

Culture of Transparency as Part of Bureaucracy Clean and Good Governance to Deliberative Democracy

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Abstract

Indonesia was informed the importance of public disclosure since 7 years ago by Law number 14/2008 Public Information; However, almost all public institutions of government, its implementation has not been optimal. The main constraint is on the quality of human resources leadership and political will, bureaucratic culture that does not support, and inadequate regulation. The study used a qualitative approach to the type of case studies, research subjects in the form of West Java provincial government officials and West Nusa Tenggara. Results showed differences in the dynamics of the implementation of transparency in each region was influenced by "political will" of the head of the highest areas. Bureaucratic culture seems no change after the reform and enactment of Freedom of Information Law, although only a formality culture, because bureaucrats exposed duty to implement it. Bureaucracy was good and clean (good and clean governance) will build deliberative democracy when open access to public information, it is necessary for the optimal function of the Information Committee and to build public awareness to build transparency of public institutions.

Keywords: Information Transparency, Good & Clean Government, Deliberative Democracy.

Introduction

The results of previous research (Rachmiatie, 2014) about information disclosure at various public agencies in Indonesia, its implementation is still not in compliance with the expectations defined in applicable legislation. The principle of transparency and openness which take precedence in organizing the life of nation

and State in order to realize good governance and clean; haven't run intrinsically. Transparency in public body only ' deals with ' on the side of formality only. The main factor which aspects influenced this condition which is located on the "mindset" or "culturalset", namely the cultural and psychological aspects of the State apparatus, including the politicians who are not yet ready for supervised and scrutinized on various policy or decision; especially concerning public affairs. Meaning, there are still many decisions and public policy based on various considerations of individual interests, groups or classes. In addition, the development of new participant and democratization to take place in a formality only. But when running the holding of a public body, then the principles of Justice, equity, priorities and professionalism into the main guidelines for organizers of the State. To that end, the idea of "transparency" this should be an agreement all the public body received partially or completely National Budget like APBN or Regional BudgetlikeAPBD in Indonesia to make it happen.

Reform of Indonesia's already lasted almost 17 years, but the direction of change in the field of structural, cultural and instrumental on the organizers of the State not optimal in the sense of bringing on a democratic Government and realize the welfare of the nation. The development of reforms in the area of bureaucracy itself is still lagging behind compared to the reforms in the fields of politics, economy and law. So that in 2010 the Government gives special emphasis on this aspect by setting the reform of bureaucracy. It is meant to reaffirm the importance of the application of the principles of good governance are clean (clean government) and good governance (good governance), which is universally believed to be the principle to provide excellent service to the community. Whereas in order to encourage reform at the local level, then proclaimed the year 2013 as the year the acceleration of the reform of the bureaucracy of local government.

In 2008, Indonesia was following of other countries that acknowledge the right to information by validating constitution number4 of 2008 about the openness of public information (Constitution of KIP). The legislation gives legal guarantees for citizens in requesting information from public agencies, and require that the entire public body in Indonesia give up-to-date information to the public and serve requests for information from the public.

According to mandate constitution of KIP, first step that must be done for the readiness of local governance in the implementation of the constitution on the central level is the KIP, the province, and if necessary at the district or city level should be formed Commission information, that is a functioning of independent institution run this legislation and its implementation regulations, setting out the technical standards of the public information services, public information and resolve the dispute through mediation and adjudication non litigation.

The expectations of society against the institutions of local government agencies to become more transparent and provide excellent service to the community, it can also be reflected from the numbers and types of complaints are submitted through supervisor institutions of society, such as the Ombudsman of the Republic of Indonesia, among others. Nationally, the last two years (2011-2012) of local

Government was ranked first as the Ministry complained of institutions of the community.

In an effort to meet the expectations of the community is of course all parties need to provide support to local governments in the reform of bureaucracy. However, the challenges faced by the Government in the Areas of public information openness and reform of the bureaucracy is not just a matter of mind sets and culture set, but also a matter of institutional organizations, covering governance, supporting regulations, as well as human resources, and other things that have to be updated on all levels of local government.

In addition, Indonesia has also been followed in the footsteps of countries that acknowledge the right to information by validating of Constitution Number 4 of 2008 about the openness of public information (Constitution KIP). The legislation gives legal guarantee for the public in asking for information to public agencies, and require that the entire public body in Indonesia give up-to-date information to the public and serve requests for information from the public. Based on the definition of public body contained in the Constitution KIP, regional Governments, both provincial or district/city, belong to the category of mandatory public bodies serving the public information request as mandated Constitution KIP nor rules of its implementation.

Effectively Constitution KIP has been enforced starting on April 30, 2010 and the enactment of this of course has provided a wide range of implications as often when a policy-level of constitution applied in the region. When viewed in the context of the relationship between local government and citizens, then the implications of the application of the Constitution KIP attached to two parties, namely, organizers of local governance as a public body with the community.

On behalf of the organizers of local governance, there are some implications of the application of the Constitution KIP preparedness of local Government to classify public information into information that must be provided and posted periodically, information that must be announced immediately in accordance with the demands of this constitution. In addition, the legislation requires the establishment of a Public Disclosure Commission information at the provincial level, while at the district or city level could be established if necessary. Currently, the Commission information on the provincial level that has already formed reach 26 provinces, 4 levels of Districts and 1 city. (Commission Information Center, 2015)

Province of Nusa Tenggara Barat (NTB) in 2014 was selected as the best public body disclosure in public (KIP) in Indonesia, as for the West Java province is the province most obtain complaint from the public that is more than 500 cases annually. The Central Information Commission was announced a public body in terms of information disclosure in 2014, with the results of more information as follows:

Table1: Best Rankof Public Body of Legislation by The Central Information Commission

Rank	Province	Score
1.	Nusa Tenggara Barat	98
2.	Aceh	93,2
3.	Kalimantan Timur	91
4.	Banten	87,6
5.	Bali	67
6.	DKI Jakarta	66
7.	Jawa Barat	63
8.	Jawa Tengah	59,4
9.	Kepulauan Riau	59,2
10.	Jawa Timur	58,4

*Source: The Official Website of The Central Information Commission(2014,
www.komisiinformasi.go.id)*

On the other hand, Advocacy Forum information disclosure West Java "WakcaBalaka", as a representation of civil society, there are still problems in assessing the fulfillment of the rights of the community over the information from the Government of West Java. Provincial government (provincial government) still closed weaker in fulfilling the solicitation information from the public about the utilization of Budget Income and Expenditure District as APBD in Indonesia government. When information disclosure from the Government can encourage the involvement of the community to participate in a variety of existing programs. Advocacy Forum information disclosure West Java "WakcaBalaka" judge closed the Government's attitude will lead to suspicion of the community over the presence of the utilization of the budget be abused (<http://suarajabar.com>: 2012:1).

Result and Discussion

TheConcept of Governance

In the dictionary, the term "Government" and "Governance" is often considered to have the same meaning, namely how to implement the authority in an organization, institution or country. Government is also the name given to the entity which organizes the powers of Government in a country. Discourse about "governance" is translated into the language of Indonesia as Government Structure, organizing or managing the new Government appeared about 15 years, especially after the international financing institutions the requirement of "Good Governance" in various programs of assistance.

By the theorists and practitioners of public administration, Indonesia the term "Good Governance" has been translated into the Organization of the Government mandate (BintoroTjokroamidjojo in Muhajir, 2000:10-12), good governance (UNDP), the management of good governance and responsible (LAN), and there

are also narrowly defines it as a clean government. Most differences between the principal concept of "government" and "governance" is located on how organizing authority politics, administration and economy in the management of the Affairs of a nation. The concept of "Government" now the role of the Government is more dominant in the venue of various authorities. Whereas in governance contains the meaning of how a nation of distributing power and managing resources and a wide range of issues facing the community. In other words, in the concept of governance contained elements of democratic, equitable, transparent, rule of law, participation and partnerships. Maybe the definition formulated IIAS is the most appropriate to describe the meaning of "the process whereby elements in society wield power and authority, and influence and enact policies and decisions concerning public life, economic and social development."

The term of governance and good governance have been published by the World Bank in 1992, published under the title: Governance and Development. In the publication identified governance as "The manner in which the power is exercised in the management of a country's social and economic resources for development". Then in 1995 the Asean Development Bank (ADB) has a policy paper entitled Governance: Sound Development Management, and four articulate the essence of good governance, namely: Accountability, participation, predictability, and transparency. Furthermore the United Nation Development Program (UNDP) mentions the characteristics of good governance, namely:

Participation

Every citizen has the right and obligation to take part in the process state, governing as well as of society, both directly and through intermediary institutions legitimacy of representing his interests. The participation of citizens is carried out not only at the stage of implementation, but thoroughly starting from the stage of policy formulation, implementation, evaluation and utilization of its results

Rule of Law.

Good governance is implemented in the framework of a democracy and a country life. One of the conditions of life of democracy is a fair law enforcement fan implemented indiscriminately. Therefore the first step the creation of good governance is to build a healthy legal system, both software (software), hardware (hard ware), as well as human resource is running its system (human ware).

Transparency

Openness is one of the characteristics of good governance especially the presence of the spirit of the times open and versatile due to the information revolution. The activity covers all aspects of openness regarding all public interest.

Responsiveness

Responsiveness as a logical consequence of openness, then each component involved in the process of development of good governance need to have resources responsive to wishes or complaints each of the stakeholders.

Consencus orientation

Good governance become intermediaries different interests to obtain the best choice for broader interests, bothin terms of policyor procedure

Equity

All citizens have equal opportunities to obtain welfare.

Effectiveness and efficiency

Processes and institutions produce according to what is outlined by using available resources as best as possible

Accountability

Decision makers in Government, the private sector, and communities (civil society) is responsible to the public and stakeholders. This accountability depends on the Organization's internal or external to the interests of the Organization; and

Strategic vision

The leaders and the public must have the perspective of good governance and human development as well as the spacious far ahead in line with what is required for the construction of this kind. Next, admittedly, the role of non-governmental organisations (NGOS) is important enough in the context of the supervision of the performance of the bureaucracy. Bureaucratic accountability will awake when controlled from three dimensions at once, namely political control, administrative control, and control of informally either by outside parties (external) as well as by actor/device tools in the ranks of the bureaucracy of its own (internal). Non-profit, NGOorcivil society organization can supervise directly or indirectly against a bureaucratic institution (Budi Setiyono, 2004:108). Fits his character, according to Max Weber, the bureaucracy must be supported by the sources of his power, namely confidentiality, the monopoly of information, technical expertise, and a high social status. Critics say bureaucracy, elements that's what has given the power of the bureaucracy to control society (MohtarMas'oed, 2003:71)

Deliberative democracy and Information Access

Patrick Birkinsaw explains a person's freedom to access information is as follows:

“Freedom of information means access by individuals as a presumptive right to information held by public authorities. Reasonable and clearly defined time limits for the right must be in operation. In some regimes it is restricted to citizens or residents within a legal regime. The right must be defined in law to be a right. It imposes duties on others. The right is invariably limited by exemptions to protect the public welfare or safety, or to protect items such as commercial secrecy or individual privacy” (2010: 10).

Entitlement to such information include: (1) the right of the public to monitor or observe the behavior of public officials in the exercise of public functions (right to observe); (2) the right of the public to access information (public access to information); (3) the right of the public to participate in policy formation processes

(right to participate); (4) freedom of expression, one of which embodied the freedom of the press (a free and responsible press); (5) the right of the public to file an objection if the above rights are ignored (right to appeal) either through the administration or adjudication.

One can be assured of access to information through the existence of information disclosure from the Government. It is for the public can be one tool supporting community control over the performance of the Government or of units of work. In various contexts, economic, political and security fields' even defense, any democracies open spaces the availability of accessible information society. This is intended so that the rights of citizens remain awake and not wrenched. In addition, the openness of information can also make the government become more professional actors always act with according to the law.

In deliberative democracy builds, many experts who suggested value or characteristic of democracy, all of which requires the presence of community involvement in public decision making. Lyman Tower Sargent as quoted EepSaefullah Fatah requires democracy as follows: (1) the existence of people's involvement in decision-making; (2) equality among citizens; (3) the existence of freedom and independence is granted or maintained and owned by citizens; (4) the existence of a system of effective representation; and (5) the existence of electoral systems which guarantee principle provisions of the majority (EepSaefullah Fatah, 1994:6-7). Understanding democracy usually refer to liberal democracy. The model of liberal democracy had already been corrected by many experts, including the thinker JurgenHabermas, Germany.

According to Habermas, a model of liberal democracy rests on a representative democracy that is considered inadequate, for the existence of the current globalization of popular sovereignty issue then the presented on the country being a complex and problematic. This is caused by a variety of forces such as business, both national and international, which reduces the role of the State. In this case, communication becomes important and strategic to reconcile a variety of roles between the State, the market, and the people. Departing from the above conditions then offered the "Deliberative Democracy".

In this democracy model, the intensity of popular participation or citizen is enhanced in the process of formation of aspiration and opinion so that policies and legislation produced by the ruling parties in hopes of getting closer to the ruled. Intensification of the process of deliberations undertaken through public discourse that is the way to realize the concept of democracy itself that is Government by the governed. Thus, democracy is not merely stuck by the electoral procedure to select the ruler, but rather how every public policy always involves the public and public participation is an inevitability. In the context of this participation also access public information be a prerequisite in order for deliberative democracy process is getting stronger. (JurgenHabermas, 2007:344-345).

Public information disclosure of constitutionnumber 14/2008 is the prevailing rule responds to demands for reform in the form of governance that is effective or good and clean government. Comprehensively Constitution KIP have set the obligations of public institutions to provide an open and efficient access to information to the

public. So all public service institutions are invited to the more transparent and the information must be opened with the exception of most of the things that concerns the security of the State, the private rights and are governed by the constitutions. Basically that constitution of KIP have essentially three main axes, there are namely transparency, participation and public accountability.

Cultural Information Transparency in Public Body at Nusa Tenggara Barat (NTB)

The birth of the information disclosure constitution the public already responded very well by various parties in the public agency NTB. One of the mandate to form the Commission information in the province, immediately implemented. All of it must be meant as a political will to make government information disclosure as a spirit that should be practiced in the reform of bureaucracy. The desire to contain the meaning that the Government welcome or ready to be overseen by an independent Information Commissions.

Next there is the willingness of provincial governments to publish it in the mass media, though still too common yet complete and detailed. The condition of the provincial government to publish all its activities, is a form of response to the spirit of openness of information. The presence of Commission information also does not give the most spirit and courage for the public to be critical and dare filed a complaint against Government policy. As one example of when the students clashed in conveying information by its Rector that allegedly very democratic was still very much a problem that has closed.

The establishment of Official Information and Documentation Manager that there is absolute within a public body as a manifestation of the spirit of disclosure, meet at NTB takes place quickly. The reform of the Bureaucracy in the Ministry of information, also take place rapidly, including was present in the form of a service center. As an effect, there is a change in attitude and behaviour that is good in the public service of the Government, but at once showed many flaws everywhere. The position of Governor of NTB currently that Muhammad Amin download drive the apparatus to create programs that involve community, an example of his motto: "NTB keep my hand", "NTB online", etc. In Public Relations perspective, the nonprofit information service involves the various mass media, both locally and nationally regarded quite optimal.

The dynamics of the information service at the NTB, first, the provincial government already has a very active official website. Second, the novel has made changes that social media assume a negative place as NTB, but we make it into a positive. Social networking facebook widely used public relations activities to publicize the NTB Chairman or other activities at share per day. The provincial Government publicist NTB also established close networking with public relations-public relations throughout Indonesia. Third, public relations provincial government NTB had BBM groups with journalists, not just local journalists but also nationwide, as the newspapers Kompas and more. Internal media in the form of bulletin created to publicize all activities both from the leadership as well as other activities. Other communication channels there are also shaped the "SMS Center" to solicit public input, while the provincial government has a blog. There

appears a problem of culture at the NTB, the address is <http://humasntb.blogspot.com>. So also with the forum every day reporters gather in public relations. Any activity, provincial Government always invites the journalist, as a form of public disclosure.

Cultural Information Transparency in Public Agency of West Java

Current information (2015) based on interviews with the Chairman of the Commission Informed the area of West Java (DanSatriana), filing a dispute information from the society against the public body an average of more than 500 cases. Although the application of the constitutions on public institutions that KIP is there in a number of local governments in the west continue to undergo improvements. Dispute over the openness of public information thus increasingly every year. "Until early November 2013, the Commission has received 284 west java KI filing disputes. While the year 2012 the amount of the disputed information about 178 and in 2011 there are 101 dispute. This indicates there is no correlation between improvements in the public body with dispute information submitted community, "Chairman KID of West Java ("Antara", West Java in 2014 Galamedia.com).

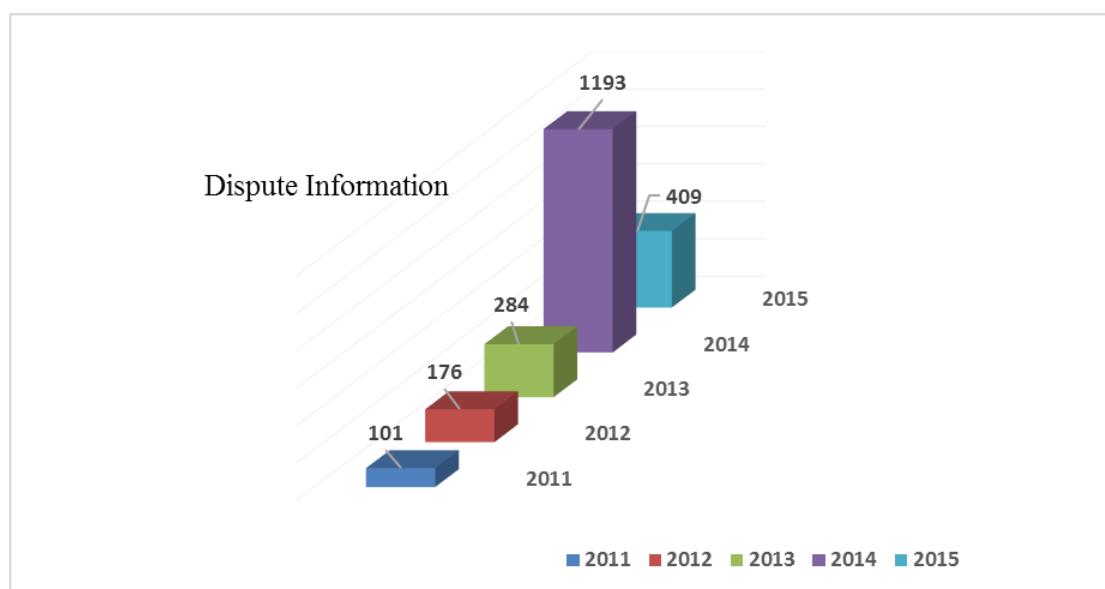


Figure 1: The Number of Disputed Information

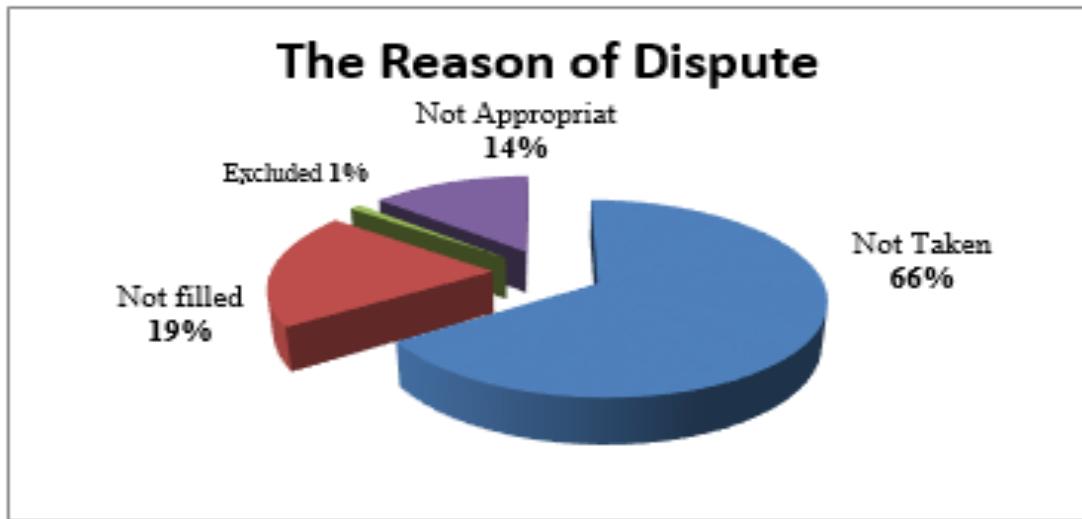


Figure2: The Reason of Dispute
Source: Data KID of West Java 2015

The magnitude of the number of public information due to a dispute not addressed, that is 66% of course should be the concern of regional public body in order to hasten in fixing public information services as mandated by the Act on public information disclosure. By looking at both these data only, of course the openness of public information in West Java alone still has a number of problems and constraints faced by both parties or by a public body the Commission Information area.

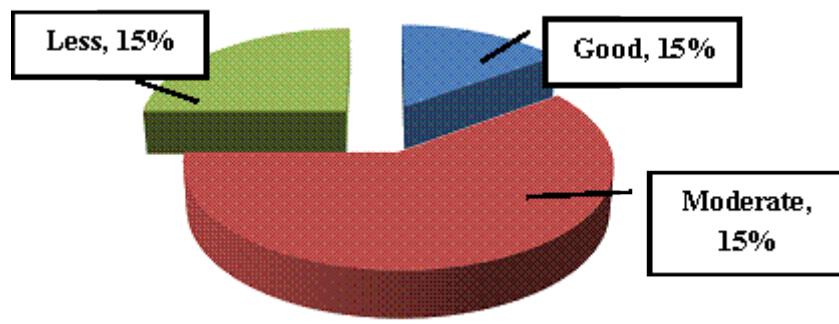


Figure 3: Public Body district/city in West Java in Fulfilling Obligations Announced & Provides Periodic Information
(Source: Report of Monitoring and Evaluation West Java Regional Information Commission (2014))

A case study in West Java, since decided to reform of the bureaucracy and the openness of public information, Public Agencies from 26 local government Districts/cities which already fulfil the function of information service of the public good with only 15%, 60% with better quality and 25% more with less good quality. So the process of achievement of the openness of public information and its own public information service in West Java as a whole still must continue to be improved.

Implementation of the public information disclosure in West Java, according to the results of the interviews with the Commission various Western Java Area Information to the periodic implementation in two phases. The first phase is the procedural phase, more to prepare for a public body, a public agency in its particular environment of the regional Government of the province or district/city in equipping themselves with the various procedures and institutional aspects as mandated in the Constitution KIP Number 14 in 2008. While the second phase then oriented to the public sphere, as well as improve the aspect of the reform of the bureaucracy in the ranks of local governance starting from the province to the County/city in order to meet the mandate of this constitution.

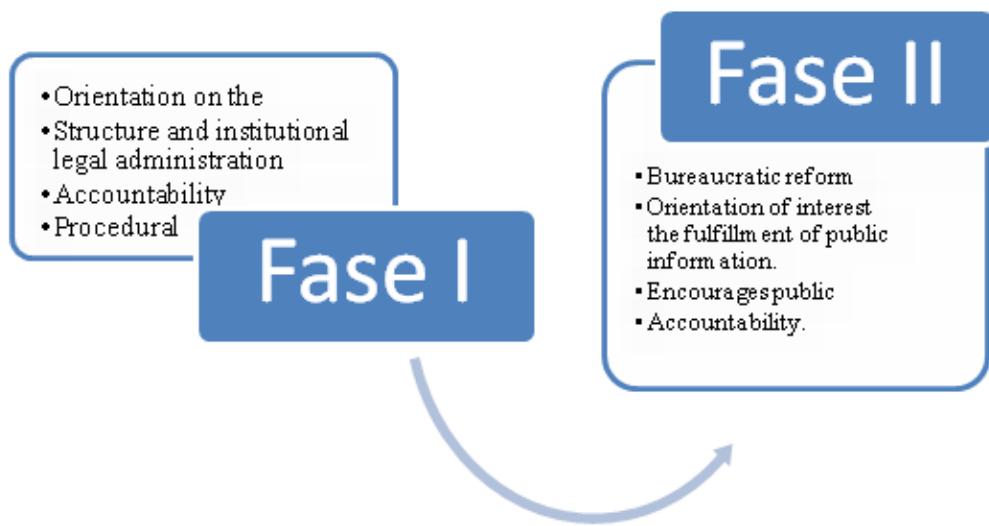


Figure4: Phases of Public Disclosure.

Source: Research Results (2014-2015)

The process of changing the transparency of information is as follows: first stage completed the order institution. Besides that, in this phase of implementing the accountability of the administration by law, has not been on public accountability. Complete is also still considered to be centered only on the accountability of the budget only. When the institutional order is legally completed, apparently not enough, because in fact this condition is still not directly proportional to the satisfaction of the public in accessing information also is not directly proportional to the decrease in public information disputes.

The second phase of this occurs a difference of focus and orientation of the priority on the implementation of the public information disclosure. However, in the second phase of course using the basic principles are the same. The reform of the bureaucracy should be identified with the encouraging improvements in the area of bureaucracy starting from the province to the district or city. This step puts the public information in public spaces, so people don't have to ask directly, and information has been provided on the website. So people don't have to come, no need to ask, struggled through the stages or application procedures.

The reform of the bureaucracy is very interested or very disjoint to push this thing implemented. The development of the institutional order is apparently new political commitments become elite. The main issue is precisely because of the existence in service units that deal with the public. So if the rules of the Governor was already accessible means, he lived, how the Governor or the Mayor rules that can be implemented at the level of the most concrete service to the community.

Untapped, paradigm has not been realized by the public Agency that this information as part of a system that is integrated with government planning to accountability. The existence of the Constitution of KIP as if only escorting at its end and it is only limited public accountability, whereas this document required by legislative bodies in taking political decisions, awareness of various circles had not yet formed.

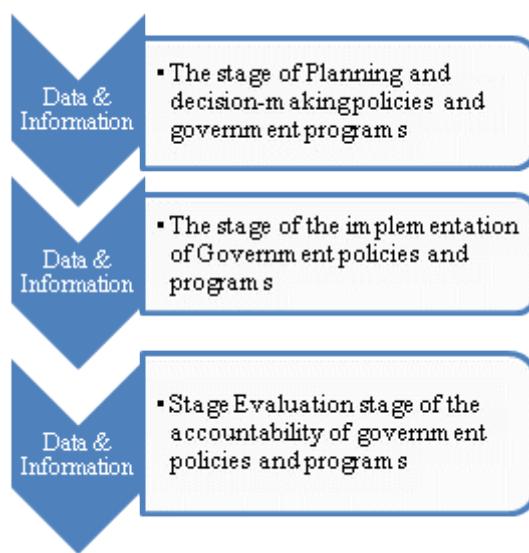


Figure5: The ideal position of the information and documentation

Source: excerpted from research results

Information disclosure is ultimately expected to build transparency and accountability of public agencies and private governance, encourage participation and improve the quality of public services and save you the effort and budget because all the data is already available and can be accessed easily by either Regent

or public policy by the public themselves. So in the end the development process was also by involving the public in the context of participation either directly or indirectly. Pimbert and Wakeford looked at democracy without participation of the community is something that is artificial. *"What is new is that public participation in agency decision making is increasingly considered standard practice. Many recent political theorists argue that it is a defining characteristic of modern democracy. As two British theorists recently put it, "Democracy without citizen deliberation and participation is ultimately an empty and meaningless concept"* (Pimbert and Wakeford, 2001, p. 23on ,James L. Creighton, 2005: 2).

The spirit and philosophy of "good and clean governance" itself, is generally not received opposition in Praxis, but the level of openness of public information in general demands readiness public institutions entering the new culture which is more transparent. It is of course still a problem given the strength of the prevailing paternalistic culture in Government in Indonesia in General.

Conclusion

The results showed no difference in the dynamics of the implementation of the transparency in each region who are affected by the "political will" of the head of the region's highest. The culture of bureaucracy seems no change post reform and enactment of Constitution KIP, though only a formality, since cultural bureaucrat was exposed to liability for implemented. But in essence they don't have cultural mind set in support of transparency. To implement the public disclosure on institutional aspects, material, human resources, infrastructure and information media, local governments have not been prepared in full. In the heading of good and clean governance required the strengthening of the institution or work unit information on the internal functioning of the Commission and the public body an optimal Information as Trustees of public agency openness and build public awareness to build transparency of public institutions. In an attempt to shift the paradigm of closed to the culture of openness, but still based on ethics and local wisdom that exists in each area, required the presence of socialization in the form of forums or face-to-face communication and information through various media to the Government apparatus; so the importance of awareness Awakenings transparency as a form of community supervision towards the operations of the wheels of Government, but still based on the moral and ethical force.

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