

UJIAN TENGAH SEMESTER GENAP 2018/2019 ANALISIS KEBIJAKAN PUBLIK (ECEU605102)

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1. (30 poin) Mayoritas analis kebijakan publik percaya bahwa Pemerintah hanya boleh melakukan intervensi pasar jika terdapat kegagalan pasar. Pada kasus berikut ini, jelaskan alasan untuk menjustifikasi intervensi pemerintah (jelaskan juga jika Anda menganggap alasan tersebut lemah):
 - a. Mewajibkan adanya daftar kandungan bahan di dalam makanan kemasan.
 - b. Mengatur tata guna lahan.
 - c. Mengatur ekonomi kreatif.
 - d. Melarang ekspor barang mentah tertentu dengan alasan menjaga pasokan input industri pemakai dalam negeri.
 - e. Menegakkan peraturan wajib belajar 12 tahun.
2. (30 poin) (a) Jelaskan akar masalah (buat dalam bentuk diagram pohon), tentukan beberapa simpul masalah yang paling penting, (b) konsekuensi dari perilaku/fenomena tersebut, dan (c) berikan rekomendasi kebijakan dengan penjelasan singkatnya.



a.

- b. Saat hujan, pengendara motor berteduh bukan di tempatnya sehingga menutup jalan umum.



3. (40 poin) Baca lampiran dan jawablah pertanyaan berikut (dengan konteks policy analysis):

a. Untuk lampiran 1 dan 2 (tentang Facebook): Bagaimana Anda menganalisis mengenai: (i) intervensi pemerintah terhadap data pengguna Facebook, (ii) Facebook sebagai entitas yang mengelola data pribadi sedemikian besar, apakah perlu diatur atau sesuai kesepakatan antara pemakai dan Facebook, (iii) Apakah data pengguna FB sepenuhnya bersifat pribadi sehingga pemerintah tak boleh melihatnya, (iv) Bagaimana pengaturan peraturan terhadap suatu produk/jasa yang bersifat lintas negara.

b. Untuk lampiran 3: Bagaimana analisis dan prediksi Anda untuk: (i) penggunaan data-driven sebagai basis pengaturan/regulatory di Indonesia, apa kemungkinannya, tantangan, keunggulan, dan langkah strategis yang perlu dipertimbangkan, (ii) beri contoh area/case lain di Indonesia yang cocok untuk didekati dengan metode data-driven ini (ingat bahwa benefit harus melampaui cost dalam jangka waktu yang sesuai), prioritas, karena ada banyak hal yang perlu dibiayai, dan kapasitas), (iii) bagaimana jika ada wacana melegalisasi marijuana (ganja) di Indonesia?

Lampiran 1

<https://newsroom.fb.com/news/2017/12/reinforcing-our-commitment-to-transparency/amp/>

Reinforcing Our Commitment to Transparency

By [Chris Sonderby](#), Deputy General Counsel

Today we are releasing our [Transparency Report](#), previously called the Government Requests Report, for the first half of 2017. For the first time, we are expanding the report beyond government requests to provide data regarding reports from rights holders related to intellectual property (IP) — covering copyright, trademark, and counterfeit. The report also includes the same categories of information we've disclosed in the past, with updates on government requests for account data, content restrictions, and internet disruptions.

We believe that sharing information about IP reports we receive from rights holders is an important step toward being more open and clear about how we protect the people and businesses that use our services. Our Transparency Report describes these policies and procedures in more detail, along with the steps we've taken to safeguard the people who use Facebook and keep them informed about IP. It also includes data covering the volume and nature of copyright, trademark, and counterfeit reports we've received and the amount of content affected by those reports. For example, in the first half of 2017, we received 224,464 copyright reports about content on Facebook, 41,854 trademark reports, and 14,279 counterfeit reports.

In addition to our new section on intellectual property, we are also providing our usual twice-a-year update on government requests for account data, content restrictions based on local law, and information about internet disruptions in the first half of this year.

Requests for account data increased by 21% globally compared to the second half of 2016, from 64,279 to 78,890. Fifty-seven percent of the data requests we received from law enforcement in the U.S. contained a non-disclosure order that prohibited us from notifying the user, up from 50% in our last report. Additionally, as a result of transparency reforms introduced in 2016 by the USA Freedom Act, the U.S. government notified us that it was lifting the non-disclosure order on five National Security Letters (NSLs) we previously received between 2012 and 2015. Copies of the NSLs, as well as the government's authorization letters are available for download below.

We continue to carefully scrutinize each request we receive for account data — whether from an authority in the U.S., Europe, or elsewhere — to make sure it is legally sufficient. If a request appears to be deficient or overly broad, we push back, and will fight in court, if necessary. We'll also keep working with partners in industry and civil society to encourage governments around the world to reform surveillance in a way that protects their citizens' safety and security while respecting their rights and freedoms.

Overall, the number of content restrictions for violating local law increased by 304% globally, compared to the second half of 2016, from 6,944 to 28,036. This increase was primarily driven by a request from Mexican law enforcement to remove instances of a video depicting a school shooting in Monterrey in January. We restricted access in Mexico to 20,506 instances of the video in the first half of 2017.

Meanwhile, there were 52 disruptions of Facebook services in nine countries in the first half of 2017, compared to 43 disruptions in 20 countries in the second half of 2016. We continue to be deeply concerned by internet disruptions, which can create barriers for businesses and prevent people from sharing and communicating with their family and friends.

Publishing this report reinforces our important commitment to transparency as we build community and bring the world closer together.

Lampiran 2

<https://techcrunch.com/2017/12/18/government-requests-for-facebook-user-data-continue-to-increase-worldwide/>

Government requests for Facebook user data continue to increase worldwide

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Facebook continues to see increased requests for user data from governments worldwide, [according to its latest transparency report](#).

The social network first introduced the reports, which give raw figures on data requests and data granted, in 2013 to help increase visibility on government behavior. Facebook is limited on what information it can share, but [sheer numbers show requests hit 78,890 in the first half of 2017](#), an increase of 33 percent year-on-year and 23 percent on the previous six-month period.

The U.S., India, UK, Germany and France were the most active in making data requests, accounting for 41 percent, 12 percent, nine percent, seven percent and six percent of the numbers, respectively. Each of those country's government had more than 50 percent of requests granted, with the U.S. (85 percent), UK (90 percent) and France (74 percent) notable for higher rates.

The amount of data restricted by Facebook to governments also shot up in the first half of 2017 to reach 28,036, up from 6,944 the previous quarter and 9,666 one year prior. However, much of that figure can be traced back to a tragic shooting at a school in Mexico, which resulted in Facebook restricting access to 20,506 pieces of content.

Despite the disclosures there remains plenty that Facebook can't say, particularly around the nature and intention of data requests from governments. That's particularly true in the U.S..

"Fifty-seven percent of the data requests we received from law enforcement in the U.S. contained a non-disclosure order that prohibited us from notifying the user, up from 50 percent in our last report," [Facebook Deputy General Counsel Chris Sonderby wrote in a blog post](#).



Select Report January 2017 - June 2017

Law Enforcement Requests for Data

We respond to government requests for data in accordance with applicable law and our terms of service. Each and every request we receive is carefully reviewed for legal sufficiency and we may reject or require greater specificity on requests that appear overly broad or vague. During this period, approximately 57% of legal process we received from authorities in the U.S. was accompanied by a non-disclosure order legally prohibiting us from notifying the affected users.

Request Type	Total Requests	Users / Accounts Requested	Percentage of Requests Where Some Data Produced
Total	32,716	52,280	85.00%

Government Request Type	Total Requests	Users / Accounts Preserved	Percentage of Requests Where Some Data Produced
Court Order (Other)	243	315	65.00%
Court Order (18 USC 2703(d))	910	1,906	69.00%
Emergency Disclosures	1,664	2,456	76.00%
Pen Register/Trip and Trace	2,544	3,037	84.00%
Search Warrant	19,393	30,788	67.00%
Subpoena	7,632	13,622	81.00%
Title III	130	158	85.00%

National Security Requests for Data

The chart below reflects the ranges for National Security Letters (NSLs) received during the reporting period and the ranges for all accounts specified in the requests. We are limited to reporting this data in bands of 500.

By law, we are permitted to disclose national security data in ranges and must delay the release of data relating to Foreign Intelligence Surveillance Act (FISA) requests. If you would like to know past details of the number (within ranges) and nature of orders that seek the content of accounts and those requesting non-content information (such as subscriber name), all within ranges of 500, the most recent information is available here.

Request Type	Total Requests	Users / Accounts Requested
NSLs	0 - 499	500 - 999

Preservation Requests

We will take steps to preserve account records in connection with official criminal investigations for 90 days pending our receipt of formal legal process.

Preservation Requests	Users / Accounts Requested
48,835	84,497

Facebook's U.S. government score for the first half of 2017

Beyond state-related communication, Facebook has also introduced more accountability on IP-related content requests for the first time.

More than 200,000 copyright requests were made related to Facebook content, with 68 percent actioned on and 1.8 million pieces of content "actioned." Some 70,000 requests for copyright came to Instagram, with 685,000 pieces of content removed.

Over 110,000 pieces of Facebook content were removed for trademark infringement, with over 37,000 removed from Instagram.

The numbers are quite revealing when it comes to claims of counterfeits. Facebook said 217,265 of content on its social network were removed after it acted on 81 percent of 14,279 claims in the first half of the year. On Instagram, it took action against 108,094 posts following 10,231 counterfeit claims.

Counterfeit claims against Instagram content rose steadily in the first half of 2017, with June's complaint number (2,191 reports) higher than the number of complaints filed for Facebook in April and close to other months. Still, the actual number of content that was taken action against was lower on Instagram than Facebook, but it is a glimpse of the rise of Instagram as a medium of influence and importance even if Facebook remains the larger social network in terms of content.

Lampiran 3

Managing Marijuana: The Role of Data-Driven Regulation

Stephen Goldsmith, Harvard.

17 August 2017

When Colorado voters approved a ballot measure to legalize the sale of recreational marijuana in 2014, state officials knew they would have to quickly develop a robust system to safely and securely control the flow of the drug across the state, and they managed to do just that with the help of advanced tracking and data analytics. What Colorado is doing provides an impressive example of an emerging, more effective regulation model.

To deal with the consequences of marijuana's legalization, Gov. John Hickenlooper appointed Andrew Freedman as director of marijuana coordination, and the legislature created the Marijuana Enforcement Division (MED) in the state's Department of Revenue. MED drew on the state's experience with its preexisting medical marijuana regulations, examining what had worked previously to regulate and inventory controlled substances.

The widespread legal availability of marijuana and marijuana-infused products, however, presented a host of new concerns for Colorado, with those surrounding public health and safety first and foremost. The state established a comprehensive set of goals surrounding health and safety concerns, analyzed the gaps in its existing data, and devised a plan to better track and regulate marijuana.

To begin with, the state needed a way to track plants from seed to sale. MED contracted with Franwell, a Florida-based company, to create a Colorado-specific version of its Marijuana Enforcement Tracking Reporting Compliance (Metrc) system. The state requires growers to track each plant with a unique radio frequency identification tag. The RFID tags allow the plants to be inventoried more quickly without direct contact, and they create data at each step of the supply chain as plants move from growers to shippers to final packaging.

The RFID tags, like the sensors that are becoming ubiquitous in the emerging economy of connected devices, build regulatory intelligence directly into the regulated object, streamlining enforcement across the board. The tracking system, for example, can automatically flag facilities that are producing substantially less marijuana than expected based on the outputs of comparable growers, which allows state employees to more easily identify potential illegal diversion. And because the state is able to track the origins of any product, it can easily issue public recalls for specific batches or growers if regulators discover traces of potentially harmful pesticides.

This system of constant, real-time tracking allowed Colorado to shift away from an older regulatory model in which governments must depend on slow bureaucratic procedures for permitting and licensing. Rather than simply hoping that procedural factors would prevent noncompliance, the state can respond to problems as they arise, which increases accountability and allows for better-informed enforcement.

The Colorado Department of Public Health and Environment, for example, analyzed hospital-visit data and found that marijuana-related visits had tripled after commercialization and that poison control calls had doubled. Around the same time, MED noticed that marijuana-infused edibles were comprising significantly more of the market than expected -- fully 50 percent, according to Freeman. As MED discovered, the two were correlated: Many of the hospital visits and poison-control calls stemmed from a lack of dosing information or packaging safeguards.

MED quickly intervened, adopting new requirements that included childproofing edibles and clearly marking doses on the edibles' packaging. These changes have helped lower the instances of unintentional exposure to edible marijuana products. Colorado has hired a full-time analyst dedicated to deriving similar insights from these new flows of marijuana data.

Whatever one might think of the advisability of legalizing marijuana, there's much to be learned from Colorado's experience in data-driven regulation. While many of the practices Colorado is pioneering can be adopted by other states that may be considering legalizing marijuana, they also could help to broadly improve regulatory systems across all levels of government. Colorado is demonstrating how data-driven regulatory models can enable governments to quickly understand the realities of a market and hold businesses accountable -- ultimately resulting in stronger, more effective consumer protections.

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