Jurnal Sahabat ISNU-SU (JSISNU)
(eISSN: 3064-0067)
Volume 3, Nomor 2, September 2026 (260-273)

From Amanah to Accountability: Reframing Public Transparency in Indonesia through Fiqh Siyasah and Constitutional Governance

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Article History
Received : 2026-08-15
Revised: 2026-09-12
Published: 2026-09-30

Keywords:
Amānah; Constitutional Governance; Public Accountability; Public Transparency.

Abstract

Public transparency is a fundamental principle of constitutional governance, yet the disclosure of information does not automatically ensure accountability, integrity, or effective public oversight. In Indonesia, the implementation of public information disclosure requires a stronger normative and institutional foundation to bridge the gap between formal legal obligations and accountable administrative practices. Islamic political thought, particularly the principle of amānah, offers an ethical perspective for strengthening this foundation. This study aims to reconstruct the normative relationship between amānah in fiqh siyasah and constitutional accountability and to formulate an amānah-based framework for public transparency in Indonesia. This research employs normative legal research using statutory, conceptual, and analytical approaches. Primary legal materials, including the 1945 Constitution of the Republic of Indonesia and Law No. 14 of 2008 on Public Information Disclosure, are examined alongside scholarly literature on Islamic political ethics, transparency, and public accountability. The materials are analyzed qualitatively through descriptive, interpretative, and argumentative techniques. The findings indicate that amānah provides an ethical foundation for treating public authority as a trust that must be exercised responsibly, while constitutional governance establishes enforceable obligations and institutional procedures. Effective transparency therefore requires more than information publication. It encompasses accessible disclosure, intelligible information, reasoned explanations, institutional scrutiny, corrective mechanisms, and proportionate protection of confidential information. Integrating these dimensions can strengthen the normative coherence of Indonesia's transparency framework. Public institutions should improve the implementation of public information disclosure through measurable service standards, accessible digital information, transparent refusal procedures, and effective review mechanisms. Further empirical research is needed to assess the framework's practical effectiveness.

I. INTRODUCTION

Transparency has become a fundamental principle of democratic governance because the legitimacy of public authority depends not only on the legality of governmental decisions but also on the ability of citizens to scrutinize the exercise of state power. Access to public information enables citizens to evaluate government performance, identify potential abuses of authority, and demand explanations for decisions affecting public interests. Nevertheless, transparency does not automatically produce accountability. The disclosure of information may remain merely procedural when the information provided is incomplete, inaccessible, or disconnected from effective oversight mechanisms. Bovens (2007) conceptualizes accountability as an institutional relationship in which public actors must explain and justify their conduct to a forum capable of questioning and evaluating their decisions. Similarly, Fox (2007) distinguishes between information disclosure and transparency that enables meaningful accountability. These perspectives demonstrate that transparency should be understood not merely as an administrative obligation but as a mechanism for ensuring responsible and legitimate governance.

Indonesia provides a significant context for examining this relationship because its post-authoritarian constitutional reforms established a stronger legal foundation for public participation and governmental accountability. Article 28F of the 1945 Constitution guarantees the right to obtain and communicate information, while Law No. 14 of 2008 concerning Public Information Disclosure establishes obligations for public bodies to provide accessible information and regulates procedures for resolving information disputes. Despite this legal framework, the effectiveness of transparency depends on institutional commitment, administrative capacity, and the availability of mechanisms through which citizens can exercise their information rights. Sakapurnama and Safitri (2013) identify political commitment, institutional capacity, infrastructure, and budgetary limitations as factors influencing implementation. International assessments likewise indicate continuing challenges in translating formal transparency standards into practice (OECD, 2026). These conditions raise an important question regarding whether Indonesia's existing regulatory framework sufficiently connects information disclosure with substantive accountability and the ethical responsibilities of public officials.

The normative foundations of governmental transparency can be further examined through *fiqh siyasah*, the branch of Islamic jurisprudence concerned with political authority and the administration of collective affairs. The principle of *amānah* provides a particularly relevant foundation because it conceptualizes authority as an entrusted responsibility rather than a personal entitlement. Qur'an 4:58 commands the fulfillment of trusts and the exercise of justice, while Qur'an 42:38 emphasizes consultation in collective affairs. Classical Islamic political thought also addresses the responsibilities of rulers and the relationship between authority, justice, and public welfare, as reflected in Al-Mawardi's *Al-Ahkam al-Sultaniyyah* and Ibn Taymiyyah's *Al-Siyasah al-Shar'iyyah*. Contemporary scholarship on Islamic governance and *maqasid al-shari'ah* further demonstrates the relevance of Islamic normative principles to institutional responsibility and the protection of public interests (Kamali, 2008; Auda, 2008). Nevertheless, the relationship between *amānah* and contemporary transparency must be developed analytically rather than assumed to be identical, since Islamic political jurisprudence and modern constitutional law operate through different normative and institutional structures.

Existing scholarship has examined public information disclosure, governmental accountability, and Islamic governance, yet an important conceptual question remains concerning how Islamic political ethics can inform the institutional implementation of transparency within a constitutional state. Research on accountability emphasizes the importance of answerability, scrutiny, and consequences for public decisions (Bovens, 2007; Fox, 2007), while studies of Indonesian information law examine the regulatory framework and challenges of implementation (Butt, 2015; Sakapurnama & Safitri, 2013). These approaches provide valuable foundations but do not, by themselves, establish how *amānah* can be translated into identifiable standards for evaluating governmental disclosure obligations. The central research problem therefore concerns the relationship between the ethical responsibility inherent in entrusted authority and the legal mechanisms through which transparency becomes substantively accountable. Addressing this problem requires a framework that connects Islamic political principles with constitutional guarantees, statutory obligations, and institutional oversight without treating religious norms as substitutes for positive law.

This article aims to develop a conceptual framework for understanding public transparency in Indonesia through the relationship between *amānah*, accountability, and constitutional governance. It argues that transparency should be evaluated not only through formal compliance with disclosure requirements but also through its capacity to enable citizens to understand governmental decisions, demand reasoned explanations, and pursue appropriate remedies. The proposed framework positions *amānah* as a normative foundation for responsible public authority, constitutional governance as the legal and institutional structure regulating that authority, and accountability as the mechanism connecting disclosure with scrutiny and corrective action. By integrating these dimensions, the study seeks to contribute to debates on Islamic political jurisprudence and contemporary governance while offering a more substantive approach to evaluating Indonesia's public information disclosure framework. Its broader significance lies in demonstrating how Islamic political ethics can contribute to the development of accountable

governance without compromising constitutional legality, democratic participation, or the protection of legitimate confidential information.

II. RESEARCH METHODS

This study employs normative legal research, also known as doctrinal legal research, to examine the normative relationship between *fiqh siyasah*, public transparency, and constitutional accountability in Indonesia. This method is appropriate because the research focuses on legal norms, principles, doctrines, and conceptual arguments rather than measuring governmental behavior through fieldwork or interviews (Hutchinson & Duncan, 2012; Bhat, 2020). The research adopts a prescriptive and analytical orientation to determine how the principle of *amānah* can inform the interpretation and development of public accountability within Indonesia's constitutional framework. Three complementary approaches are employed: the statutory approach, the conceptual approach, and the analytical approach. The statutory approach examines the 1945 Constitution of the Republic of Indonesia, Law No. 14 of 2008 concerning Public Information Disclosure, and other relevant legislation governing public administration, access to information, and accountability. The conceptual approach examines *amānah*, *'adl*, *shūrā*, and *maṣlaḥah* within *fiqh siyasah*, alongside contemporary concepts of transparency, answerability, and accountable governance (Bovens, 2007; Fox, 2007; Kamali, 2008; Auda, 2008). The analytical approach connects these normative and conceptual dimensions to construct criteria for evaluating the substantive relationship between information disclosure and governmental responsibility. The integration of these approaches enables legal research to move beyond textual description toward systematic doctrinal reasoning and the formulation of defensible legal arguments (Hutchinson & Duncan, 2012; Bhat, 2020).

The research relies exclusively on secondary data obtained through library research and documentary analysis. The legal materials are classified into primary, secondary, and tertiary materials. Primary legal materials consist of the 1945 Constitution of the Republic of Indonesia, Law No. 14 of 2008 concerning Public Information Disclosure, relevant implementing regulations, and judicial decisions concerning public information disputes or governmental accountability where their legal reasoning contributes directly to the research questions. Relevant provisions of legislation governing public administration and personal data protection are also examined to assess the relationship between disclosure obligations and legitimate restrictions on access to information. Secondary materials include peer-reviewed journal articles, scholarly books, academic monographs, and research reports addressing *fiqh siyasah*, Islamic political ethics, constitutional governance, transparency, and accountability. Particular attention is given to established contributions on accountability and transparency (Bovens, 2007; Fox, 2007; Hood, 2010; Meijer, 2013), Islamic political jurisprudence and *maqasid al-shari'ah* (Kamali, 2008; Auda, 2008), and the Indonesian public information disclosure framework (Butt, 2015; Sakapurnama & Safitri, 2013). Tertiary materials, including legal dictionaries, encyclopedias, and authoritative reference works, are used to clarify terminology and verify the meaning of legal and conceptual expressions. Materials are collected by identifying relevant sources, examining their authority and scholarly credibility, classifying them according to their relevance to the research questions, and documenting the legal propositions and conceptual arguments they support. Source selection prioritizes authoritative legislation, relevant judicial reasoning, peer-reviewed publications, and verifiable academic references, consistent with the methodological requirements of doctrinal legal research (Bhat, 2020).

The collected materials are analyzed qualitatively through descriptive, interpretative, and argumentative techniques. The descriptive stage identifies the applicable legal framework and explains the principal concepts governing public information disclosure and accountability. The interpretative stage applies grammatical, systematic, and teleological interpretation, where appropriate, to examine the meaning, relationships, purposes, and limitations of relevant legal provisions. The argumentative stage evaluates the compatibility and complementarity of Indonesian positive law and the normative principles of *fiqh siyasah*, particularly *amānah*, justice, consultation, and public welfare. The analysis then develops a conceptual framework linking public information disclosure to answerability, institutional scrutiny, and corrective mechanisms. Transparency is assessed according to whether information is legally accessible, sufficiently intelligible, and capable of supporting meaningful public

evaluation, while accountability is assessed according to whether public authorities are required to explain their decisions and remain subject to appropriate oversight. The analysis also considers the limits of disclosure, including legally protected personal information and other legitimate confidentiality interests, to avoid equating transparency with unrestricted access to every category of government-held information. The final stage synthesizes the findings into a normative framework for strengthening accountable governance in Indonesia. This analytical procedure follows the understanding that doctrinal research should systematically interpret legal materials, evaluate the coherence of legal principles, and formulate reasoned propositions in response to identified legal problems (Hutchinson & Duncan, 2012; Bhat, 2020; Wulandari, 2026).

III. RESULTS AND DISCUSSIONS

A. From Amānah to Accountability: Reconstructing the Normative Foundations of Public Transparency

The first finding of this normative analysis is that amānah provides a substantive ethical foundation for understanding public authority as a responsibility entrusted for the benefit of society. Within fiqh siyasah, political authority cannot be justified solely by the formal possession of office or the procedural legality of governmental decisions. Its exercise must also be evaluated against the obligations associated with justice, faithful administration, and the protection of collective interests. Qur'an 4:58 establishes the obligation to fulfil trusts and judge with justice, while Qur'an 42:38 emphasizes consultation in collective affairs. These principles do not constitute a modern freedom-of-information statute in themselves; rather, they establish normative commitments from which the responsibilities of public officials can be critically examined. Al-Mawardi's Al-Ahkam al-Sultaniyyah and Ibn Taymiyyah's Al-Siyasah al-Shar'iyyah provide classical discussions of political authority and public responsibility, although their historical contexts differ substantially from contemporary constitutional democracy. The analytical task is therefore to identify the principles that remain relevant while avoiding anachronistic claims that classical Islamic jurisprudence already established the precise institutional arrangements of modern transparency law (Al-Mawardi, 1996; Ibn Taymiyyah, 1988; Kamali, 2008; Auda, 2008).

The concept of amānah becomes particularly significant when public office is understood as a relationship of entrusted authority rather than private entitlement. Public officials exercise powers that affect collective resources, public services, legal rights, and the distribution of social opportunities. Such powers create corresponding responsibilities to act within legal boundaries and to provide adequate explanations for decisions affecting the public. Transparency can consequently be interpreted as one institutional expression of amānah, because the disclosure of relevant information allows entrusted authority to become visible to those whose interests it is intended to serve. This interpretation does not mean that every governmental decision must be disclosed without restriction. It means that withholding information requires a defensible legal basis, especially where disclosure is necessary to evaluate the use of public resources or the exercise of discretionary authority. The relationship between entrusted power and public justification is consistent with contemporary accountability theory, which defines accountability through the obligation of an actor to explain and justify conduct before a forum capable of questioning and evaluating that conduct (Bovens, 2007). The convergence is conceptual rather than identical: amānah supplies an ethical account of responsibility, whereas contemporary accountability theory specifies institutional relationships through which responsibility can be assessed.

This distinction matters because ethical responsibility and institutional accountability perform different functions. An official may believe that a decision was morally justified, yet that belief cannot replace the legal obligation to explain the decision, disclose relevant information, or comply with an authorized review procedure. Conversely, an institution may comply with formal disclosure requirements while neglecting the substantive responsibility to ensure that its decisions are intelligible and open to scrutiny. Fox (2007) cautions that transparency does not necessarily generate accountability because disclosure may fail to produce meaningful consequences for those exercising power. Bovens (2007) similarly emphasizes that accountability requires more than the availability of information; it involves an actor, a forum, an obligation to explain, a process of judgment, and the possibility of consequences. These insights

demonstrate why amānah should not be reduced to an individual virtue or a general appeal to honesty. Its institutional relevance emerges when the ethical obligation to safeguard entrusted authority is connected to legally enforceable duties, independent scrutiny, and remedies for violations.

The principles of 'adl, shūrā, and maṣlaḥah further clarify the normative structure of this relationship. 'Adl, or justice, requires that governmental authority be exercised according to defensible standards rather than arbitrary preference. Shūrā, or consultation, provides a basis for considering how information enables citizens to participate meaningfully in decisions affecting collective affairs. Maṣlaḥah, or public welfare, directs attention to the consequences of governmental action for the interests and protection of society. Auda's (2008) systems-oriented approach to maqasid al-shari'ah encourages analysis of Islamic legal purposes through interconnected relationships rather than isolated rules. Kamali (2008) likewise examines the relationship between Islamic legal principles and their broader normative purposes. Applied to transparency, these concepts suggest that information disclosure should facilitate fair treatment, informed participation, and the protection of public interests. Disclosure that is technically complete but practically unintelligible may fail to support these objectives, while consultation without access to relevant information risks becoming merely ceremonial. The resulting framework therefore treats transparency as an enabling condition for responsible participation rather than as an independent guarantee of just governance.

A further implication concerns the relationship between religious ethics and constitutional legality. Indonesia's constitutional order cannot be reduced to a single religious conception of political authority, and the normative contribution of fiqh siyasah must be articulated in a manner compatible with legal pluralism, equal citizenship, and the supremacy of the Constitution. The ethical principles discussed above can inform the evaluation of public authority without automatically acquiring the status of independently enforceable legal rules. Their legal relevance depends on the applicable constitutional and statutory provisions, judicial interpretation, and the institutional arrangements established by positive law. This distinction avoids two opposite errors. The first is treating Islamic political jurisprudence as irrelevant to contemporary public governance merely because it originates in a religious legal tradition. The second is assuming that religious ethical principles can substitute for legislation, procedural safeguards, or independent institutions. A more defensible position recognizes fiqh siyasah as a normative resource for evaluating the purposes and ethical quality of governmental conduct, while constitutional law determines the applicable legal duties and procedures (Kamali, 2008; Auda, 2008; Bovens, 2007).

The principal conceptual contribution of this analysis is therefore a distinction between the ethical foundation, legal obligation, and institutional consequence of transparency. Amānah establishes why public authority should be exercised responsibly; constitutional and statutory rules determine what public bodies are legally required to disclose; and accountability mechanisms determine how non-compliance or unjustified decisions may be questioned and remedied. These dimensions are complementary but cannot be collapsed into one another. Ethical commitment without institutional safeguards depends excessively on individual character, while disclosure requirements without accountability may produce compliance without meaningful scrutiny. A coherent framework must connect the two through identifiable duties and reviewable procedures. This proposition provides the normative basis for examining Indonesia's public information disclosure regime and for determining whether its institutional structure adequately connects access to information with answerability and public accountability (Fox, 2007; Bovens, 2007; Roberts, 2006).

B. Constitutional Governance and the Implementation of Public Information Disclosure in Indonesia

The second finding concerns the distinction between the formal recognition of information rights and their effective realization within governmental institutions. Indonesia's legal framework establishes an important foundation for transparency through Article 28F of the 1945 Constitution and Law No. 14 of 2008 concerning Public Information Disclosure. Article 28F recognizes the right to obtain and communicate information, while the statutory framework regulates public bodies' disclosure obligations, procedures for requesting information, and mechanisms for resolving disputes. Government Regulation No. 61 of 2010 provides implementing

provisions for the legislation, while the Information Commission's Regulation No. 1 of 2021 establishes standards for public information services. These instruments must be interpreted together to understand the relationship between constitutional guarantees, administrative duties, and procedural remedies. The existence of such rules is a necessary institutional achievement, but the existence of a legal entitlement does not establish that every public body consistently fulfils its obligations. The analytical question is whether the legal framework provides a sufficiently coherent connection between the right to information, the quality of disclosure, and the ability of citizens to challenge failures in implementation.

The constitutional significance of access to information extends beyond administrative convenience. Information enables citizens to understand the grounds on which public authorities exercise power, assess the allocation of public resources, and participate in public affairs. The right to information can therefore be understood as an enabling right that supports other dimensions of democratic participation and governmental oversight. Stiglitz (1999) explains that information asymmetries can distort institutional relationships and undermine the ability of citizens to evaluate public decisions. Roberts (2006) similarly examines the political and institutional conditions that shape access to government information, emphasizing that openness cannot be separated from the distribution of power within public institutions. These arguments are relevant to Indonesia because the relationship between government and citizens is inherently unequal when public authorities control information about decisions, budgets, administrative procedures, and policy implementation. A statutory right to obtain information can reduce this asymmetry, but its effectiveness depends on the accessibility of information, the responsiveness of public bodies, and the availability of remedies when disclosure obligations are not fulfilled.

Law No. 14 of 2008 establishes a general presumption in favour of public information disclosure, subject to legally recognized exceptions. This structure reflects a central principle of contemporary freedom-of-information law: access should be the general rule, while restrictions must be justified within the applicable legal framework. The principle is important because public authorities possess both the information and substantial control over its classification, publication, and interpretation. A disclosure regime that allows unrestricted administrative discretion to determine what citizens may know risks weakening the right it is intended to protect. Effective implementation therefore requires clear procedures for requests, reasoned decisions when access is denied, appropriate treatment of exempt information, and an accessible process for resolving disputes. The distinction between the general right and its exceptions is also relevant to amānah. Entrusted authority requires public officials to safeguard legitimate confidential interests, but it does not justify withholding information merely because disclosure might expose administrative mistakes, controversial decisions, or inefficient practices. Legitimate restrictions must be grounded in law and assessed according to the purposes and conditions specified by the applicable legal framework.

The practical significance of these requirements is illustrated by research evaluating the official websites of Indonesian ministries. The study assessed several disclosure indicators, including periodic information, immediately available information, information available at any time, online request services, and financial and planning transparency. It reported that approximately half of the assessed ministries met the relevant standards for several categories of routinely disclosed information, while only 35.3 percent provided the assessed online information-request service. The study also identified shortcomings in the disclosure of financial and planning information (Evaluating the Implementation of Public Information Disclosure on the Official Website of Indonesian Ministries, 2017). These findings indicate that formal legal obligations do not automatically produce consistent institutional performance. Their scope should not be overstated, however, because the study examined ministerial websites during a particular period and cannot independently establish the current performance of all public bodies. Its continuing analytical value lies in demonstrating that compliance must be evaluated through identifiable indicators rather than inferred from the existence of legislation alone.

More recent evidence reinforces the need to distinguish regulatory quality from practical implementation. The OECD's Anti-Corruption and Integrity Outlook 2026 reports that Indonesia fulfils 56 percent of the assessed criteria for public information regulations and 58 percent for

practice, compared with OECD averages of 72 percent and 62 percent, respectively (OECD, 2026).

These indicators suggest room for improvement in both the formal framework and its implementation. They do not, by themselves, prove that transparency failures cause corruption or that every Indonesian institution performs poorly. They instead provide a comparative basis for identifying areas requiring closer legal and institutional examination. The OECD assessment also notes that Indonesia proactively discloses several integrity-related datasets, including information concerning the national budget, public officials' interest declarations, and legislative proposals, while identifying gaps in the online availability of certain consolidated governmental records. This combination of progress and continuing deficiencies illustrates why the appropriate assessment is neither that Indonesia lacks transparency altogether nor that the adoption of disclosure legislation has resolved the problem. A more precise conclusion is that the effectiveness of transparency depends on the consistency, comprehensiveness, and usability of information across institutional settings.

The relationship between information disclosure and accountability becomes clearer when the analysis distinguishes proactive disclosure from disclosure in response to individual requests. Proactive disclosure enables public bodies to make specified information available without waiting for citizens to submit requests. Request-based disclosure, by contrast, provides an additional mechanism through which individuals may seek information that has not already been published. Both mechanisms serve important purposes, but neither is sufficient in isolation. Proactive disclosure can reduce administrative burdens and enable broad public scrutiny, whereas request-based procedures provide an avenue for obtaining information relevant to specific decisions or concerns. A comprehensive system must ensure that proactive publication does not become a justification for refusing requests for information that remains legally accessible. It must also prevent request procedures from becoming unnecessarily burdensome through excessive formalities, unreasonable delays, or unexplained refusals. In normative terms, amānah supports the expectation that public bodies should organize information in ways that facilitate responsible administration and legitimate public scrutiny, rather than treating access as a discretionary favour granted to applicants.

The quality of disclosure is as important as its formal availability. Publishing large quantities of documents does not necessarily make government transparent when the information is outdated, fragmented, technically inaccessible, or presented without sufficient explanation. Heald (2006) demonstrates that transparency has multiple dimensions and that the direction and institutional context of information flows influence its effects. Hood (2010) likewise shows that transparency has acquired different meanings across governance arrangements, making it necessary to clarify what kind of openness is being pursued and what institutional purpose it is expected to serve. Michener and Bersch (2013) distinguish between the visibility of information and its inferability, emphasizing that information must not only be observable but also sufficiently structured to permit meaningful conclusions. These perspectives suggest that transparency assessments should examine the substantive quality of disclosed information rather than rely exclusively on whether documents or web pages exist. The public must be able to identify the relevant decision, understand the reasons supporting it, and connect the information to the institution or official responsible for its implementation.

Digital government offers significant opportunities to strengthen these dimensions, but technological availability should not be confused with institutional accountability. Online portals, searchable databases, electronic request systems, and machine-readable documents can reduce barriers to accessing government information. Open-data initiatives may also enable independent researchers, journalists, civil society organizations, and citizens to compare official records and identify inconsistencies. Janssen, Charalabidis, and Zuiderwijk (2012), however, identify important challenges associated with open data, including institutional resistance, difficulties in interpreting information, and the costs of transforming administrative records into usable data. Kitchin (2014) similarly emphasizes that data must be understood within the contexts of its production, classification, and use. These considerations are relevant to Indonesia because digital publication alone cannot resolve weaknesses in institutional commitment, data quality, administrative coordination, or responsiveness. A website may satisfy a formal publication requirement while failing to provide

information in a form that supports meaningful scrutiny. A digital transparency framework must therefore combine technological infrastructure with clear disclosure standards, appropriate data governance, accessible procedures, and effective institutional oversight.

Another important dimension concerns the relationship between transparency and legitimate confidentiality. Constitutional governance does not require unrestricted disclosure of every record held by the state. Information concerning personal privacy, protected personal data, and other legally recognized interests may require restrictions under applicable legislation. Law No. 27 of 2022 concerning Personal Data Protection is particularly relevant when public institutions process or disclose personal information. The challenge is to ensure that confidentiality is not invoked as a general administrative justification for secrecy, while avoiding the opposite error of treating all information as public regardless of the rights and interests involved. A defensible legal approach requires the identification of a legitimate basis for restriction, compliance with the applicable statutory conditions, and a reasoned assessment of the information concerned. The relationship between transparency and privacy is therefore not necessarily antagonistic; both may protect individuals against arbitrary exercises of public power when their respective legal requirements are properly applied. From the perspective of fiqh siyasah, this balance can be examined through the relationship between maṣlaḥah, justice, and the protection of legitimate interests, without allowing an abstract appeal to public welfare to override specific legal safeguards.

The institutional framework must also distinguish between the duty to disclose information and the duty to explain governmental decisions. Disclosure answers the question of what information has been made available; justification addresses why a decision was taken and how it conforms to the relevant legal and policy standards. The distinction is crucial because citizens may receive the text of a regulation, budget document, or administrative decision without receiving an adequate explanation of the reasoning behind its adoption or implementation. Bovens (2007) emphasizes that accountability requires the opportunity to question and evaluate an actor's conduct. Fox (2007) further warns that transparency can fail to generate meaningful accountability where exposure does not lead to an effective response. These arguments support the view that the Indonesian framework should be assessed not only by the quantity of information disclosed but also by the extent to which the applicable law enables citizens and oversight institutions to seek explanations and challenge legally relevant failures. Such an assessment must remain grounded in existing legal duties and remedies rather than presuming that every disclosure obligation independently creates an unlimited right to demand explanations.

The role of the Information Commission and judicial institutions is important in connecting access rights to review and remedy. A disclosure regime requires an institutionally credible process through which disputes about access can be resolved and public bodies can be required to comply with applicable legal obligations. The availability of a complaint or dispute-resolution procedure does not, however, establish that the overall system is effective. Effectiveness also depends on procedural accessibility, the quality and consistency of decisions, the implementation of resulting obligations, and public awareness of available remedies. Administrative procedures should not impose barriers that make the exercise of information rights disproportionately difficult, particularly for citizens with limited legal knowledge or technological resources. The constitutional value of transparency is weakened when legal remedies exist formally but remain practically inaccessible. The normative implication is that accountability must be evaluated across the entire institutional process, from initial publication or request to review, decision, and implementation of the resulting outcome.

The analysis of Indonesia's legal framework consequently identifies a structural challenge rather than a complete absence of regulation. Constitutional and statutory provisions provide a basis for public access to information, while administrative rules and dispute-resolution mechanisms establish procedures for implementing that right. Research on ministerial websites and the OECD's comparative indicators nevertheless demonstrates that regulatory recognition and institutional practice must be evaluated separately (Evaluating the Implementation of Public Information Disclosure on the Official Website of Indonesian Ministries, 2017; OECD, 2026). The remaining analytical task is to connect the legal architecture to a substantive conception of accountability. Amānah contributes to this task by emphasizing the

responsibility attached to entrusted public authority, but its institutional significance emerges only when it is linked to identifiable legal duties, accessible disclosure procedures, reasoned decisions, and credible review mechanisms. This connection provides the basis for a more integrated model of transparency in which constitutional rights, administrative obligations, and Islamic political ethics reinforce one another without losing their distinct normative functions.

C. Reframing Public Transparency through an Amānah-Based Accountability Framework

The third finding is that the relationship between amānah and constitutional accountability can be developed into an analytical framework that distinguishes formal disclosure from substantive transparency. Existing transparency scholarship demonstrates that the availability of information does not necessarily produce institutional responsiveness or meaningful public control. Fung, Graham, and Weil (2007) explain that transparency policies must be designed around the information users need and the behavioral changes they are intended to generate. Kosack and Fung (2014) similarly argue that transparency initiatives produce different results depending on their institutional design, the capacities of information users, and the mechanisms connecting disclosure to governmental action. These insights indicate that transparency cannot be assessed exclusively through the existence of legislation, the number of published documents, or the availability of an online portal. An amānah-based framework instead evaluates whether public authorities fulfil their responsibilities to make relevant information accessible, justify the exercise of public power, facilitate legitimate scrutiny, and respond appropriately to established deficiencies. The framework therefore connects the normative purposes of Islamic political jurisprudence with the institutional requirements of constitutional governance.

The first dimension of this framework is the responsibility to disclose relevant public information. The normative foundation is the understanding that public authority and public resources are entrusted for purposes that extend beyond the private interests of individual officeholders. Information concerning governmental expenditure, procurement, policy decisions, administrative procedures, and institutional performance is therefore particularly important when it enables citizens to evaluate whether public power is exercised in accordance with legal obligations and public purposes. The obligation does not imply that every internal communication must automatically be disclosed or that legally protected information loses its protection simply because a public institution holds it. Rather, the starting point is that disclosure decisions should be grounded in the applicable legal framework and should not depend solely on the convenience or preferences of the institution concerned. Michener and Bersch (2013) emphasize the importance of both information visibility and inferability, while Roberts (2006) demonstrates that access to information must be understood in relation to institutional power and the practical operation of secrecy. An amānah-based approach adds a normative question to these considerations: whether the institution's disclosure practices are consistent with the responsibility to exercise entrusted authority in a manner that can be evaluated by the public.

The second dimension is the intelligibility and usability of disclosed information. Information that is technically available but difficult to locate, outdated, incomplete, or presented without sufficient context may provide little practical support for public scrutiny. Transparency must therefore be assessed in relation to the ability of its intended users to understand the information and identify its relevance to governmental decisions. Meijer (2013) examines the changing relationship between transparency and trust, demonstrating that openness must be understood in the context of how citizens interpret information and evaluate public institutions. Grimmelikhuijsen et al. (2013) also show the importance of distinguishing different dimensions of transparency when examining its relationship with trust in government. These findings caution against assuming that increasing disclosure necessarily improves public confidence. An institution may publish more information without making its decision-making process more comprehensible, and greater visibility may expose deficiencies that appropriately reduce public trust. The relevant objective is therefore not to maximize the volume of disclosed information regardless of quality, but to provide information that is sufficiently accessible and meaningful to support informed evaluation. In normative terms, this requirement connects amānah with the responsible

administration of information rather than mere formal compliance.

The third dimension is answerability, understood as the obligation to explain and justify decisions affecting public interests. Disclosure provides access to information about governmental action, but answerability requires public officials to account for the reasoning, legal basis, and relevant considerations underlying their decisions. Bovens (2007) identifies explanation, questioning, judgment, and the possibility of consequences as essential elements of accountability. Fox (2007) similarly distinguishes transparency that reveals information from arrangements capable of generating meaningful accountability. The distinction is particularly relevant when public institutions disclose decisions without adequately explaining how they comply with applicable legal requirements or why particular alternatives were selected. An amānah-based approach treats the obligation to justify public decisions as a normative consequence of entrusted authority, while positive law determines the specific circumstances in which explanations are legally required and the procedures through which they may be obtained. The resulting framework does not create an unrestricted duty to answer every conceivable question. It instead emphasizes that legally established disclosure and explanation obligations should be implemented in ways that allow public authority to be scrutinized rather than insulated from review.

The fourth dimension concerns the institutional capacity to scrutinize governmental conduct and secure appropriate corrective action. Transparency becomes substantively meaningful when information can be used by authorized oversight bodies, courts, journalists, civil society organizations, and citizens to identify problems and pursue available remedies. Lindstedt and Naurin (2010) argue that transparency can contribute to reducing corruption when information is made accessible under conditions that enable citizens to use it. Bauhr and Grimes (2014) further examine the relationship between transparency and accountability in contexts where institutional arrangements and political conditions influence the consequences of disclosure. These studies indicate that information alone is insufficient when the actors receiving it lack the authority, resources, independence, or practical opportunity to challenge misconduct. Indonesia's information-dispute mechanisms and broader accountability institutions should therefore be considered part of the institutional environment through which disclosure acquires practical significance. The amānah principle reinforces the normative expectation that entrusted power should remain answerable, but effective correction depends on applicable legal procedures, institutional independence, and the implementation of lawful decisions.

The fifth dimension is proportionality in the treatment of confidential information. An effective transparency framework must recognize that public disclosure can interact with legitimate interests in privacy, personal data protection, and other legally protected forms of confidentiality. An indiscriminate disclosure policy may harm individuals or compromise interests that the law is designed to protect, while excessive secrecy may undermine public accountability. This tension requires a structured assessment of the applicable legal basis for restricting access and the specific interests that justify the restriction. Birchall (2014) warns that transparency and open-data policies can generate privacy-related risks, while the broader literature on information governance emphasizes the importance of context, institutional design, and responsible data management (Janssen et al., 2012; Kitchin, 2014). Within fiqh siyasah, the principles of justice and maṣlaḥah offer a normative basis for examining competing interests, provided that they are applied consistently with constitutional rights and statutory safeguards. The central proposition is that confidentiality should be justified according to law, not invoked as a general privilege of public authority. Equally, the ethical appeal to public interest cannot automatically override legally protected individual rights.

These five dimensions can be synthesized into an integrated model of amānah-based public transparency. The model begins with entrusted authority as its normative foundation, translates that foundation into lawful disclosure and explanation obligations, evaluates the accessibility and intelligibility of information, and connects public scrutiny to review and corrective action. Its purpose is not to establish a separate legal regime alongside Indonesia's existing legislation. Instead, it provides a conceptual framework for interpreting the relationship between the ethical purposes of transparency and the institutional arrangements through which those purposes may be realized. The distinction between normative justification and positive-law obligation remains essential. Amānah can support

an argument for responsible disclosure, but enforceable legal duties must be identified in the Constitution, legislation, applicable regulations, and authoritative judicial decisions. This distinction strengthens the analytical credibility of the proposed framework by preventing the conflation of ethical expectations with independently enforceable legal rules.

The model also clarifies why transparency should not be treated as an end in itself. Public institutions may publish extensive information while remaining unresponsive to criticism, failing to correct established errors, or providing explanations that do not adequately address the concerns raised. Conversely, a legally justified restriction on disclosure does not necessarily constitute a failure of transparency if it satisfies the applicable legal requirements and is subject to appropriate review. The quality of a transparency system therefore depends on the relationship among disclosure, justification, scrutiny, and institutional response. This conclusion is consistent with the literature questioning whether transparency automatically generates trust, reduces corruption, or strengthens accountability (Fox, 2007; Meijer, 2013; Cucciniello, Porumbescu, & Grimmelikhuijsen, 2017). The contribution of fiqh siyasah lies in providing a normative explanation of why these institutional relationships matter: public power is entrusted for legitimate purposes and must consequently be exercised in ways consistent with justice and public welfare. Constitutional governance supplies the legal structure through which those purposes can be pursued without sacrificing legality, equal citizenship, or the protection of fundamental rights.

The proposed framework has practical implications for the evaluation of transparency in Indonesia. Public bodies can be assessed according to whether they fulfil applicable disclosure obligations, provide information in accessible and intelligible forms, give reasons where legally required, facilitate established review procedures, and implement lawful corrective measures. These dimensions should be treated as analytical criteria rather than as a claim that every institution currently satisfies or violates them. Their application requires examination of the relevant legislation, institutional rules, judicial decisions, and documented implementation practices. Future empirical research could investigate how citizens, information officers, oversight institutions, and public administrators experience these mechanisms in practice. Such research would complement the present normative analysis by testing whether the proposed relationship between amānah, information disclosure, and accountability corresponds with institutional behavior. The distinction between normative and empirical inquiry is important because a conceptual framework can establish standards for evaluation without independently demonstrating the degree to which those standards are realized in practice.

The broader theoretical implication is that Islamic political jurisprudence can contribute to contemporary accountability debates without being reduced to a general endorsement of good governance. The concept of amānah provides a normative account of entrusted authority, while ʻadl, shūrā, and maṣlaḥah illuminate the relationship between justice, participation, and collective welfare. Contemporary accountability theory contributes a more specific institutional vocabulary for examining explanation, scrutiny, judgment, and consequences. Constitutional law then establishes the legal rights, obligations, procedures, and limits governing public institutions. The integration of these perspectives offers a more precise analytical framework than treating transparency as a direct or automatic consequence of religious ethics. Its value lies in clarifying how normative principles can inform the interpretation and evaluation of institutional arrangements while preserving the distinct functions of religious jurisprudence, constitutional law, and accountability mechanisms.

The principal result of this discussion is that public transparency in Indonesia should be understood as a relationship among entrusted authority, legally grounded disclosure, meaningful answerability, institutional scrutiny, and proportionate protection of legitimate confidentiality. The concept of amānah provides an ethical foundation for evaluating the exercise of public power, but its contribution becomes institutionally meaningful only when connected to enforceable legal obligations and credible mechanisms of review. Indonesia's constitutional and statutory framework provides an existing basis for this relationship, while documented implementation challenges demonstrate the importance of evaluating practical performance rather than relying exclusively on formal legal recognition. The proposed framework consequently reframes transparency from a narrow administrative requirement into a

substantive dimension of constitutional accountability. Its central contribution is the articulation of a conceptual bridge between Islamic political ethics and modern governance institutions, offering a basis for more rigorous legal analysis of how public authority can remain transparent, answerable, and directed toward legitimate public interests.

IV. CONCLUSION AND RECOMMENDATIONS

A. Conclusion

This study establishes that the relationship between *fiqh siyasah* and public transparency is best understood as a question of translating ethical responsibility into institutional accountability. The principle of *amānah* provides a normative basis for evaluating public authority, while constitutional governance determines the legal obligations and institutional procedures through which that responsibility can be implemented. The distinction is essential because ethical commitments alone cannot guarantee compliance, just as formal disclosure requirements cannot independently ensure responsible governmental conduct.

Indonesia's constitutional and statutory framework recognizes public access to information, yet the effectiveness of transparency depends on the quality of disclosure, the accessibility of information, the obligation to provide legally required explanations, and the availability of effective review mechanisms. The principal contribution of this study is an *amānah*-based accountability framework that connects these dimensions without conflating Islamic political ethics with enforceable positive-law obligations. The framework positions transparency as a substantive component of constitutional accountability rather than a merely administrative exercise. Its application requires institutions to balance public access with legally protected confidentiality and to ensure that disclosure supports meaningful scrutiny of governmental decisions.

The study consequently argues that the contribution of *fiqh siyasah* to contemporary governance lies not in replacing constitutional institutions with religious norms, but in providing a normative foundation for evaluating the purposes and responsibilities of public power. The proposed framework offers a conceptual basis for strengthening the relationship between public information rights, responsible administration, and institutional accountability in Indonesia. Its effectiveness in practice, however, requires further empirical investigation into institutional performance and the actual use of information rights by citizens and oversight bodies.

B. Recommendations

The Indonesian government should strengthen the implementation of Law No. 14 of 2008 concerning Public Information Disclosure by improving the consistency, timeliness, completeness, and accessibility of information published by public bodies. Disclosure standards should prioritize information relevant to public expenditure, procurement, policy decisions, administrative performance, and other matters affecting public interests. Public institutions should also provide clear reasons for legally justified refusals of access and ensure that available dispute-resolution procedures remain accessible to citizens.

The Information Commission and other relevant oversight institutions should promote more consistent evaluation of transparency practices through measurable indicators covering information availability, intelligibility, response times, reasoned decisions, and compliance with lawful dispute-resolution outcomes. Digital disclosure systems should be designed around the needs of information users rather than publication volume alone. Any assessment framework must also respect personal data protection and other legitimate confidentiality interests established by law.

Public institutions should incorporate the principles of *amānah*, justice, consultation, and public welfare into administrative ethics, professional development, and institutional accountability policies. Such incorporation should complement, rather than replace, constitutional obligations and statutory procedures. Future research should test the proposed framework through empirical studies of public information services, institutional decision-making, and citizens' experiences of disclosure and review mechanisms. Comparative research involving other constitutional systems could further determine the conditions under which Islamic political ethics can contribute to accountable governance in diverse legal and political contexts.

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