

OPENNESS OF PUBLIC INFORMATION AT REGIONAL REPRESENTATIVES INSTITUTIONS IN CARRYING OUT THE FUNCTION OF THE REGIONAL HOUSE OF REPRESENTATIVES

Mahi M. Hikmat

Lecturer of Sunan Gunung Djati State Islamic University, Bandung, West Java, Indonesia

E-mail:

mmhikmat@gmail.com

Abstract

Law No. 14 of 2008 on public information transparency (KIP), must implement the information transparency. One of the Government Public Councils whose accessibility of information transparency to public is Regional House of Representatives (*DPRD*). *DPRD* has two different functional structures, consisting of leadership with *DPRD* complementary organs and secretariat. *DPRD* should have strategy in the implementation of *KIP* and it was in the study entitled *The Policy Implementation of Regional House of Representatives in Public Information Transparency*. Inductive data analysis was conducted through of the data simplification processes into a more readable and interpretable form. This study employed the statutory approach and descriptive qualitative method to reveal the strategies applied by *DPRD* in implementing *KIP*. This normative legal research took data from regulation of law relating to *KIP*. The result of the study shows that the law of *KIP* provides an obligation to *DPRD* as an "object" or a "subject". *DPRD* is "Dual of Public Council", leadership—complementary organs of *DPRD* and secretariat who are authorized to determine the status of information. The strategies implemented by *DPRD* consisting of strengthening the implementation of *KIP*, asserting the differentiation of *DPRD* and secretariat position, and supporting *KIP* with the main function of *DPRD*.

Keywords: Public, Implementation, Transparency, Information, Policy, People

1. Introduction

The birth of law No. 14 of 2008 on public information transparency has an effect on Public Council obligation to implement it. Moreover, this law expressly implies that Public Council has several obligations.¹ (1) The Public Council must supply, provide and/or publish the public information under its authority to the supplicant of public information, other than information that exempted in accordance to the provisions. (2) The Public Council must supply the accurate, correct, and not misleading public information. (3) The Public Council must establish and develop information and documentation systems to manage public information well and efficiently for its accessibility. (4) The Public Council must make a written consideration of every policy adopted to fulfill the right of people to public information. (5) The consideration includes politics, economy, social, culture, and/or security of the States. (6) Public Council, in terms of fulfilling the obligations, can utilize the electronic and non-electronic media.

DPRD is a Public Council.² Public Council consists of executive, legislative, judicial and other constitutions whose functions and duties are related to the State of administration, by halves or all of the funds are sourced from states budget (*APBN*) and/or regional budget (*APBD*), or non-governmental organizations as long as some or all of the funds are sourced from state budget and/or regional budget, society contributions, and/or foreign country. It becomes clear that *DPRD* is a regional legislative institution whose function as a local government administration and whose source of funding is from *APBD*. Hence, it

requires to fulfill the obligations of Public Council.

However, as a regional legislative institution, *DPRD* is not only mandated as a Public Council, but also has the functions and duties to interpret the mandate of *KIP* law in form of advanced policy that could be enforced in the regions. As mandated by law No. 23 of 2014 on Regional Governance, *DPRD* has the function to design regional regulations, budgets, and supervision.

Therefore, to follow up the implementation of *KIP* Law, *DPRD* has two main obligations: firstly, *DPRD* must have undertaken an obligation effectively in the region to make advanced rules as its function, to establish and discuss Local Regulations, and to monitor the implementation of *KIP* Law until the budgeting processes. The regulations should be binding upon Public Council and society. Secondly, *DPRD* as a Public Council has an obligation to implement the Public Information Transparency to institutions internally. The obligations as mandated by *KIP* in Article 7 of law and other obligations as mandated by *KIP* constitution, both government regulation No. 16 of 2010, the rules of information commission, and other regulations must be implemented by legislative institution.

In fact, *DPRD* also has other additional duties of which one of them is to select the members of regional information commission through the fit and proper test³. The information commission is an independent institution that functions to operate the law of *KIP* and other regulations, to determine the standard operational procedure for public information services and to resolve dispute information problems through mediation

¹ Article 7 Law No. 14 of 2008 on Public Information Transparency

² As mandated in Article 1 Item 3 Law No. 14 of 2008 on Public Information Transparency

³ As mandated in Article 32 Law No. 14 of 2008 on Public Information Transparency

and/or non-litigation adjudication. The information commission is established in central government, Provinces and Districts. In the establishment of the regional information commission, *DRPD* has the duty to do the fit and proper test to the candidates for commissioners of regional information commission. The test is conducted to produce the qualified commissioners in order to be able to carry out the mandate of *KIP* constitution.

In some provinces and districts⁴, *DPRD* has implemented *KIP* laws pursuant to the functions and duties. In the context of local regulatory functions, *DPRD* has already created many local regulations, either by using the right of *DPRD* initiative or by being proposed by regional leaders. The local regulation is derived from substance of *KIP* laws, especially about transparency conception.

The *DPRD* policy in terms of releasing the local regulation has consequences on the implementation of other *DPRD* functions of which *DPRD* must supervise the implementation of *KIP* laws and local regulations on Public Council in the region while providing support in the form of budget policy, so it is effective. Internally, *DPRD* as a Public Council should also be part of the implementers of *KIP* constitution and local regulation.

In addition, *DPRD* also must supervise and provide support to information commission in implementing Law of *KIP*. The information commission can be a working partner for *DPRD* to carry out the main functions to execute the establishment of local regulations, budgeting and supervising the implementation of *KIP* constitution and local regulations to be effective.

2. Purpose and Objectives

The purpose of the study is *Openness of Public Information at Regional Representative Institutions In carrying out the function of the Regional House of Representatives*. Therefore, the objectives of the study are to describe and analyze the public information transparency constitution that mandated the obligations of the regional representatives as Public Council; to describe and analyze the policy of regional representatives in implementing the obligations of Public Council as a mandate of *KIP* constitution.

3. Research Methods

This study uses a qualitative approach. The method used is descriptive method. Descriptive research is a research method that seeks to describe and interpret objects according to what they are. The data which is used as the material of this research are divided into two, namely primary data and secondary data. Primary data is data that is the subject of research, namely documents related to the implementation of information disclosure in the *DPRD* as a representative body in the region such as laws and regulations related to information disclosure in the *DPRD* when running the functions of making Regional Regulations, Supervision, Budgeting and other policies. Meanwhile, secondary data which is supporting data in the form of data about the regional legislative profile along with other activities in carrying out its three functions.

Data collection techniques are carried out through documentation studies, especially with Law No. 14 of 2008 concerning Transparency, Law No. 23 of 2014 concerning Regional Government, Government Regulations, and Central

⁴ <https://www.komisiinformasi.go.id/category/view/ki-provinsi>

Broadcasting Commission Regulations. An internet search was conducted to obtain data related to the implementation of information disclosure at the people's representative institutions and written documents in the form of research results, e-books, and other sources that can be used as references. Focus Group Discussion with members of the DPRD Commission 1, West Java Information Commission Commissioner, and several Public Bodies.

In general, because the research method used is a qualitative research method, the data analysis used is inductive data analysis. Data analysis is the process of simplifying data into a form that is easier to read and interpret. Data analysis is the process of organizing and sorting data into basic pattern categories and description units, so that themes can be found and work hypotheses can be formulated as suggested by the data. In qualitative research, data analysis is carried out in a process, which means that the implementation has begun since the data collection was carried out and carried out intensively, ie after leaving the field.

4. Finding and Discussion

The Urgency of Public Information Transparency

Indonesia is a democratic nation. It places the government of the people, by the people, and for the people at the top of ladder, as an American president, Abraham Lincoln, (1861-1865) said. In Indonesian context, the concept of democracy is mandated in the national constitution (UUD 1945) and is implemented by enacting the executive and legislative powers in equilibrium. These powers represent the people's aspiration. Following Mohammad

Hatta, one of the founding fathers of Indonesia, the concept also functions to reduce the absolute powers of a king.

It reinforces the thought that it is an obligation for every government administrator of a democratic nation to engage the people of the nation. This people engagement is classically said as participation. The public participation is a principle of democracy. It needs to be the central part of the development strategy in all areas. When the people are involved in the process of the development such as the process of making decision, the implementation, the monitoring, the evaluation, and the profit taking, the purposes of the development can be achieved (Yusuf, 2013).

Indonesia as a Democratic Law State, as affirmed in Article 1 paragraph 2 and paragraph 3 of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution). Therefore, according to Retnowati (2012), of course, the government is responsible for the administration of the state or its administration to the people. One form of government responsibility here is with public information disclosure. With the transparency of public information about the performance of the government in carrying out the administration of the state or its governance, it allows the public to participate actively in controlling every step and policy taken by the government.

Theoretically, Lothar Gurdin⁵ stated some benefits of the public participation in developing a democratic nation. These are (a) giving the government some related information; (b) increasing the society who are favorably disposed towards the government's decision; (c) assisting law

5. Luthar Gurdin. *Public Participation in Environmental Decision*. In Koesnadi

Hardjasoematri. *Hukum Tata Lingkungan*. Yogyakarta: Gajah Mada University Press.

protection; and (d) democratizing decision-making.

Therefore, the public participation is unconditional in achieving a successful development. Without public participation, especially in utilizing the development outcome, public welfare is not improved. On the other hand, the purpose of the development is to enhance the prosperity. Hence, a development project is considered unsuccessful without public participation. It is, thus, the central part of the development strategy.

According to Zamor (1985), when the increased attention to participation in each development process more concerns on the bottom up and the orientation of the program management has actually shifted from the gravity of input to the gravity of outcome. This results an important and strategic position placement of the prospective beneficiaries of the development.

One of the main conditions for realizing public participation is by creating openness and transparency. Transparency, according to Yusuf (2013), is defined as transparent, clear, and nothing is covered up. It is a condition in which the process of making, taking, and executing decision in the administration process is recognized by public.

The principle of transparency or openness requires that all the policies taken should be known by public and based on the real condition of the society. The implementation of the development programs that is delegated to the government needs to be controlled by public. Without the government transparency, the society is unlikely to participate in the government activities. Hardjon (1997) explained that both

openheid and *openbaar-heid* openness are essential for a good and democratic government. Openness is regarded as a constitutional principle of the proper authority implementation.

The Aarhus Convention, which is the result of the UN international convention held on 25 of June 1998 in Aarhus, Denmark, stated that one of the three main pillars that guarantees the people's right in the development process is an access to information. Each person has the right to obtain full, accurate, and up to date information for various purposes.

The access to the information is divided into two, these are: a. the right of people to gain information from the public authorities and it is their obligations to respond and provide information as what the society requested. This type is called a passively information access right; b. the right of people to receive information and it is the public authorities' duty to gather and disseminate information to the society automatically. This is called an actively information access right.

In this context, every implementation of democratic governance needs to be informed to the community, started from the planning, implementing, monitoring, to evaluating. Each person has the right to access public information. The public information is the information generated, stored, managed, transmitted, and/or received by public authorities related to the administrator and administration of the country and/or the other public authorities in accordance with the law of public information transparency and other information related to the public interest⁶.

The Law of public information transparency Article 4 provides the citizens the protection in form of the right as the

⁶. Article 1 Law No. 14 of 2008 on Public Information Transparency

information applicant: (a) to see and know the Public Information; (b) to attend an open public meeting in order to obtain Public Information; (c) to get a copy of the Public Information by applying for it pursuant to the Law; and/or (d) to disseminate Public Information pursuant to the regulations of the laws; (e) to request for Public Information along with the state of reasons for the request; (f) to file a suit in court if he/she is obstructed from obtaining, or fails to obtain Public Information pursuant to the provision of this Law.

Marina (2013) also recognized that the Law of public information transparency is in line with the principles of democracy, especially the public freedom to access information from the government as one of the public tools to participate in controlling the administration of the government. The Law of Public Information transparency is actually the antithesis to the fact that the public access to the information is constrained by a rigid and closed bureaucratic system.

Because of this closed bureaucracy and the public ignorance of the government administration information, some rights-holders suffer for the policy, plan, and the development program. Even, the closed public information, especially those about the administration of the government for a wide range of community, sometimes tends to establish the speculation and manipulation of the policy conducted by some irresponsible administrators and some people who know the information.

Thus, to make people more aware of policy, plan, and development program should be seen as an integrated part of raising community responsibility. It also means as the responsibility of the government administrator towards the "owner" of this country as stated in the constitution (UUD 1945) that the sovereignty owner of this Republic of Indonesia is its people.

Moreover, in this era Indonesian government has a strong commitment and determination to provide the best public service for the people through, for example, a *bureaucratic* reformation. This is based on a view that bureaucracy in new order is not only rigid but also closed. Therefore, when this country came to Reformation era, bureaucracy reformation was an urgent program to consider.

However, Mariana (2013) explained that when bureaucracy reformation was not openly undertaken, thus, the information would be meaningless. In addition, the standard to measure the success of the bureaucracy reformation can be seen from the implementation of information transparency to the public. Hence, the administrator's mindset, culture, structure, and procedure of the bureaucracy need to be changed. The information transparency is just like lubricant that helps advance the changes of administration system of bureaucracy.

The information transparency on the administration performances is relevant to the achievement of the main purpose of this nation that is to achieve the national prosperity. Joseph Stiglitz (2005), a Nobel winner of Economy, provided empirical evidences that the improvement of public welfare needs support of some resources, not only in form of capital and technology but also information. Public economic losses may be caused by asymmetric and incomplete information. The information, thus, should be considered important as well as finance, asset, capital, and other resources.

In the political and administration context, transparency, according to Kristiansen (2006; stated in Yusuf, 2013) will support four basic things. First, it may improve the responsibility of the policy makers so that the politicians and bureaucrats will be effectively controlled. Second, it may activate the checks and

balances system so that governance monopoly by the bureaucracy can be avoid. Third, it may reduce some cases of the corruption. The last, it may increase public service efficiency.

The People Representative and the Information Transparency

Law No. 14 of 2008 on the transparency of public information (KIP) provides an access for DPRD (the Regional House of Representatives) to be the subject or the object of the governance. It comes from a political view that DPRD is the Regional House of Representatives that democratically needs to have accessibility to all areas related to public interest. It includes the regulations of Law that directly and indirectly controls the community.

The Law of public information transparency provides DPRD as the “subject” because it functions to establish, budget, and monitor regional regulations as mandated by Article 96 of the Law Number 23 of 2014 Local Government. In this context, when the Law of public information transparency is stated on the regulation, DPRD as the regional representative council has to follow the Law of public information transparency in form of advanced regulation formulation as regulatory authorities and the principal duty of DPRD to form Regional Regulation as the “highest law” and strata rules in the region.

There are Regional Regulations that cause distrust of the community towards the running of government in the regions, according to Hamidi (2011), which was eventually canceled by the Central Government. From the juridical aspect shows the weak quality of forming Local Regulations so that it ends in the context of the weak function of making a Regional Regulation from the DPRD. That was partly because of the weak policy transparency of

the DPRD as a regional people's representative.

In the context of budgeting, DPRD has a duty to provide support and program related to the implementation of the Law of public information transparency to be financially facilitated as the regulation of Law stated. All programs, which are in the secretariat and compiled by local government as long as implementing the Law of public information transparency, need financially supported so that the output can be done in appropriate with the aim of the Law of public information transparency.

Budget oversight conducted by the board, according to Coryanata (2012), is influenced by internal and external factors. Internal factors are factors that are owned by the board that directly affect the supervision conducted by the board, one of which is knowledge of the budget. Whereas the external factor is the influence from outside on the oversight function by the council which indirectly influences the oversight carried out by the council, including the existence of public participation and transparency of public policies.

According to Sudiarta et al (2014), the community not only has the right to know the budget but also has the right to hold responsibility for the plan and implementation of the budget. According to Juliastuti (2013) to create accountability to the public requires the participation of the leadership of the agency in the preparation and supervision of regional finances (APBD). So the existence of public accountability will increase the board's knowledge about the budget and regional financial oversight (APBD) will be better.

Conducting the function of monitoring, DPRD also requires to escort and to monitor the implementation of the Law of Public Information Transparency as well as the other Law regulations, which are

published by the center government agency in form of Government Regulation, Information Commission Regulation, Ministry of Home Affairs Regulation, Ministry of Communication and Informatics Regulation, and other regional regulations.

In addition, Article 32 of the Law of Public Information Transparency explicitly places DPRD as “subject” in the process of the recruitment of agent Regional Information Commission (KID). Information commission is an individual agency whose function is to implement the Law of Public Information Transparency and its regulations, to establish standard of operational procedure for public information services and to resolve a dispute on public information through mediation and/or non-litigation adjudication. It is formed in the central government, province, and the region/district. In the formation of KID, the DPRD duty is to perform fit and proper test to the KID commissioner candidates so that it may produce qualified commissioners.

However, DPRD as government institution whose activities commonly financed by APBD (Regional Budget) and the duty related to the administration is also regarded as an “object”. DPRD as an institution in the context of public information transparency is stated as a Government Public Council. The regulations of public information transparency require all Public Agencies to implement it.

Article 7 Law of Public Information Transparency obliges a Public Council to supply, provide, and/or publish the Public Information under its authority to the Public Information Applicant, with exception; to provide the Public Information accurately, correctly, and not deceptive; to establish and develop an information and documentation system to manage the Public Information properly and efficiently so that

it is easily accessible; to make written consideration for every policy taken in order to fulfill the right of every person to get Public Information. The reasons contain political, economic, social, cultural consideration and/or state defense and security. In order to fulfill the obligations, Public Council may utilize the electronic and non-electronic media and/or facilities.

The Government Regulation No. 61 of 2010 on the implementation of the Law of Public Information Transparency asserted and added the duties of Public Council. Article 2 stated that in the event of a Public Information demand from a public information applicant, it is an obligation of Public Council to make written consideration on every policy made to fulfill the right of every Public Information Applicant. The written consideration is stipulated by IDMO (Information and Documentation Management Officer) with the prior consent of the head of concerned Public Council. The written consideration is accessible to every Public Information Applicant.

In the context of budgeting, DPRD requires to provide support for Public Council to implement the duties as stated in the Law. It includes external Public Agencies which are both inside and outside the local government range, and the internal DPRD which comprises of the DPRD secretariat and institutional.

Similarly, every Public Council in West java, inside or outside of regional administrations, include internal DPRD as people representative council or the DPRD secretariat, have to be the part monitored by DPRD. Have they implemented Public Information Transparency?

The Strategy of the Implementation of Public Information Transparency

Referring to the urgency of information transparency towards the

society's welfare and the duties of Public Council, which is seen as an opportunity and challenge in positive frame, DPRD as the Regional Representative Council—the communicator of idea, voice, hope and the goal of people in every region must implement the Public Information Transparency.

As being stated in the concept of policy implementation, the Law of Public Information Transparency without implementation will be meaningless. It may not heal the public's pain of arbitrariness of a closed government. On the other hand, in line with the concept of democracy, philosophically this country belongs to its people. Therefore, public participation becomes the main principle of democracy by providing chance for the people to contribute actively in this country development. All development programs, started from the planning, organizing, controlling, to evaluating, need to involve the people. It includes the information in every development stages that needs to be given to public.

DPRD as a very concrete Public Council has obligations to implement the Law of Public Information Transparency. Even more, Yusuf (2013) argued clearly that DPRD has to provide public information through open meetings, i.e. working meeting, public hearing, plenary meeting, special plenary meeting, and other open meetings. The meeting results are stated in a report and shared to public. The report may be granted to the information applicants by submitting their identities along with the reasons for the applications.

It is what to do by DPRD as the "object" of the Law of Public Information Transparency since it has been categorized as Public Council stated in Article 1 of the Law No. 14 of 2008 on Public Information Transparency. However, responding to the Law of Public Information Transparency, the regional representative council is not

only as the object but also as the subject, as previously stated. The implementation of the Law of Public Information Transparency is very important for DPRD, yet it is still inadequate to show its position as the representatives of the people if it is not accompanied by the function, duty, and authority optimization, as stated on the Law No. 23 of 2004. Because of this urgency of DPRD positioning, it requires an appropriate strategy to respond to the Law.

An example of the function of DPRD as the "subject" implementing the Law of Public Information Transparency and the evidence of function, duty, and authority optimization is the appearance of regional regulations such as the Regional Regulations No. 11 of 2011 on transparency, participation, and accountability (TPA) in the administration of Local Government. It is based on the initiative right of DPRD of West Java Province. Yusuf (2013) considered that the main contents of the Regional Regulation No. 11 of 2011 were relatively adequate. However, now a question arises on whether the Regional Regulation has been implemented consequently and consistently by the government of West Java Province. The Regional Regulation is relevant to the Law of Public Information Transparency. Moreover, the Regional Regulation can be considered derivative of the Law of Public Information Transparency. Therefore, this Regional Regulation is also considered as the implementation of the Law of Public Information Transparency conducted by the provincial government of West Java.

Briefly, the substance of Regional Regulations of Transparency, Participation, and Accountability (TPA), set the management of accessibility transparency of public information; accessibility participation of society through public space; and accessibility towards the accountability of regional government administration. The management of

transparent accessibility of public information is the “derivation” of the Law of Public Information Transparency so that most of them are the quotations of the substance in the Law of Public Information Transparency and the additional conditions that considered relevant to the bureaucracy character of West Java Province.

In the context of DPRD strategy, the implementation of information transparency policy needs to consider its aim. However, in order to formulate the aims, the aim of the Law of public information transparency should work in synergy with the aim of DPRD. In this context, the Law No. 23 of 2014 provides juridical limitation that DPRD is the Regional House of Representatives whose thoughts, attitudes, and behaviors in form of regulations, decisions, and program are only for the society’s welfare.

All aims stated in the Article 3 of the Law of public information transparency are relevant to the existence of DPRD as the Regional House of Representatives. They are as the following:

- a. To secure the right of the citizens in knowing the plan of public policy making, public policy program, and the process of public decision making, as well as the reason of making a public decision;
- b. To encourage the participation of the society in the process of public policy making;
- c. To increase the active role of the people in making public policy and managing Public Council properly;
- d. To materialize good governance, i.e. transparent, effective and efficient, accountable and responsible;
- e. To identify the rationale of a public policy that affects the life of the people;
- f. To develop sciences and to sharpen the mind of the nation; and/or

- g. To enhance the information management and service at the Public Council circle, so as to produce good quality information service.
- h. To improve the management and information service in Public Council environment to establish qualified information service.

The synergy between the intention of the Law of Public Information Transparency and the existence of DPRD should facilitate DPRD to be the core part of the Law implementation. Several DPRD's functions, obligations, and authorities aim to focus on the service quality (information) to public (society), in line with the aim of the Law. Moreover, the popularity of the Law of Public Information Transparency ought to be accepted as the part of important policy to ease DPRD to execute its functions, obligations, and authorities, specifically for information service for public. Thus, it is like killing two birds with one stone.

DPRD's real action to achieve the aim means that DPRD focuses on the internal reinforcement program in implementing Public Information Commission. DPRD should be the model for other public councils in practicing Public Information Commission, either for the secretariat of DPRD or the DPRD complementary organs. DPRD duties as a public council should be applied properly. They are required to provide, grant, or publish public information including their authorities to the petitioner of public information, except the exceptional information; to provide accurate, correct, and genuine public information; to construct and expand the information and documentation system to manage the public information effectively and efficiently to be easily accessed; to make written consideration of every taken policy to fulfill everyone's right to public

information, either politics, economics, social, culture, and safety, also DPRD is required to be able to utilize the electronic or non-electronic facilities.

In addition, DPRD also must: establish regulations on standard of operational procedure for public information services; build and develop information and documentation system to manage public information effectively and efficiently; appoint managerial information official and documentation (PPID) to carry out its duties and responsibilities or authorities; estimate the cost adequately for the public information; provide public information facilities; set the standard cost of the public information acquisition's copies; assign and update the list of public information periodically for all organized public information; set and grant public information as arranged in Public Information Commission regulations; impart reaction for the submitted objections from the public information petitioner; create and announce the advisory of public information service in accordance with the regulation and convey the advisory copies to the information committee; as well as evaluate and supervise the implementation of public information services to its information agencies.

Those obligations are not only applied to the secretariat of DPRD, but also to the DPRD's complementary organs. In local government's perception, the DPRD secretariat is a part of regional government organization (OPD). Therefore the authorities of DPRD about the Law of Public Information Transparency implementation should be done. Moreover it should be the model of other OPDs. From the standard of information services, PPID formations, to other authorities are issued by government and/or PID related to KIP.

Meanwhile, DPRD complementary organs, from the head, committees, the Regional Legislation Committee, the

Budget Committee, the Committee of Honor, some fraction, to other parties by the plenary meeting is an entity in Public Council of DPRD separated from the DPRD Secretariat. It is because of the reality that all documents are not only controlled by the secretariat of the DPRD but also by DPRD complementary organs. Not all documents in DPRD can be published as open/close information by the DPRD secretary. The head of DPRD is one of who has the authority to decide the documents/information, meetings, and other agendas to be open or close.

For those reasons, DPRD should have a separate institution in the Public Information Transparency implementation, such as PPID establishment, PPID senior, and other complementary structure. PPID can be pointed by the member of DPRD from the commission whose obligations and function related to the communication and information, while the senior of PPID could be from the DPRD head or its representatives. Other DPRD information service practitioners who have no authority (to decide) can be pointed by the staff of DPRD secretariat or other parties appointed for those duties.

Furthermore, DPRD can strengthen to substance of the Law of Public Information Transparency by creating "derivative" policy to clarify, complete, and add by the region's cultural characteristics in accordance with the Law of Public Information Transparency. This reinforcement can take the form of local regulation, such as those adapted by DPRD in West Java or other regulations made by local government. In Regional Regulation context, DPRD can use their initiative rights in accordance with the regulation made by local government, either Governor's Regulation or other regulations. DPRD is able to access, supervise and correct the inappropriate regulations.

Besides, DPRD should also oversee Regional Information Commission performance through fit and proper test. Regional Information Commission should be kept supervised by DPRD in implementing its core obligations, functions, and authorities. Moreover, the Law of Public Information Transparency firmly obliged the Regional Information Commission to report the activities periodically to the Governor and DPRD. Through this context, monitoring function of DPRD can be optimized.

Information commission along with DPRD optimizes the policy of Public Information Transparency implementation to strengthen the internal DPRD as Public Council and other regional Public Council so that the aims of DPRD in implementing the policy of Public Information Transparency can be achieved.

5. Conclusion and Recommendation

Based on the explanation, analysis, and discussion above, the conclusion can be drawn as follows:

The *KIP* constitution gives an obligation to *DPRD* in two different sides, as “object” and “subject”. *DPRD* is Public Council, thus, it has obligations to implement *KIP*. As “subject”, *DPRD* can operate the function of regional regulations, budgeting, and supervise through initiative rights or support the policy which strengthen the implementation optimality of *KIP* to the existing regional Public Council.

The implementation of *KIP* to *DPRD* is “Dual of Public Council”. At one side, DPRD as Independent of Public Council has complementary organs and authority to establish the status of document/information, both openly or closely (exception). At another side, those who keep the document/information in *DPRD* are the Secretariat of *DPRD* of

which they are part of Regional Public Authority Government.

The policy implementation strategies of *KIP* in *DPRD* must be set out of synergy between the purpose of law number 23 of 2001 of regional government and law of number 14 of 2008 of *KIP*. The formulation of the policy implementation of *KIP* continuously followed up by ways of : reinforcing the implementation of *KIP* to internal of *DPRD* through fulfilling all of the obligations of Public Council as mandated in law of *KIP*; clarifying the position of *DPRD* as independent Public Council and Secretariat of DPRD as part of Regional Public Authority Government and clearly clarify each obligation in *KIP* implementation; reinforcing the implementation of *KIP* through of *DPRD* functions both in executing initiative rights to set regional regulations and supporting budgeting as well as operating the supervision function toward the implementation optimality of *KIP* to the existing Regional Public Authority.

Based on the aforementioned explanation, analysis, discussion, and conclusion, the recommendations are addressed as follows:

The Province of *DPRD* must do in depth special research about the mastery of information and policy to establish the status of document/information (openly or closely) between *DPRD* Secretariat and the complementary organs of DPRD.

The Province of *DPRD* Secretariat must immediately implement the *KIP* by referring to the policy issued by the regional government;

DPRD must immediately operate the obligation of Public Council as mandated in law of *KIP* through of *DRPD* complementary organs, in arranges the *SOP* or determine the structure of managerial information official and documentation (*PPID*);

DPRD must reinforce the implementation of *KIP* through the functions of both in operating initiative rights in proposing regional regulations, and in supporting budgeting to Public Council, as well as in supervising the implementation optimality of *KIP* to the existing regional Public Council.

REFERENCES

- Coryanata, I. (2012). Akuntabilitas, Partisipasi Masyarakat dan Transparansi Kebijakan Publik sebagai Pemoderasi Hubungan Pengetahuan Dewan tentang Anggaran dan Pengawasan Keuangan Daerah. *Jurnal Akuntansi dan Investasi* Vol. 12 No. 2, halaman: 110-125, Juli 2012
- Barat, D.P.J. (2013). Profil DPRD Provinsi Jawa Barat Periode 2009-2014. Sekretariat DPRD Jawa Barat
- Gurding, L. (1991). Public Participation in Environmental Decision. Dalam Koesnadi Hardjosoematri. *Hukum Tata Lingkungan*. Yogyakarta: Gajah Mada University Press
- Jones, C. O. (1996). Public Policy. Nashir Budiman (Editor). Jakarta: Manajemen PT Raja Grafindo Persada
- Hamidi, J. (211). Paradigma Baru Pembentukan dan Analisis Peraturan Daerah : Studi Atas Perda Pelayanan Publik dan Perda Keterbukaan Informasi Publik. *JURNAL HUKUM* NO. 3 VOL. 18 JULI 2011: 336 - 363
- Hardjon, P. M. (1997). Keterbukaan Pemerintahan dalam Mewujudkan Pemerintahan yang Demokratis. *Lustrum III Ubraha Surya*
- Hogwood, Brian W. and Lewis A. G. (1986). *Policy: Analysis for The Real Rorld*. Oxford University Press
- Mariana, D. (2013). Keterbukaan Informasi dalam Perspektif Reformasi Birokrasi. Dalam Potret Keterbukaan Informasi Publik. Bandung: Komisi Informasi Jawa Barat
- Retnowati, E. (2012). Keterbukaan Informasi Publik dan Good Governance: Antara Das Sein Dan Das Sollen. *Jurnal Ilmiah PERSPEKTIF* Volume XVII No. 1 Tahun 2012 Edisi Januari
- Stiglitz, J. (2005). *Economics of the Public Sector*. W. W. Norton & Company 2015-02-25
- Sudiarta, D.G. et.all. (2014) Analisis Pengaruh Pengetahuan Dewan tentang Anggaran terhadap Pengawasan Keuangan Daerah dengan Akuntabilitas Publik, Partisipasi Masyarakat dan Transparansi Kebijakan Publik sebagai Variabel Pemoderating : Studi Empiris pada Lembaga DPRD Kabupaten Buleleng. *e-Journal Universitas Pendidikan Ganesha Jurusan Akuntansi Program S1*. Volume: 2 No. 1
- Yusuf, A.W. (2013). Keterbukaan Informasi sebagai Fundasi bagi Bangunan Partisipasi Masyarakat Genuine. Dalam Potret Keterbukaan Informasi Publik. Bandung: Komisi Informasi Jawa Barat
- Zamor, G.C. (1985). *Public Participation and Development Planning and Management, Cases from Afrika and Asia*. London: West View Press