

## The Application of the Principle of Transparency in Governance: A Review of Administrative Law Literature

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### Abstract

Transparency is an essential principle in modern governance, particularly within the field of administrative law. This article examines the application of transparency principles based on a literature review, highlighting the role of transparency in improving accountability, public participation, and corruption prevention. This research employs a library research method by reviewing various written sources such as books, scientific journals, previous research findings, relevant legislation, and official documents. The study also discusses the obstacles to implementation and the role of regulations in supporting information disclosure. The results of the review indicate regulatory progress in Indonesia; however, practical implementation still faces structural challenges and bureaucratic culture that need to be addressed.

**Keywords:** transparency, administrative law, government, accountability, regulation

### INTRODUCTION

Transparency is one of the main pillars of the concept of good governance, which is gaining increasing attention in various countries, including Indonesia. This principle demands that the government open access to information for the public regarding policies, decision-making processes, and the use of public resources, so that the community can conduct oversight and actively participate in the administration of governance. In the era of digitalization and information openness today, transparency has become increasingly important to prevent the practices of corruption, collusion, and nepotism (KKN) which still pose a significant challenge in Indonesia.<sup>1</sup>

Normatively, the principle of transparency has been regulated in various laws and regulations in Indonesia, such as Law Number 14 of 2008 on Public Information Disclosure and Law Number 30 of 2014 on Government Administration.<sup>2</sup> Both regulations emphasize that

<sup>1</sup> Jimly Asshiddiqie, "Pengantar Ilmu Hukum Tata Negara Jilid 1," *Buku Ilmu Hukum Tata Negara* 1 (2006): 200, [www.jimly.com/pemikiran/getbuku/4](http://www.jimly.com/pemikiran/getbuku/4).

<sup>2</sup> Peraturan Pemerintah et al., "PERATURAN PEMERINTAH REPUBLIK INDONESIA," 2010, 1–10, [https://ppid.lemhannas.go.id/regulasi/1443381363PP\\_NO\\_61\\_TH\\_2010.pdf](https://ppid.lemhannas.go.id/regulasi/1443381363PP_NO_61_TH_2010.pdf).

every public body is required to provide, deliver, and/or publish public information under its authority to the public, except for information exempted according to the provisions of legislation.<sup>3</sup>

The literature review shows that transparency has a real impact on government effectiveness. Yuliani (2021) found that the implementation of transparency in local government can increase public trust in the government.<sup>4</sup> Nurhasanah (2021) asserts that public information transparency accelerates services and reduces opportunities for abuse of power.<sup>5</sup> Marta (2021) also showed a positive correlation between information openness and the reduction of corruption levels in government institutions.<sup>6</sup> Another study by Wahyudi (2020) highlighted the importance of strengthening regulations and the capacity of officials in supporting the implementation of transparency.

However, despite the availability of regulations, the implementation of transparency principles in Indonesia still faces various obstacles, both from structural aspects and the bureaucratic culture that tends to be closed. The low understanding of officials, the limited infrastructure of information technology, and the weak law enforcement are the main obstacles in realizing a transparent government.<sup>8</sup>

Based on the description, the main issue in this research is how the principle of transparency is applied in state administrative law in Indonesia, as well as the factors that hinder its implementation. To address the issue, this research employs the library research method by examining various written sources such as books, scientific journals, previous research findings, legislation, and relevant official documents.<sup>7</sup>

Thus, the purpose of writing this article is to comprehensively review the application of the principle of transparency in state administrative law, analyze its impact on government accountability and corruption prevention, as well as identify challenges and provide improvement recommendations so that the principle of transparency can be optimally implemented in government administration in Indonesia

## METHOD

This research uses the library research method, which focuses on data collection from various written sources such as books, scientific journals, previous research findings, legislation, and official documents relevant to the principle of transparency in state administrative law. According to Sugiyono (2017), literature study is a data collection technique by reviewing various literatures related to the problem being researched. Literature study aims to build a theoretical foundation, discover key concepts, and enrich the researcher's understanding of the topic being examined. Sugiyono emphasizes that literature-based

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<sup>3</sup> Arie Elcaputera, "Kewenangan Pengawasan Pemerintah Provinsi Terhadap Penyelenggaraan Pemerintahan Kabupaten/Kota Berdasarkan Undang-Undang Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah," *Al Ijarah: Jurnal Pemerintahan Dan Politik Islam* 6, no. 1 (2021): 22, <https://doi.org/10.29300/imr.v6i1.2481>.

<sup>4</sup> Yuliani, "Sistem Digital Tata Kelola Pemerintahan Daerah (Digital Local Government) I Gede Agus Wibawa Dan Lilik Antarini," *Public Inspiration: Jurnal Administrasi Publik* 5, no. 1 (2021): 57–71, <https://ejournal.warmadewa.ac.id/index.php/public-inspiration>.

<sup>5</sup> Nurhasanah, "Kajian Analisis Regulasi Sistem Keterbukaan Informasi Publik," 2021, 65.

<sup>6</sup> Marta, "Hukum Pemerintahan," *Nature* 506, no. 7488 (2021): 397–98, <https://doi.org/10.1038/nj7488-397a>.

<sup>7</sup> Masfi Sya'fiatul Ummah, *Metode Penelitian Kualitatif, Sustainability (Switzerland)*, vol. 11, 2019, [http://scioteca.caf.com/bitstream/handle/123456789/1091/RED2017-Eng-8ene.pdf?sequence=12&isAllowed=y%0Ahttp://dx.doi.org/10.1016/j.regsciurbeco.2008.06.005%0Ahttps://www.researchgate.net/publication/305320484\\_SISTEM\\_PEMBETUNGAN\\_TERPUSAT\\_STRATEGI\\_MEL\\_ESTARI](http://scioteca.caf.com/bitstream/handle/123456789/1091/RED2017-Eng-8ene.pdf?sequence=12&isAllowed=y%0Ahttp://dx.doi.org/10.1016/j.regsciurbeco.2008.06.005%0Ahttps://www.researchgate.net/publication/305320484_SISTEM_PEMBETUNGAN_TERPUSAT_STRATEGI_MEL_ESTARI).

research can produce theoretical synthesis and identify research gaps that have not been extensively studied before.<sup>8</sup>

## RESEARCH RESULT

Based on the literature review of various sources such as books, scientific journals, and regulations, several important findings have been obtained regarding the application of the principle of transparency in governance from the perspective of administrative law.

### 1. The Juridical Position of the Principle of Transparency in Governance

The principle of transparency has been legally recognized and regulated in various legal instruments in Indonesia, particularly through Law Number 14 of 2008 on Public Information Disclosure and Law Number 30 of 2014 on Government Administration. These two regulations emphasize that every public body is obliged to provide, give, and/or publish public information under its authority to the community, except for information exempted according to the provisions of legislation.<sup>9</sup>

### 2. The Positive Impact of Transparency on Accountability and Government Performance

The application of the principle of transparency has proven to have a positive impact on the improvement of government accountability. A study conducted by Yuliani (2021) shows that transparency in local government can increase public trust in local authorities.<sup>10</sup> Another study by Nurhasanah (2021) found that public information transparency accelerates public services and reduces the chances of abuse of authority.<sup>11</sup> Additionally, Marta (2021) stated that public access to information positively correlates with a decrease in the level of corruption in government institutions.<sup>12</sup>

### 3. Obstacles in the Implementation of Transparency Principles

In its implementation, various obstacles are still found that hinder the optimal application of transparency. These obstacles include the lack of understanding among government officials about the importance of openness, the limited availability of information technology facilities, resistance to changes in bureaucratic culture, and the weak enforcement of laws against violations of transparency principles.<sup>5</sup> Wahyudi (2020) highlights that strengthening the capacity of apparatus and information technology infrastructure is key to overcoming these obstacles.<sup>13</sup> The results of the literature review also show that regions or institutions that consistently apply the principle of transparency tend to have a higher level of public trust compared to those that are less transparent.<sup>14</sup> This is in line with Prasojo's (2019) findings, which state that transparency strengthens the legitimacy and effectiveness of government policies.

### 4. Strategi Penguatan Implementasi Transparansi

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<sup>8</sup> Sugiono, *Metode Penelitian Kuantitatif, Kualitatif, Dan R&D*, 2013, [https://www.researchgate.net/profile/HeryPurnomo/publication/377469385\\_METODE\\_PENELITIAN\\_KUANTITATIF\\_KUALITATIF\\_DAN\\_RD/links/65a89006bf5b00662e196dde/METODE-PENELITIAN-KUANTITATIF-KUALITATIF-DAN-R-D.pdf](https://www.researchgate.net/profile/HeryPurnomo/publication/377469385_METODE_PENELITIAN_KUANTITATIF_KUALITATIF_DAN_RD/links/65a89006bf5b00662e196dde/METODE-PENELITIAN-KUANTITATIF-KUALITATIF-DAN-R-D.pdf).

<sup>9</sup> Administrasi Pemerintahan et al., "Undang-Undang Nomor 30 Tahun 2014 Tentang Administrasi Pemerintah (Lembaran Negara Republik Indonesia Tahun 2014, Nomor 292, Penjelasan Dalam Tambahan Lembaran Negara Republik Indonesia Nomor 5601)," no. 292 (2014), file:///C:/Users/user/Downloads/UU Nomor 30 Tahun 2014.pdf.

<sup>10</sup> Yuliani, "Sistem Digital Tata Kelola Pemerintahan Daerah (Digital Local Government) I Gede Agus Wibawa Dan Lilik Antarini."

<sup>11</sup> Nurhasanah, "Kajian Analisis Regulasi Sistem Keterbukaan Informasi Publik."

<sup>12</sup> Marta, "Hukum Pemerintahan."

<sup>13</sup> Asshiddiqie, "Pengantar Ilmu Hukum Tata Negara Jilid 1."

<sup>14</sup> Yuliani, "Sistem Digital Tata Kelola Pemerintahan Daerah (Digital Local Government) I Gede Agus Wibawa Dan Lilik Antarini."

The application of the principle of transparency is not only a moral demand but also a legal obligation that, if violated, can result in administrative, legal, and even criminal consequences. Thus, the results of this study emphasize that the application of the principle of transparency is an important pillar in realizing good governance. However, in its implementation, there is still a need for regulatory strengthening, capacity building for officials, and more effective oversight so that the principle of transparency can function optimally in the administration of government in Indonesia.<sup>15</sup>

## DISCUSSION

### **The Juridical Position of the Principle of Transparency in Governance**

The principle of transparency in state administrative law in Indonesia has a strong and clear legal basis. Law Number 14 of 2008 on Public Information Disclosure (UU KIP) emphasizes that every public body is required to provide, give, and/or publish public information under its authority to the public, except for information exempted according to the provisions of legislation. In addition, Law Number 30 of 2014 concerning Government Administration also stipulates that the principle of openness is one of the General Principles of Good Governance (AUPB) that must be upheld by every state administrative officer. Thus, the principle of transparency is not only an administrative obligation but also a fundamental right of the society guaranteed by the constitution.<sup>16</sup>

Internationally, the principle of transparency has become one of the main indicators in realizing good governance as recommended by the United Nations Development Programme (UNDP), which emphasizes the importance of information openness as a primary condition for creating accountable, participatory, and responsive governance.<sup>17</sup> In the context of Indonesia, regulations regarding transparency aim not only to fulfill the public's right to information but also to strengthen social oversight, enhance public participation, and prevent the abuse of power.

### **The Positive Impact of Transparency on Accountability and Government Performance**

The implementation of transparency principles has proven to have a positive impact on improving accountability and government performance. Accountability in governance refers to the obligation of the government to provide clear reports and accountability regarding policies, budget usage, and the results of task and function implementation. With transparency, the public can exercise social control over the government, thereby encouraging public officials to act more cautiously and responsibly.

Yuliani's research (2021) in the *Pendas Pasundan Journal* shows that transparency in local government encourages increased public trust and participation in the governance process.<sup>18</sup> Furthermore, Nurhasanah (2021) also found that public information openness accelerates services and reduces opportunities for abuse of authority in the bureaucracy.

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<sup>15</sup> Eko Prasoj, "Prinsip-Prinsip Good Governance Dalam Pelayanan Publik," *Jurnal Hukum Tarumanegara* 3 (2019): <https://news.ge/anakliis-porti-aris-qveynis-momava, file:///C:/Users/user/Downloads/alfonkimbal,+Jurnal+Andhika.pdf>.

<sup>16</sup> Pemerintahan et al., "Undang-Undang Nomor 30 Tahun 2014 Tentang Administrasi Pemerintah (Lembaran Negara Republik Indonesia Tahun 2014, Nomor 292, Penjelasan Dalam Tambahan Lembaran Negara Republik Indonesia Nomor 5601)."

<sup>17</sup> United National Development Program, "(Communications Development Incorporated USA, Ed.) Addis Ababa, Ethiopia;," *UNDP Governance Policy Paper*, 1997, <https://www.undp-aci.org/publications/other/undp/governance/undppolicydoc97-e.pdf>.

<sup>18</sup> Yuliani, "Sistem Digital Tata Kelola Pemerintahan Daerah (Digital Local Government) I Gede Agus Wibawa Dan Lilik Antarini."

Meanwhile, Marta (2021) emphasized that public access to information is positively correlated with a decrease in the level of corruption in government institutions.<sup>19</sup>

Furthermore, Wahyudi (2020) highlights that strengthening regulations and enhancing the capacity of officials are crucial in supporting the implementation of transparency, especially in budget management and public services. Transparency also encourages innovation in public services, as the community can provide constructive feedback and criticism on government policies.<sup>20</sup> Thus, transparency not only provides information to the public but also strengthens the legitimacy and effectiveness of government policies.

### **Obstacles in the Implementation of Transparency Principles**

Although the legal and regulatory framework related to transparency is very clear and strong, its implementation in the field still faces various complex obstacles. These obstacles include:

#### **A. Lack of Understanding and Capacity of Government Apparatus**

Many government officials, especially at the local level, do not yet fully understand the importance of transparency as part of public service. There is still the notion that administrative and policy information is internal and does not need to be disclosed to the public.<sup>21</sup> The lack of training and socialization regarding the principle of information openness has caused slow implementation in the field.

#### **B. Limitations of Information Technology Infrastructure**

Information openness heavily depends on adequate information technology infrastructure. However, many regions in Indonesia, especially in remote areas, do not yet have sufficient technological infrastructure to support public information openness. This results in limited and uneven access to information for the community.

#### **C. Closed Bureaucratic Culture**

The bureaucracy in Indonesia has historically had hierarchical and exclusive characteristics, where the decision-making process tends to be closed and lacks public participation. Changing the bureaucratic culture towards a more open and inclusive one remains a significant challenge, as it requires commitment and awareness from all government apparatus.<sup>22</sup>

#### **D. Weakness of Law Enforcement**

Law enforcement against violations of the principle of transparency is still weak. Many violations are not seriously followed up, both by supervisory agencies and law enforcement officers.<sup>23</sup> This creates the impression that the implementation of transparency principles has not yet become a top priority in governance.

#### **E. Resistance to Change**

Government officials who are accustomed to a closed bureaucratic system tend to be reluctant to adapt to the principles of openness.<sup>20</sup> Furthermore, concerns about the potential misuse of information by certain parties also contribute to the rejection of full transparency implementation.<sup>24</sup>

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<sup>19</sup> Marta, "Hukum Pemerintahan."

<sup>20</sup> Asshiddiqie, "Pengantar Ilmu Hukum Tata Negara Jilid 1."

<sup>21</sup> Asshiddiqie.

<sup>22</sup> Yusrialis, "Budaya Birokrasi Pemerintahan (Keperihatinan Dan Harapan)," *Jurnal Sosial Budaya* 9, no. 1 (2012): 1–28.

<sup>23</sup> Muhammad Adam HR, "Lemahnya Penegakan Hukum Di Indonesia," *JISH: Jurnal Ilmu Syariah Dan Hukum* 3, no. 1 (2021): 57–68, <https://doi.org/10.36915/jish.v3i1.16>.

<sup>24</sup> Muadifah B et al., "Mengatasi Resistensi Terhadap Perubahan Dalam Wawasan, Intervensi Dan Strategi Untuk Adaptasi Organisasi," *Economic and Business Management International Journal* 4, no. 1 (2024): 169–77.

### Strategy for Strengthening Transparency Implementation

In order for the principle of transparency to be implemented optimally, a number of strengthening strategies are needed, including:

- A. Strengthening Regulations and Law Enforcement: The government needs to strengthen regulations related to public information disclosure and ensure strict law enforcement against violations of transparency principles.<sup>25</sup>
- B. Enhancement of Capacity and Understanding of Apparatus: Government officials need to be provided with regular training and socialization regarding the importance of transparency and public information openness.
- C. Development of Information Technology Infrastructure: The government must develop information technology infrastructure evenly to remote areas, ensuring public access to information is guaranteed. Encouraging Public Participation and Oversight:
- D. The public needs to be encouraged to actively participate in overseeing government implementation and providing input on the policies adopted.
- E. Change in Bureaucratic Culture: Changing the bureaucratic culture towards a more open and inclusive approach must be a top priority in bureaucratic reform.

By implementing these strategies, it is hoped that the principle of transparency can become an integral part of governance in Indonesia, thereby creating an accountable, clean, and responsive government to the needs of the community.

### CONCLUSION

The application of the principle of transparency in governance is the main foundation in building good governance in Indonesia. Based on the results of the literature review, it can be concluded that transparency is not only a moral obligation but also a legal obligation that has been clearly regulated in Law Number 14 of 2008 concerning Public Information Disclosure and Law Number 30 of 2014 concerning Government Administration.<sup>26</sup> The application of this principle has proven capable of increasing accountability, strengthening community participation, and becoming an important instrument in preventing corruption.

However, the level of transparency implementation in Indonesia still faces several challenges, such as the lack of understanding among government officials, limited information technology infrastructure, a bureaucratic culture that remains closed, and weak law enforcement. These obstacles create a gap between existing regulations and practices on the ground.

To optimize the implementation of transparency principles, strengthening regulations, enhancing the capacity and understanding of officials, developing information technology infrastructure, and more effective supervision are needed. In addition, changing the bureaucratic culture towards a more open and participatory approach should also be a priority in the reform of state administration. Thus, transparency can truly become a main pillar in creating a clean, accountable, and responsive government to the needs of the community.

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<sup>25</sup> Ayu Mawar Rini, "Penguatan Upaya Penegakan Hukum 'Kejahatan Terkait Dengan Perikanan' Melalui Regional Cooperation Agreement Against Crimes Related To Fisheries," *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 32, no. 1 (2020): 106, <https://doi.org/10.22146/jmh.38280>.

<sup>26</sup> Pemerintahan et al., "Undang-Undang Nomor 30 Tahun 2014 Tentang Administrasi Pemerintah (Lembaran Negara Republik Indonesia Tahun 2014, Nomor 292, Penjelasan Dalam Tambahan Lembaran Negara Republik Indonesia Nomor 5601)."

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