficiently so that it can be accessed easily. The types of information that must be provided by public bodies are as follows :

**Tabel 1.** Types of Public Information

<b>Periodic Information</b>	<b>Immediately Information</b>	<b>Information at All Times</b>
a. information relating to public bodies;	a. an information that can threaten the lives of many people and public order.	a. a list of all Public Information under its control, excluding excluded information;
b. information about the activities and performance of related Public Bodies;	b. The obligation to disseminate public information is conveyed in a way that is easily accessible to the public and in a language that is easy to understand.(vide: Article 10)	b. the decision of the Public Body and its considerations;
c. information about the report; and/or		c. all existing policies and supporting documents;
d. other information stipulated in the laws and regulations (vide: Article 9)		d. project work plan including estimates of the annual expenditure of public bodies;
		e. public bodies' agreements with third parties;
		f. information and policies submitted by public officials in meetings that are open to the public;
		g. the working procedures of public agency employees related to community service; and/or
		h. report on public information access services as provided for in this Act.
		(vide: Article 11)

On other conditions public bodies cannot provide Public Information if: 1) information that may endanger the country; 2) information related to business protection interests from unfair business competition; 3) information relating to personal rights; 4) information relating to department secrets; and/or 5) The requested Public Information has not been mastered or documented.

### 3.4 Urgency of NGO Transparency as a Public Body

Law No. 14 of 2008 expressly grouped non-governmental organizations, whose sources of financing came from the State Budget / APBD either in part or in whole, community donations, and / or foreign assistance as public bodies, then this organization must be subject to Law No. 14 of 2008.

Non-governmental organizations referred to in Article 1 number 3, are obliged to provide information that can be accessed by the public about: 1) principle and purpose; 2) organization programs and activities; 3) name, address, management arrangement, and changes; 4) management and use of funds sourced from the State Revenue and Expenditure Budget and/or the Regional Revenue and Spending Budget, community donations, and/or foreign sources; 5) organizational decision-making mechanisms; 6) organizational decisions; and/or 7) other information provided by the laws and regulations.

The word "urgency" comes from the Latin "*urgere*" which means to encourage. In English, the word urgency is commensurate with the word urgent-urgency which translates an urgent situation. (Shadily, cetakan XXVI, 2005). While according to the Great Dictionary of Indonesian (KBBI) the word urgency means "urgent necessity; A very important thing."((KBBI), 2020)From some of these explanations it can be concluded that the word urgency has the meaning of a situation in which the situation is pushed to be addressed immediately. The urgent situation for transparency of NGO management can be seen from: Philosophical aspects In essence NGO are present as the embodiment of the community movement to jointly government in an effort to realize the welfare of the people, with a different approach to each other. UUD NRI 1945 clearly also recognizes the freedom of association and assembly. Association and assembly is the essence of man as a social creature, in the process for the benefit of the development of his social and personal life.

NGO that are present and move to work together with the government in realizing community welfare certainly need good governance, which is in accordance with the principles of organizational management that can be accounted for to the community. One of the characteristics of good governance is transparency.

The juridical aspect of the importance of transparency in the governance of NGO in Indonesia, can start from the provisions of Article 28F of the 1945 NRI Constitution which states that everyone has the right to communicate and get information for the sake of his personal and social life. The right of the community then granted the obligation for NGO as public bodies as stipulated in Law No. 14 of 2008 to provide public information that is periodic, immediately or at any time. This obligation contains legal consequences if not

implemented will result in criminal sanctions of NGO that do not provide information requested by the community.

NGO in Indonesia, in carrying out their roles and functions are sometimes disrupted by the actions of individuals on behalf of NGO committing unlawful acts, so as to finally discredit NGO who work in accordance with the vision of their formation. Sociological aspects to avoid leveling the behavior of NGO, it becomes important for transparency in management. Transparency as mandated by Law No. 14 of 2008 becomes a very important part to be realized by NGO. The courage of NGO to provide information requested by the community, will prove that the management of the NGO meets the principles of good organizational management. When aspects about the urgency of NGO transparency in Indonesia, in addition to demonstrating good governance, are also intended to prove not all NGO deviate from their establishment goals.

#### 4. CONCLUSIONS

Based on the above description, it can be concluded that NGO as public bodies must be subject to Law No. 14 of 2008 on Public Information Disclosure, which requires every public body to provide information to the public, both periodically, immediately and at any time. Judging from the philosophical, juridical and sociological aspects, the transparency of NGO management is an inevitability that must be, so that there is no prejudice from any role of NGO to be part of realizing the welfare of society.

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