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Information Dispute Mediation Communication Model (Case Study of Information Dispute Mediation by the Information Commission of South Kalimantan Province)

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ABSTRACT

The existence of the Information Commission as mandated by Law Number 14 of 2008 concerning Public Information Disclosure provides an opportunity for the entire community to be able to access public information from public agencies/institutions. Unfortunately, there are still many parties who have not understand regarding the disclosure of this information so that information disputes arise. It is in this context that the Information Commission plays a role in bridging the resolution of the information conflict, either through mediation or non-litigation adjudication. This study raises the case of mediation of information disputes handled by the South Kalimantan Provincial Information Commission in the 2014-2018 period. This research seeks to answer how the communication model applied by the Information Commission of South Kalimantan Province and how the strategy was carried out in the mediation session. For this reason, this study uses the theory of relationship communication or personal communication, mediation, with qualitative methods and then uses an interpretive paradigm. As for data collection techniques through observation and interviews with informants. The results show that the model used by the South Kalimantan Provincial Information Commission is: 1) Psychological and Cultural Communication; 2) Two Way Communication and Separate Communication; and 3) Communication of Information is Human Rights

INTRODUCTION

The enactment of Law no. 14 of 2008 concerning Public Information Disclosure (UU KIP) on 31 April 2010 nationally, is an important milestone in the development of democracy in Indonesia. The presence of this law has provided legal instruments for the public to access various information related to the administration of the state and the administration of public bodies which were previously considered to be limited access. So that it is considered to be able to limit the space and movement of the community to participate in the process of making public policies by the government.

The consequence of the enactment of Law Number 14 of 2008 concerning Public Information Disclosure (UU KIP) is that it is the obligation of all public bodies to carry out public information disclosure. Thus, to guarantee people's rights, the UU KIP regulates a public information dispute resolution mechanism in which if the public's right to obtain public information is hampered or hindered by a public agency, the public can submit a public information dispute to the Information Commission. The resolution of public information disputes is carried out by the information commission through non-litigation adjudication and mediation mechanisms. Non-litigation adjudication is the settlement of legal issues outside the court which has the same power as a court decision as stipulated in the UU KIP.

Article 23 of Law Number 14 of 2008 states that one of the functions of the Information Commission is to resolve public information disputes through mediation and/or non-litigation adjudication. The

mediation function is attached to each member of the Information Commission. Each member of the Information Commission by itself authoritatively based on the authority granted by law is a mediator in public information disputes.

Mediation of public information disputes carried out by the Information Commission has different characteristics from mediation in general which is carried out in general courts. Although the mediation principles that are generally applied in mediation are also adopted by the Information Commission, specifically according to their authority as referred to in Article 26 paragraph (2) letter a of the KIP Law, the Information Commission can stipulate rules regarding procedures for carrying out mediation of public information disputes.

In the context of South Kalimantan, the South Kalimantan Province Information Commission for the 2014-2018 period has been formed since August 4, 2014 in accordance with the Decree of the Governor of South Kalimantan Number 188.44/0391/KUM/2014. Also in the period between 2015 – 2018, the South Kalimantan Provincial Information Commission recorded 26 reports of complaints of information disputes coming in. However, of the 26 reports of information disputes handled by the South Kalimantan Province Information Commission, the remaining 13 cases. Of the 13 disputes over public information cases handled by the Public Information Commission in South Kalimantan, some ended peacefully because the complainants withdrew their complaints, some were still in the trial stage, while others were already at the adjudication level and some ended in mediation

Table 1. Tabulation of Public Information Disputes Handled by the Public Information Commission of South Kalimantan Province in 2016-2018

No	Number of Information Disputes	Dispute Resolution
1	6 Cases	Adjudication
2	3 Cases	Mediation
3	4 Cases	Revoked/Trial Stage
Total	13 Cases	

Source: Information Commission of South Kalimantan Province, 2019

METHODS

Explain your methodologies in this chapter. You should explain your research instruments, data collection processes, data analysis processes or hypothesis testing processes, and data display processes.

RESULTS AND DISCUSSION

Psychological and Cultural Approach Communication Model

Communication psychology is concerned with how to achieve effective communication in human interactions. For this reason, understanding humans is absolute if we want to be successful/effective in communicating with other humans. Psychological, cultural and religious conditions have a very close relationship and play an important role in human survival, especially in the context of communication. Humans communicate according to their psychological conditions, culture and religious beliefs. when, with whom, how many things are communicated very much depends on the psychological conditions, culture and beliefs of the people who interact

In the context of the cases raised in this study, what the Commissioner of KIP South Kalimantan faces in information disputes is inseparable from the two models put forward by Matsumoto (2010) which states that there are two models of communication between humans. The first is interpersonal communication and the second is intercultural communication. Interpersonal communication refers to communication between individuals with the same cultural background using the same cultural framework. While intercultural communication is communication between individuals with different cultures in bringing their respective cultural frameworks. Often the parties involved in information disputes come from the same group both culturally and religiously (Banjar, Islam) but in some cases there are also parties who have different cultures and beliefs.

Facing several cases of information disputes, mediator Samsul Rani, always uses or applies this communication model to attract sympathy from the disputing parties. Samsul Rani often even uses verbal communication to open conversations with the parties, but he also often uses non-verbal communication, namely his body language, such as shaking hands, smiling and nodding, including serving himself drinking water to the disputing parties. According to Samsul Rani, such a communication model, the aim is to open the space in the hearts of those who are in dispute and to cool the atmosphere, so as to create a happy and comfortable situation. To maximize this kind of communication model, a representative room is needed as a support. While serving dish or serving snacks, inviting the parties to listen to funny stories in everyday life, while laughing lightly. The goal is none other than to reduce the tension or emotions of the parties involved in an information dispute.

According to Samsul Rani, even though they are facing an information dispute, the parties must still be brought into an atmosphere of close kinship or brotherhood, and avoid as little as possible things that cause hostility (Rani, 2019). This is meant to get into the substance of the disputed information issues. Sometimes funny sentences and questions or dialogs in the local language are also sometimes raised just to provoke a warm atmosphere, as one of the tricks used to open mediation. This is one of the tricks in melting the hearts of those who are in dispute, so that in the next communication process, mediation can flow, there is no distance, neither party feels superior.

The mediation process carried out by Samsul Rani as a mediator, shows that the communication model with a cultural, psychological approach, such as using regional elements as a binder of unity or similarity, can prove to be one of the factors triggering the success of the mediation process carried out by the South Kalimantan Information Commission.

**Psychological and Cultural Communication Approach Model of
South Kalimantan Information Commission**

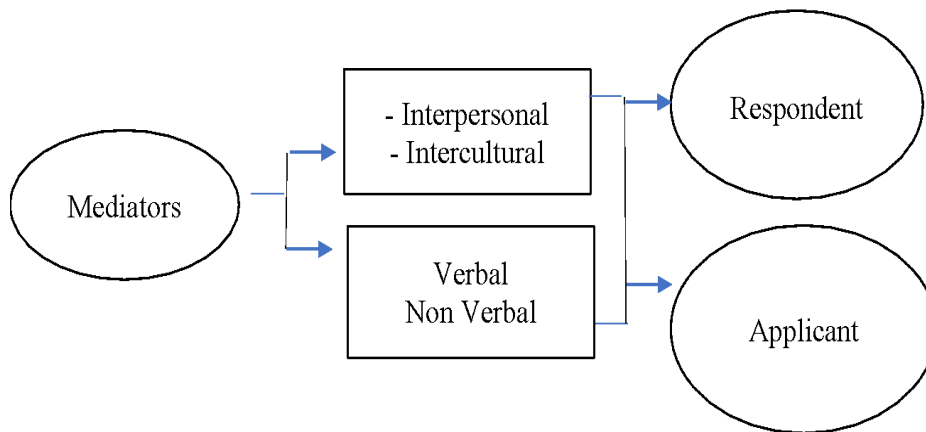


Figure 1. Psychological and Cultural Communication Approach Model
Source: Authors

Models of Two Way Communication and Separate Communication

Mediation is closely related to finding a middle ground, mutually beneficial, both obtain solutions, and both are sincere in seeking a peaceful path. Reaching an agreement with several point agreements, can be preceded by communication that is built in two-way mediation.

According to Nadjmi Akbar, communication tips in mediation so that it runs smoothly is to use two-way communication, and not one way (Akbar, 2019). One way is usually more concerned with the egoism of the mediator and tends to force. The disputing parties really do not like communication patterns that are dictation, semi-forceful, and tendentious. For this reason, Nadjmi prefers mediation communication which is characterized by communication that flows in two directions, in which all parties are invited to talk and express their respective desired issues. In general, the parties being reconciled want the atmosphere created during mediation to not appear stiff, warm and most importantly to be a vehicle for 'sharing' or sharing

opinions in a balanced manner, no one acts as if they are superiors and the others are subordinates.

Commissioner Samsul Rani also expressed the same thing. He is of the view that mediation with heart-to-heart communication through two-way communication is to bring up a spirit of deliberation which becomes religious ethics (Rani, 2019). With the consensus and agreement of both parties guided by the mediator, a mediation usually goes well. The culture of using deliberative methods in solving problems becomes a positive embryo that the mediation process can ultimately end with peace and ease of mind, because it emphasizes the elements of mutual acceptance and giving opinions.

The next communication model used by KIP of South Kalimantan Province in the mediation process is to communicate separately. This model of communication is a way of communication by listening and explaining the duties and functions of the mediator. Through one-on-one conversations, mediators can have heart-to-heart dialogue, and read the psychology of the disputing parties, so that communication strategies can then be adopted that suit their conditions. With limited talks at the start,

the mediator has strong capital as material to be able to talk to other parties, especially when offering solutions to those who are in dispute. Separate discussion content is the first step for the mediator to explore the problem, and to know the psychology, emotions, short character of those who are in litigation,

Samsul Rani added, if the mediator understands the needs of each party, it means that the mediator automatically becomes a safe and comfortable place for those who are disputing, and this becomes the initial capital to increase the trust of

the parties to the dispute. mediator, as well as confidence in the mediator to lead the course of mediation (Rani, 2019).

If the mediator is able to build a harmonious atmosphere and establish friendly communication with the disputing parties face to face, this will be the initial capital for exploring and developing appropriate mediation communication strategies in the mediation process, so that the mediator can apply a communication model formula that is in accordance with the typology of the person being interviewed. he faced.

Two Way Communication Approach Model of South Kalimantan Information Commission

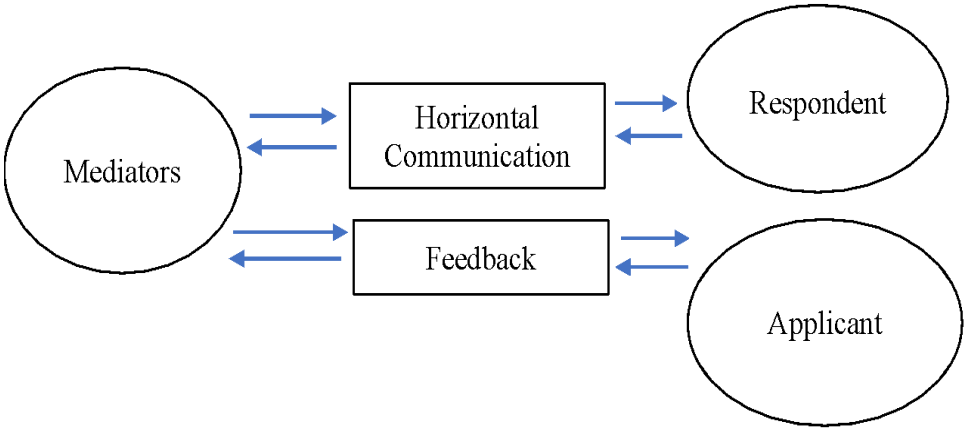


Figure 2. Two Way Communication Approach Model
Source: Authors

Model of Information Communication as Human Rights

The mediation communication model carried out by the South Kalimantan Information Commission is inseparable from the message conveyed by the mediator to the disputing parties. The Information Commission, through its Mediator, explained the most basic information that obtaining information is a human right and is protected by law. The right to obtain information conveyed by the public to public institutions is anyone's right. For this reason, public institutions can provide this

information as long as the information is open and not exempt.

Some public institutions sometimes do not understand that all information is open. This is what the mediator Tamliha Harun did when he started his mediation (Harun, 2019). He explained to the disputing public institution or community that it was the public institution's obligation to provide the information requested by the public. Any information is generally open, and a few are excluded. In contrast to the New Order regime, so much of it became state secrets, that not all information could be obtained freely. With the

openness of public information, very little information is excluded, especially regarding state security. But in general, Tamliha Harun asked the applicant and the respondent to understand their basic position, so that there would be no miscommunication that the position of information for the respondent is very important for mediation to run effectively.

Meanwhile for the applicant, Tamliha Harun also emphasized the importance of the principle of using information for good, not for negative interests. In every mediation, he always asks the applicant what the information is requested for, and he reminds that this information is not traded, for personal and group interests. Submission of information that must be opened and given to the public is a must. Many public institutions know about it, so people complain about it to the Information Commission (Harun, 2019).

In many experiences, according to Nadjmi Akbar, after being explained in mediation, the public

institution is finally able to receive and provide the requested information. Although there are several cases, those who do not want to provide due to hierarchical obedience to the center, because there are ministerial regulations governing information that is excluded in some project work, such as in department education and public works. (Akbar, 2019)

When explaining to the respondent, Nadjmi tried to ensure that the information was generally open and only a few were excluded. The misunderstanding was finally cleared up, and the mediation went smoothly deal the public institution provides the requested information, either all or part of the requested information, in accordance with a mutual agreement. Public institutions, said Nadjmi, do not understand information that is exempt. So they insist they don't want to provide information and rather accept if they have to meet in a meeting at the Information Commission (Akbar, 2019)

Information Communication Approach Model as Human Rights of South Kalimantan Information Commission

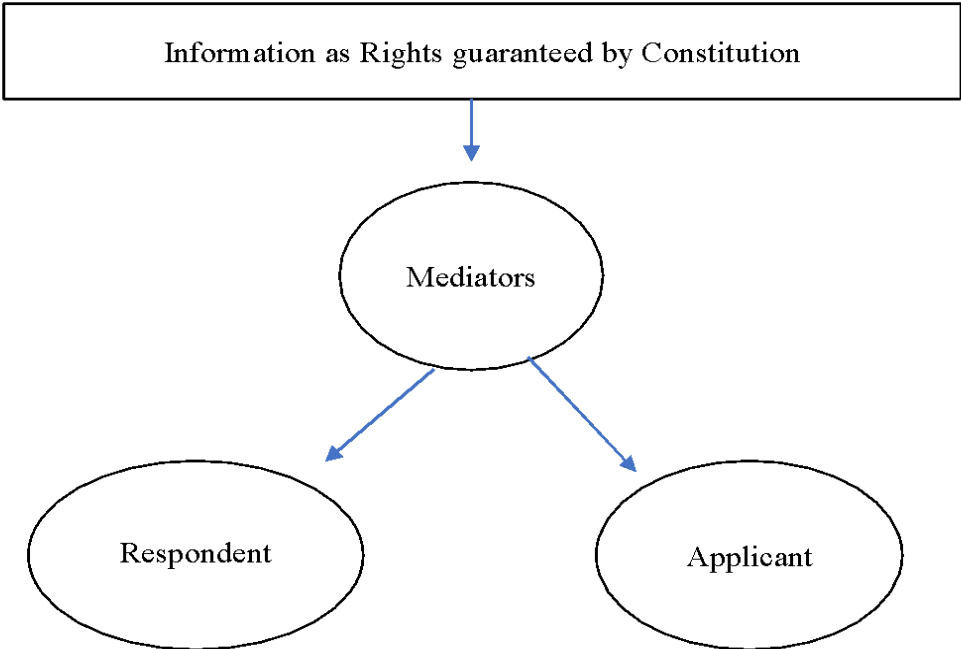


Figure 3. Information Communication Approach Model as Human Rights

Source: Authors

Communication Strategy for the Information Commission of South Kalimantan Province in the Mediation Session

In dealing with information dispute cases by the South Kalimantan Province KIP, various communication strategies were carried out so that information disputes could be resolved properly in the mediation process

If it is related to the mediation communication approach model as described in the previous section, it can be said that the three models described (Psychological and Cultural Communication Approach Model; Two-way Communication Approach Model; Conveying Information Approach Model as Human Rights) are applied or implemented simultaneously in the three cases. mediation which was successfully handled by KIP of South Kalimantan Province.

Communication Approach Model Psychological and the Cultural emphasize on interpersonal communication and intercultural implemented by the KIP commissioner of Kalimantan Province by using verbal and non-verbal communication as described in the research results section. The commissioners who handle mediation cases always start communicating with a cultural approach, especially the Banjar culture which is used to joking and casually talking about many other things besides the main theme of information disputes.

Next is the Two-Way Communication Approach Model which is also implemented by the Commissioner by inviting both parties, both the applicant and the respondent, to provide feedback or input on the trial process. Thus, both the applicant and the respondent will feel open and more comfortable to communicate advanced and conveyed all opinions which became the meeting point of the dispute between the applicant and the respondent.

Finally, the Model for Conveying Information as Human Rights is the pattern of communication conveyed by the Commissioner of KIP for the Province of South Kalimantan in dealing with the mediation process. The KIP Commissioner always explains to both the applicant and the respondent the

position of the disputed information and explains in detail regarding the Law on Public Information Disclosure which become the legal basis of what is being done by all parties in the ongoing mediation process.

Therefore, we can see that the three models are used simultaneously but on different occasions. At the beginning before the mediation session was held, for example, the KIP Commissioner for South Kalimantan Province implemented the Psychological and Cultural Model by joking with typical Banjar jokes and using verbal and non-verbal language to familiarize the atmosphere. When the hearing has officially started, the Commissioner of KIP for the Province of South Kalimantan uses the Communication Model to Convey Information as a Human Rights by referring to the applicable regulations related to the information that is being disputed. After that, in the mediation process, the KIP Commissioner for South Kalimantan Province also opened channels for two-way communication horizontally as a form of equal treatment for both the applicant and the respondent.

CONCLUSION

Based on the entire description of the mediation communication model in information disputes carried out by the South Kalimantan Provincial Information Commission, the following conclusions are obtained:

The Information Dispute Mediation Communication Model implemented by the Kalimantan Provincial Information Commission is as follows:

Psychological and Cultural Approach Communication Model, namely communication carried out by the mediator by first trying to understand psychological or psychological aspects such as the emotional condition of the disputing parties. Furthermore, the mediator will also take steps to deepen the cultural characteristics of the disputing parties, both cultural and religious aspects of the disputing parties, with the aim of eliminating barriers and deadlocks in the process of resolving disputed information issues. Then the Two-Way

Communication Model and Separate Communication, namely the communication model carried out by IC mediators from the two disputing parties to explore from each party what is the claim and what is the objection so that an information dispute occurs. The aim is to obtain as complete information as possible in order to position the two parties equally in mediation. And the information obtained by presenting the two parties separately in time. Finally, the Information Communication Model is a Human Right, namely the communication model carried out by IC mediators who try to explain to each of the disputing parties that obtaining information is a human right guaranteed by the constitution.

The strategy adopted by the South Kalimantan Province Information Commission in mediating information disputes is the implementation of the three mediation models simultaneously in accordance with the conditions and situations that develop in the dispute trial. the three models are used simultaneously and simultaneously but on different occasions. At the beginning before the mediation session was held, for example, the KIP Commissioner for South Kalimantan Province implemented the Psychological and Cultural Model by joking with typical Banjar jokes and using verbal and non-verbal language to familiarize the atmosphere. When the hearing has officially started, the Commissioner of KIP for the Province of South Kalimantan uses the Communication Model to Convey Information as a Human Rights by referring to the applicable regulations related to the information that is being disputed. After that, in the mediation process, the KIP Commissioner for South Kalimantan Province also opened channels for two-way communication horizontally as a form of equal treatment for both the applicant and the respondent. This two-way communication also makes disputing parties more open in the mediation process.

REFERENCES

- Akbar, N. (2019). Interview with Commissioner of Information Commission for South Kalimantan Province, Najmi Akbar.
- Akhrizal, & Saleh, R. (2018). Mediation Communication Analysis in Resolving Public Information Disputes at the Aceh Information Commission Session. *Unsyiah FISIP Student Scientific Journal*, 3(1), 255–265.
- Folberg, J., & Taylor, A. (1984). *Mediation: A Comprehensive Guide to Resolving Conflicts without Litigation*. Jossey-Bass Inc Pub.
- Aaron, T. (2016). Several Constraints in the Implementation of the Duties and Functions of the South Kalimantan Provincial Information Commission. *As Siyasah*, 1(1), 1–11.
- Aaron, T. (2019). Interview with Commissioner of Information Commission for South Kalimantan Province, Tamliha Harun.
- Harun, T., & Jumarianto. (2022). Implementation of Public Information Dispute Mediation at the Information Commission of South Kalimantan Province. *As Siyasah*, 7(2), 69–77.
- Haryanto, S., & Sukarna, K. (2017). The Role of the Public Information Commission in the Execution Process of Decisions on Information Disputes with Permanent Legal Force in the Review of Law No. 14 of 2008 concerning Public Information Disclosure. *IUS Constituendum*, 2(1), 96–108.
- Helmi, RF (2019). Settlement of Public Information Disputes at the Information Commission of West Sumatra Province. *Journal of Education on Social Science*, 3(1), 61–78.

- South Kalimantan Provincial Information Commission. (2019). South Kalimantan Province Information Dispute Report.
- Maslow, AH (1954). *Motivation and Personality*. Harper and Brothers Publishers.
- Matsumoto, D. (2010). Introduction. In D. Matsumoto (Ed.), *APA handbook of interpersonal communication*. Walter de Gruyter & Co; American Psychological Association.
- Moore, CW (2003). *The Mediation Process: Practical Strategies for Resolving Conflict*. A Willey Imprint.
- Rani, S. (2019). Interview with Commissioner of Information Commission for South Kalimantan Province, Samsul Rani.
- Law Number 14 of 2008 Concerning Public Information Disclosure, (2008) (testimony of the Republic of Indonesia).
- Sri Martina, U., Nasution, B., & Suyanto. (2020). Communication Strategy for the Commissioner of the Riau Province Information Commission in Resolving Information Dispute Cases. *Journal of Communication Studies*, 9(1), 412–431.
- Sugiyono. (2019). *Quantitative Research Methods, Qualitative and R&D*. Alfabeta.
- Yanti, H. (2022). Implementation of Public Information Dispute Resolution at the Information Commission of Jambi Province. *Face of the Law*, 6(2), 453. <https://doi.org/10.33087/wjh.v6i2.1085>
- Yusron, A. (2018a). Performance Analysis of Information Dispute Resolution at the Regional Information Commission of Cirebon Regency. *JIKE*, 2(1), 113–129.
- Yusron, A. (2018b). Public Information Disputes: Submission and Resolution. *Sos Filkom*, 12(1), 61–70.