



Regional House of Representatives (DPRD) Supervision of the Implementation of the Bukittinggi City Regional Regulation Regarding Public Roadside Parking Service Levy

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Abstract

The problem of parking in Bukittinggi City has been the subject of much discussion, including the community and visitors. Issues that are often complained about include the large number of persons holding new parking points in places not regulated in the Mayor Regulation. Thus, it has an impact on traffic congestion, the existence of some unscrupulous parking attendants who do not hand over the ticket to the parking user, and parking attendants who often charge the parking user more than the specified amount. The objective of this study is to find out the implementation, obstacles, and supervision solutions by the DPRD on the Regional Regulation of Bukittinggi City concerning Public Roadside Parking Service Levy. Supervision is a function of the existence of the House of Representatives. During this time, there are no clear rules regarding the mechanism of the implementation of DPRD supervision of the implementation of Regional Regulations that have been passed. So far, it only carries out both incentive and repressive supervisions.

Keywords: DPRD Supervision; Regional Regulation; Levy

Introduction

The implementation of regional government, in the mandate of the Constitution of the Republic of Indonesia, has given birth to more specific legal products; i.e. Law No. 9 of 2015 concerning the Second Amendment to Law No. 23 of 2014 concerning Regional Government. The implementation of regional government is led by the Regional Government as stipulated in Article 1 paragraph (3) of Law No. 23 of 2014 concerning Regional Government which states that “*the Regional Government is the regional head as an element of the organizer of the Regional Government who leads the implementation of government affairs which are the authority of the autonomous region*”.

In the current era of autonomy, local governments are given greater authority to regulate and manage their own households with the aim, among others, to bring government services closer to the community, facilitate the public to monitor and control the use of funds sourced from the Regional

Budget (APBD), creating healthy competition between regions, and encouraging innovation.¹ With this authority, the Regional Government is expected to be able to explore sources of regional income to increase revenue in order to meet the financing needs of local governments.

One concrete example of the form of authority possessed by autonomous regions to regulate and administer their regions is the formation of Regional Regulations as regulated in Law of the Republic of Indonesia No. 12 of 2011 concerning Formation of Regulations and Regulations. The definition of a Regional Regulation is a statutory regulation established by the Regional House of Representatives with the approval of the Regent/Mayor. In the formation of Regional Regulations, it must contain at least 3 (three) foundations, covering:²

1. Philosophical foundation: foundation related to the basis or ideology of the state;
2. Sociological foundation: foundation related to conditions or empirical reality that lives in society, can be in the form of needs or demands faced by the community, people's tendencies and expectations;
3. Juridical foundation: foundation related to the authority to establish conformity between types and material content, certain ways or procedures and does not conflict with higher laws and regulations.

Regional Regulations are one type of legislation and are part of the national legal system in the Unitary State of the Republic of Indonesia. Regional Regulations have a very strategic position since they have a clear constitutional basis as regulated in Article 18 of the Constitution of the Republic of Indonesia which states that "*Regional Governments have the right to determine regional regulations and other regulations to carry out autonomy and co-administration tasks*".

As one of the tourism destinations that is quite well known in the Sumatra region, it certainly requires excellent service to the people who are included in terms of parking services. In order to achieve this final result, it follows Law No. 28 of 2009 concerning Regional Taxes and Regional Levies Article 156 which states "*Levies are stipulated by Regional Regulations*", the Regional Representative Council of Bukittinggi City together with the Mayor of Bukittinggi approved the establishment of Regional Regulation No. Bukittinggi City. 9 of 2017 concerning Amendments to Regional Regulation No. 4 of 2011 concerning Public Roadside Parking Service Levy. Changes to the substance of the regulation are in the tariff rates because it is no longer in accordance with the current conditions and developments.

Parking is the authority of the regional government and is an important source of regional revenue to finance the implementation of regional government in providing excellent services to the community. Some problems related to parking services in Bukittinggi City often get criticism from migrants, especially during important moments such as New Year celebrations, Eid al-Fitr, and on various long holiday agendas. For instance, the amount of parking fees as set out in the Attachment to the Regional Regulation of Bukittinggi City No. 9 of 2017 concerning Amendments to Regional Regulation No. 4 of 2011 concerning Public Roadside Parking Service Levy is as follows:³

¹ Adrian Sutedi, *Legal Implications of Regional Financing Sources in the Regional Autonomy Framework*, Sinar Grafika, Jakarta, 2009, page 13

² <http://artanang.blogspot.co.id/2015/01/peraturan-daerah-perda.html?m=1>, accessed on Saturday 10 September 2017 at 10.04 Western Indonesia Time.

³ Attachment of Bukittinggi City Regional Regulation No. 9 of 2017 concerning Amendments to Regional Regulation No. 4 of 2011 concerning Public Roadside Parking Service Levy

Table 1. Structure and Amount of Levy for Parking Service on Public Roadside

NO	VEHICLE TYPE	TARIFF
1	Motorcycle	IDR 2000 per parking
2	Sedan/ Jeep/ Mini Bus/ Pickup car and the like	IDR 5000 per parking
3	Bus/ Truck and the like	IDR 10,000 per parking

(Source: *Regional Regulation of Bukittinggi City No. 9 of 2017*)

Article 115 of Law No. 28 of 2009 concerning Regional Taxes and Regional Levies states that “Objects of Public Roadside Parking Service Levies as referred to in Article 110 paragraph (1) letter e are the provision of public roadside parking services determined by the Regional Government in accordance with the provisions of the legislation”. However, in reality, the implementation of the collection of parking fees in Bukittinggi City is still vulnerable to be inserted with illegal fees from illegal parking officers at places not designated by the Mayor of Bukittinggi as a parking area.

Swelling of parking fees in practice will be even greater in number on major holidays such as holidays, long holidays, and new year. This is in line with the presentation of Mr. Wardi, one of the Jam Gadang visitors from Bangkinang of Riau at the change of the New Year. He said: “How can this beautiful Bukittinggi be destroyed by parking fees that are so unreasonable. I only parked for 2 (two) hours and I was asked to pay IDR 30,000”.⁴ In fact, if Mr. Wardi parked from 23.00 to 01.00 West Indonesia Time, he should only pay a levy of IDR 5,000 (three thousand rupiah) based on the City Regulation of Bukittinggi No. 9 of 2017 concerning Amendments to Regional Regulation No. 10 of 2014 concerning Public Roadside Parking Service Levy.

The questions that arise, when the rules that have been wrapped in such a way are apparently not applied in the life of norms and disasters, is “where is the problem?” “Who is actually responsible for overseeing the implementation of the rules?”. Commonly and in plain view, the community suspects that the Government is certainly the target of the discontinuity between the rules and their implementation. In fact, referring to Law No. 17 of 2014 concerning the People’s Consultative Assembly, the House of Representatives, the Regional House of Representatives and the Regional House of Representatives Article 365, in addition to the legislative and budgetary functions, the Regency/ City Regional Representative Council also has a supervisory function. Law No. 23 of 2014 concerning Regional Government, outlines more fully what are the purposes of the three functions. Article 100 of Law No. 23 of 2014 states: The supervision function as referred to in Article 153 paragraph (1) letter c is realized in the form of supervision of:

1. Implementation of Regency/ City Regional Regulations and Regents/ Mayors Regulations;
2. Implementation of other statutory provisions related to regency/ city regional government administration;
3. Follow up on the results of the examination of financial statements by the Supreme Audit Board.

Supervision by the DPRD is intended to balance and control the power of the regional government (executive) in carrying out the wheels of regional government. According to Paulus Effendie Lotulung, supervision of the government is an effort to avoid intentional or unintentional mistakes, as a preventive effort or also to correct them if an error has occurred.⁵ Supervision is certainly carried out to

⁴ Interview with one of the visitors on January 1, 2018 in around the Jam Gadang tourist area

⁵ Satya Arinanto dan Ninuk Triyanti, (ed), *Understanding the Laws from Construction to Implementation*, PT Raja Grafindo Persada, Jakarta, 2009, page 380

ensure that the process of implementing activities does not deviate or in accordance with what was planned in advance.

Given the many local regulations in Indonesia, the author finds it necessary to determine one of the regional regulations that is the target of research. Parking problems in Bukittinggi City that have been stated previously encourage the writer to choose the Regional Regulation as the object of supervision of the Regional House of Representatives of Bukittinggi City.

Research Problems

Based on the background that has been stated, some formulations of the problems that can be raised are as follows:

1. How is the implementation of the DPRD supervision of the Regional Regulation of Bukittinggi City regarding Public Roadside Parking Service Levy?
2. What are the obstacles faced by the DPRD in carrying out the supervision function of the Regional Regulation of Bukittinggi City concerning Public Roadside Parking Service Levy?
3. What are the solutions to overcoming obstacles in the implementation of DPRD supervision of the Regional Regulation of Bukittinggi City regarding Public Roadside Parking Service Levy?

Research Objectives

In addition, the objectives to be achieved in this study are as follows:

1. To find out how the DPRD supervision of the Regional Regulation of Bukittinggi City on Public Roadside Parking Service Levy.
2. To find out the obstacles faced by the DPRD in carrying out the supervision function of the Regional Regulation of Bukittinggi City concerning Public Roadside Parking Service Levy.
3. To find out what are the solutions in overcoming obstacles in the implementation of supervision by the DPRD on the Regional Regulation of Bukittinggi City concerning Public Roadside Parking Service Levy.

Research Method

Based on the object to be examined, the author employs the method of sociological legal research approach. Primary data is data obtained directly from the field (field research) in accordance with the scope of the problem that will be examined through interviews with several resource persons, while for secondary data, the writer is guided by the legislation and other readings.

Results and Discussion

Implementation of DPRD Supervision of Regional Regulations on Public Roadside Parking Service Levy

The DPRD supervision function is a monitoring system that tends to be strategic. It means that political supervision is very closely related to the interests of the general public to ensure that the government does indeed favor the public at large. DPRD supervision of all local regulations in Bukittinggi City is carried out with the same mechanism. In addition, the initial step of supervision has begun since the Draft Regional Regulation has not been ratified as a Regional Regulation. Analysis is carried out on whether the content or substance of the proposed Regional Regulation has been in accordance with the higher laws and regulations and does not conflict with the norms that exist in the community.

In connection with the implementation of the Regional Regulation on Public Roadside Parking Service Levy, DPRD of Bukittinggi City has first supervised the study of the proposed Regional Regulation. The urgency of making these regional regulations is so that parking sites/ locations are arranged in order to avoid congestion in Bukittinggi City as a tourist city.

Based on the results of the authors search for all legislation related to the supervisory function, including Law No. 23 of 2014 concerning Regional Government, Law No. 17 of 2014 concerning the People's Consultative Assembly, the House of Representatives, the Regional House of Representatives and the Regional House of Representatives, Law No. 12 of 2011 concerning the Formation of Laws and Regulations of Bukittinggi City No. 1 of 2014 concerning the Standing Orders of the Bukittinggi Regional House of Representatives, there is no substance that explains the mechanism and flow of supervision. Whereas supervision of the implementation of Regional Regulations is one of the functions of the DPRD's existence.

Based on the information that the author obtained from Mr. Elvis S Munir as Head of the Bukittinggi City Transportation Department, he explained that the takeover of parking management by the Bukittinggi City Government was an effort to bring order to the location and parking fees that had been synonymous with tariff uncertainty. For its management, 74 parking attendants were confirmed by the Mayor of Bukittinggi, which was equipped with official attributes and tickets at designated locations.

Based on information from several informants, so far there have been many complaints from the public which were then reported to members of the DPRD related to the implementation of levies that are not based on existing regulations, for instance: a) the number of persons who held new parking points in unregulated places in Mayor regulations so that it impacts on traffic congestion; b) the existence of several parking attendants did not hand over the ticket to the parking user so the public assumed that the money they were giving for the city development actually belonged to the parking attendant even though the parking attendant had received a monthly salary of IDR 1,900,000 from the Bukittinggi City Government, and c) the parking attendant often charges the parking user more than the specified amount.⁶

Regarding reports from the public regarding dissatisfaction with parking services, Mr. Elvis, as Head of the Transportation Office, continued that indeed there had been confirmation from several members of the House of Representatives who had submitted the report directly. The first step taken by the Transportation Department is to monitor/ check the field related to the truth of the report then take action by collaborating with the Bukittinggi Municipal Civil Service Police Unit.⁷

⁶ Interview on Wednesday, May 9, 2018 at the Secretariat Office of the Bukittinggi City DPRD, starting at 15:00 West Indonesia Time

⁷ Interview on Thursday, May 9, 2018 in the room of the Head of the Transportation Department of Bukittinggi City, starting at 10:00 West Indonesian Time

The supervision of the Bukittinggi City DPRD on the implementation of the Regional Regulation on Public Roadside Parking Service Levy also continues into the process of forming the Regional Regulation Draft on Accountability for the Implementation of the Regional Budget of Revenue and Expenditure (APBD) of Bukittinggi City in 2017. When the process of delivering a general view of the DPRD factions took place, there were two factions that gave responses that alluded to the implementation of parking in Bukittinggi City during 2017, including the Bukittinggi Hebat Faction and the Gerindra Party Faction.

Excerpts from the general view expressed by the Bukittinggi Hebat Faction are:

“Regarding the problem of parking, we, the Bukittinggi Hebat Faction, urge that every official parking space of the government be signed and marked so that the administration of parking seems neater. In addition, parking attendants must use uniforms so that they are clearly recognized by the community and the community believes that they are dealing with the right person, etc. ...”.⁸

In addition, the Gerindra faction also conveyed its general view as follows:⁹

“There are still many serious things or problems that we hear from visitors and members of the community through social media, which we must immediately address the actions and actions committed by irresponsible persons such as:

1. There are still cases of illegal parking by thuggery in various places/ roads in Bukittinggi City which are clearly not official parking points.
2. Weak enforcement of parking attendants at official parking points due to mischievous carved actions without giving parking tickets to owners of parked vehicles. In fact, many of them do not wear identities such as vests or *kokarde*. This will certainly lead to leakage of the Original Revenue of Bukittinggi City especially from the Roadside Parking Levy.
3. In addition, we from the Gerindra Party faction also advise the Government of Bukittinggi City to be wiser in viewing and responding to public questions about the existence of the Clean Sweeping Team of the Wild Collection of Bukittinggi City which was formed last year, which until now it has not revealed action and this also needs to be a concern for all of us. Only the assertiveness of a regional leader will make the situation of the area safe, comfortable and provide satisfaction for residents and visitors who come to Bukittinggi City. Thus, the success we achieve is balanced with the pride we have. Therefore, let us together unite the perception to achieve and realize the achievements that we have not achieved.”

Based on the answer submitted by the Mayor on June 16, 2018, M. Ramlan Nurmatias said that suggestions and input regarding parking will be followed up and made improvements for the future as

⁸ General view of the Bukittinggi Hebat Faction on the Draft Regional Regulation on the Responsibility for the Implementation of the 2017 Bukittinggi Regional Revenue and Expenditure Budget submitted on Friday June 15, 2018 at the Bukittinggi City DPRD Office

⁹ General view of the Gerindra Party Faction on the Draft of Regional Regulation on the Accountability of the Implementation of the 2017 Revenue and Expenditure Budget of Bukittinggi City, delivered on Friday, 15 June 2018 at the Bukittinggi City DPRD Office

they should.¹⁰ In addition, the Mayor of Bukittinggi also expressed his deepest gratitude to the DPRD for all their attention and supervision of the implementation of the Regional Regulation of Bukittinggi City.¹¹

Thus, the implementation of the supervision of the Regional House of Representatives on the implementation of Public Roadside Parking Service Levies in Bukittinggi City does not yet have a clear legal basis. So far, the supervision carried out is preventive and repressive. The purpose of preventive supervision is that the DPRD has begun to review the Draft Regional Regulation before it becomes a Regional Regulation. This study was conducted to avoid any discrepancies with the substance of the Draft Regional Regulation policy that is contrary to the higher laws and regulations and the public interest. In addition, the DPRD also conducts repressive supervision by directly coordinating with the Bukittinggi City Transportation Department as the relevant agency to follow up on every report from the public. In addition, the DPRD also conveyed their general views and recommendations during the plenary session.

Obstacles Faced by DPRD in Implementing the Supervision Function of the Regional Regulation of Bukittinggi City on Public Roadside Parking Service Levies

In connection with these objectives, the substance of Regional Regulation No. Bukittinggi City. 4 of 2011 concerning Public Roadside Parking Service Levies Article 8 states that the principles and targets in determining the structure and amount of the levy tariff are based on the ability of the region to pay attention to the costs of providing the relevant services, community capacity and justice aspects. This shows that the calculation of the amount of the parking fee must have been considered accordingly.

The development sector in Bukittinggi City is certainly very much influenced by the amount of the Original Regional Income obtained. The amount of revenue originating from the region which is obtained from parking fees on the side of the public road is sufficient to influence the amount of original revenue from the region. In 2017, the total realized revenue from this levy was IDR 1,516,590,000 from the set target of IDR 1,766,965,000 or around 85.83%. Even though it has not reached the maximum target of 100%, this achievement is considered good to support the implementation of development activities in Bukittinggi City.

Then, some of the obstacles encountered in the implementation of supervision of the implementation of Regional Regulations include the following:

1. Lack of Human Resources of DPRD Members

DPRD membership in Bukittinggi City comes from different educational and experience backgrounds so that it has its own problems that can affect performance. The selection of members is not only based on their competence but closeness and electability are also a major factor.

2. Lack of Socialization of Regional Regulations

One obstacle in carrying out supervision is the lack of socialization of local regulations that have been enacted. Sometimes the problems obtained come from public information which is caused by ignorance of the public regarding the substance of the policies that have been issued. Related to

¹⁰ The Mayor of Bukittinggi's Response to the General Views of the Faction of the Regional Regulation Draft on Accountability for the Implementation of the Regional Budget of Revenue and Expenditures of Bukittinggi City in 2017 which the author obtained directly in the Bukittinggi City DPRD Office

¹¹ *Ibid.*,

parking service fees on public roads, many people are not aware of changes in the amount of parking fees.

3. *DPRD Supervision Agenda Compilation is Not Compiled*

Referring to the DPRD Head of the Bukittinggi City Regulation No. 1 of 2014 concerning the Standing Orders of the Bukittinggi City Regional House of Representatives, none of the substances that explain the supervision agenda are ideally carried out by the DPRD. This certainly has implications for the lack of personal responsibility of DPRD members in carrying out their functions.

4. *The Absence of Clear Regulation*

Weak supervision is caused by laws and regulations that do not provide clear regulations on supervision procedures by the DPRD.

Lack of standards, systems and procedures in carrying out the supervisory function have resulted in an increase in deficiencies in the field.

5. *Work Culture Factors*

Since the DPRD comes from political parties, one of the cultures and habits that tends to arise in the DPRD's behavior is to be too busy with the affairs of political parties. Many DPRD members are affected by a work culture that tends to be more relaxed and less responsible in carrying out its functions.

Solution in Overcoming Obstacles in the Implementation of Supervision by DPRD to the Regional Regulation of Bukittinggi City concerning Public Roadside Parking Service Levy

Every problem that arises must certainly find a solution so that things that affect the delay in achieving goals can be minimized immediately. Some of the solutions in question include the following:

1. *Clear Regulation*

Regulations that are not systematically arranged will have an impact on the objectives of supervision to be achieved. Of all the laws and regulations related to the implementation of supervision by the DPRD, none of the regulations clearly explains the mechanism and procedures of DPRD supervision of the implementation of regional regulations. The Law on the People's Consultative Assembly, the House of Representatives, the Regional House of Representatives and the Regional House of Representatives only briefly outlines that the supervision of the implementation of regional regulations is one part that must be monitored in addition to the use of the Regional Revenue and Expenditure Budget and the follow-up to the results of the examination of the Supreme Audit Agency.

2. *Improving the Quality of Human Resources at DPRD*

The implementation of good governance will strengthen the achievement of the objectives of supervision. This can work if it is also followed by the ability of a good apparatus. Based on the

results of the author's interview with Mr. Yontrimansyah, he said that regional legislative members who understand their duties and functions as representatives of the people will make changes in the implementation of community, government and development activities. This ability is not only in the intellectual field but also accompanied by the ability and willingness to explore the potential that exists in Bukittinggi City.

This is in line with what was conveyed by Mr. Syafri Syam is that the most important thing in carrying out the functions of the DPRD consists of two main keys, namely ability and willingness. If their ability is not accompanied by a will, the goal of course will not be achieved, and vice versa. Both of these must be implemented in line so that all policies in the region can be evaluated and the direction of improvements can be achieved in the future.

3. *Determine the Monitoring Agenda*

The agenda and mechanism referred to may be in the form of a schedule for the implementation of supervision by dividing several teams that have responsibility for the existing Regional Regulation. Thus, the entire implementation of regional regulations can be supervised by several teams that have been formed periodically in accordance with a predetermined agenda.

For instance, the steps in setting up the supervision agenda are as follows:¹²

- a. It began with the direction of the DPRD leadership in order to determine the direction and supervision policy that will be carried out in the coming year for all DPRD instruments, especially the commissions in the DPRD. The direction and policy of supervision to be carried out at least covers supervision of development policies.
- b. The commissions then set up a supervisory agenda in accordance with the fields that they will be monitoring for the next year, such as supervision in the field of government, the field of development and welfare of the people and the field of economy and finance.
- c. Compilation and consolidation of the supervision agenda of each commission subsequently formalized in the form of a DPRD supervision agenda.

4. *Communication with Related Agencies*

In carrying out consistency for the enforcement of existing Regional Regulations, the Mayor of Bukittinggi also issued Mayor Regulation No. Bukittinggi. 1 of 2016 concerning Procedures for Implementing Administrative Sanctions and Imposing Enforcement Fees for Regional Regulation No. 3 of 2015 concerning Peace and Public Order. This regulation was made to synergize the work program of the Regional Work Units with the policies that have been made.

According to Syafnir, Head of the Bukittinggi Municipal Civil Service Police Unit, as long as he was the Chief of the Civil Service Police Unit, there were indeed many reports and confirmations from DPRD members regarding violations of the implementation of the Regional Regulation. However, there are also many DPRD reports that sometimes are not based on rules and sometimes only ask the Civil Service Police Unit to act quickly even if it is not quite right. Meanwhile, Mr. Jusra Adek expects that all

¹² Sadu Wasistiono dan Yonatan Wiyoso, *Improving the Performance of the Regional House of Representatives (DPRD)*, Fokus Media, Bandung, 2009 page 161

the leaders of the Regional Work Unit within the Bukittinggi City government will be able to respond well to the matters conveyed by the DPRD.¹³ He conveyed this expectation because not a few among the Regional Apparatus Work Unit were not serious in responding to reports from the DPRD.

Conclusions

1. The implementation of supervision of the Regional House of Representatives on the implementation of Public Roadside Parking Service Levy in Bukittinggi City does not yet have a clear legal basis. So far, the supervision carried out is preventive and repressive. Prevention supervision is that the DPRD has begun to review the draft Regional Regulation before it becomes a Regional Regulation. This study was carried out to avoid any discrepancies with the substance of the Draft Regional Regulation that was contrary to the higher laws and regulations and the public interest. In addition, the DPRD also conducts repressive supervision by directly coordinating with the Bukittinggi City Transportation Department as the relevant agency to follow up on every report from the public. In addition, the DPRD also provides recommendations at the plenary session.
2. As for the obstacles in the implementation of DPRD's supervision of the implementation of Parking Service Levies on the Side of Public Roads in Bukittinggi City, among others are:
 - Lack of human resources of DPRD members
 - Lack of socialization of regional regulations
 - DPRD supervision agenda compilation is not compiled
 - The absence of clear regulation
 - Work culture factors
3. Some solutions in overcoming obstacles in the implementation of DPRD supervision of the implementation of Regional Regulations on Public Roadside Parking Service Levy include:
 - The need for making clear regulations
 - Improving the quality of Human Resources in DPRD
 - Determining the supervision agenda
 - Communication with relevant agencies

In the context of implementing a more representative DPRD supervision, the government should make clear regulations related to the certainty of all DPRD functions. Supervision of the implementation of Regional Regulations as one of the functions of the DPRD should be carried out with a good relationship between the executive and legislative branches.

¹³ Interview on Monday, May 10, 2018 at the office of the Bukittinggi Municipal Civil Service Police Unit, starting at 3:00 pm West Indonesian Time.

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