

MEANINGFUL PARTICIPATION IN THE PROCESS OF FORMATION LOCAL REGULATION

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Abstract

This study is based on the principle of meaningful community participation in the process of forming regional regulations, in realizing constitutional rights to obtain equal opportunities at each stage of the process of forming regional regulations. The mandate of the Constitutional Court (MK) Decision Number 91/PUU-XVIII/2020 emphasizes that community participation must be interpreted as the right to be heard, the right to be considered and the right to receive an explanation or answer to the opinion given (right to be explained). This authority is still found to be limited by the community in obtaining information about whether their opinions are rejected or accepted. In fact, this authority is an interpretation of the sovereignty of the people which must be manifested at every level of regional law formation. It shows the need for affirmation of comprehensive and representative meaningful community participation through regional regulations themselves. Collectively, meaningful community participation in the process of forming regions is only understood normatively, which results in the interpretation of meaningful community participation in the process of forming regional regulations only as a formal requirement. The formulation of the problem in this study is (1) How is the regulation of meaningful community participation in the process of forming regional regulations? (2) What is the mechanism of meaningful community participation in the process of forming regional regulations? (3) How is the implementation of meaningful community participation in the process of forming regional regulations? This study uses a normative legal method with a conceptual approach, statue approach and case approach. This paper concludes that the implementation of meaningful community participation in the process of forming regional regulations has not been systematically arranged by the Regional People's Representative Council (DPRD) over the authority of meaningful communities in the process of forming regional regulations. In Langkat Regency, the implementation of meaningful community participation is only at the recess and public consultation stages or public hearings (RDPU). This paper recommends that the DPRD form a regional regulation in absorbing meaningful community participation. By emphasizing the definition of regional community involvement in a more meaningful direction and reorganizing the systematics of representative regional institutions in accommodating meaningful community participation in the stages of the process of forming regional regulations.

Keywords: People's Sovereignty, Meaningful Participation, Regional People's Representative Council, Formation of regional regulations

INTRODUCTION

With the sovereignty they possess, the people are willing to elect members of the Regional People's Representative Council (DPRD) through General Elections in order to carry out legislative functions, and therefore the legal products produced by the DPRD are also an embodiment of the wishes and desires of the people. Meaningful public participation (meaningfull participation) Gives the public the right to have their opinions heard (right to be heard), Gives the public the right to have their opinions considered (right to be considered) and gives the public the right to receive an explanation or answer to the opinions given (right to be explained).

The formation of regional regulations that apply the principles of transparency and openness means that every stage of legislation is conveyed, and allows the process carried out by the DPRD to be known and understood by the people. With the knowledge and understanding gained, the people become elements of creators, supervisors, examiners and implementers. The Constitutional Court Decision 91/PUU-XVIII/2020 in the consideration of the Judge of Community Participation in the formation of a law aims, among others:

1. Creating a Strong Collective Intelligence (Strong Collective Intelligence)
2. Building a More Inclusive and Representative Legislative Institution (Inclusive And Representative).

The formation of regional regulations based on community participation was put forward by Dini Widia as follows:

1. The process of involving local community participation, starting from planning to implementing legal development programs at the regional level, has proven to be successful in bringing about fundamental changes in increasing public legal awareness.
2. Legal development is more oriented towards the community, which is reflected through the optimization of community involvement in the series of formation of certain regional regulations; it needs to be believed by regional government officials as the right strategy to raise militancy of community awareness towards compliance with the implementation of the material contained in regional regulations;
3. In turn, this strategy is able to play a real role in increasing community compliance in implementing regional regulations. This must always be instilled, especially to the apparatus who functionally handle the process of drafting regional regulations in the district/city government.

Guarantees from regional regulation makers to communities that have concerns are the main prerequisite for community participation to be meaningful and full (full and meaningful participation). Judging from the three stages of the formation of legislation, meaningful community participation can be carried out to the maximum, namely Planning, Drafting, and Discussion, which is communication between the regulators and stakeholders.

However, it must be understood as an effort to strengthen the legitimacy of a regional regulatory product in a pluralistic society that is not only limited to ethnicity, race and religion, but also pluralistic in terms of economics and political views. So, it is very important to build a system that strengthens the social roots of regional regulation by ensuring meaningful community involvement.

Community involvement can be seen from two sides. First, the DPRD initiative and/or community initiative. What is to be achieved in meaningful community participation is a rule of the game, that all social groups, meaning the wider community, have a say in decisions that are considered important.

The formation of regional regulations means obtaining more complex analysis materials as consideration material for the potential impact of creating a more inclusive and representative Legislative Institution. With complex analysis materials from meaningful community participation, regional regulation makers find it easier to fully understand the interests of the community and then determine provisions that represent the public interest.

Karen Czapanskiy argues that with public participation, lawmakers not only gather information that will result in better laws, but it is also a reflection of respect for the community itself, in return the community will be more engaged and more concerned about matters relating to the community. According to M. Solly Lubis, the regulation is considered perfect if the following conditions are met:

1. The regulation provides justice for those concerned, for example whether workers, farmers, fishermen, street vendors, women, teachers and lecturers feel that with the presence of the legal regulation their interests will truly be protected;
2. These legal regulations provide certainty, in the sense of legal certainty, that with the implementation of these regulations the boundaries of the rights (recht, right) and obligations (plicht, duty) of all parties involved in a legal relationship (rechtsbetrekkingen) will be clear;
3. This regulation provides clear benefits for those interested in the presence of this regulation. Generally, if the previous two conditions have been met then this third condition will also be met.

So that the existence of meaningful community participation space with fair and just conditions must be protected by the state as in the constitution. Because legitimate laws or regional regulations are born from a public test process or an open process for meaningful community participation and becomes a free discussion in the public space.

Based on the opinion of M. Solly Lubis, public participation is clearly a need that grows from the awareness of being an inseparable part of the state. Without public participation, a state system has not yet been formed, because being a state means a shared life system that must also be organized together.

In the community participation stage, if we use Sherry R. Arnstein's theory, Indonesia is at the consultation stage. This is because Indonesia involves the community in the formation of regional regulations at the final decision stage. M Solly Lubis stated that the success of national development as a practice of Pancasila depends on the active role of the community as well as on the mental attitude, determination and spirit as well as the obedience and discipline of state administrators and all Indonesian people.

Meaningful community participation in the series of regional regulation drafting implicitly contains the meaning of the existence of initiative factors that originate and develop from the community itself, while the role of the government is to act as a container and consider community complaints. In reality, initiatives and complaints from the community are often ignored, the meaning of meaningful community participation must guarantee in full, in obtaining guarantees for their rights in the process of forming regional regulations. So it is important to conduct research with the title "Meaningful Community Participation in the Process of Forming Regional Regulations".

Based on the background above, several problem formulations can be taken as follows:

1. How is meaningful public participation regulated in the process of forming regional regulations?
2. How is the mechanism for meaningful community participation in the process of forming regional regulations?

3. How is meaningful community participation implemented in the process of forming regional regulations?

METHOD

This legal research uses the statute approach, case approach, and conceptual approach. From these approaches, it provides an analytical perspective on solving problems in this legal research seen from the aspects of the legal concepts that underlie it, or can even be seen from the values contained in the norming of a regulation in relation to the concepts used. conducting a descriptive analysis of positive law related to meaningful community participation in the approach to the formation of regional regulations. Through the process, the data obtained will be analyzed inductively to reach a conclusion, so that the main problems examined in this research can be answered.

RESULTS AND DISCUSSION

The Position of Community Participation is Meaningful in the Process of Forming Regional Regulations

Article 18 paragraph (6) of the 1945 Constitution of the Republic of Indonesia states that the Regional Government has the right to determine regional regulations and other regulations to implement autonomy and assistance tasks. Regional regulations are regional-level laws and regulations, formed by government institutions at the regional level in the context of implementing regional autonomy which is expressly included in the legal system in the Republic of Indonesia.

The things that are done at the planning stage of the Regional Regulation based on Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Legislation, are as follows:

- 1) Planning for the preparation of Provincial Regional Regulations is carried out in the Propemperda (Regional Regulation Formation Program) of the Province. Propemperda is an instrument for planning a program for the formation of Provincial Regional Regulations or Regency/City Regional Regulations that are prepared in a planned, integrated, and systematic manner. Propemperda (Regional regulation formation program) contains a program for the formation of Provincial Regulations with the title Draft Provincial Regulations, the regulated material, and its relationship to other Legislation. The Propemperda plays an important role in realizing legal development in the regions so that it runs in harmony with the 4 (four) components of legal development, namely the national legal system, RPJMD, regional autonomy and assistance tasks carried out by the regions.
- 2) Then the regulated material that has been reviewed and aligned is poured into an Academic Manuscript. The academic manuscript as referred to is a manuscript of research results or legal studies and other research results on a particular problem that can be scientifically accounted for regarding the regulation of the problem in a draft law. Draft provincial regulations, or draft district/city regulations as a solution to the problems and legal needs of the Community.

- 3) The preparation of the Provincial Propemda Regulation in the planning stage for the formation of the Provincial Propemda Regulation is carried out by the Provincial DPRD and the Governor.
- 4) Regional Regulation ProposalThe provinces that are arranged are then determined for a period of 1 (one) year.
- 5) Preparation of a list of draft provincial regulations which are part ofregional regulation proposalprovinces are based on:
 - a) Higher statutory regulatory orders;
 - b) Regional development plan;
 - c) Implementation of regional autonomy and assistance tasks; and
 - d) Aspirations of local communities.

Regional Regulation Proposalwhich has been determined as a reference for determining the priority for the formation of Provincial Regulations.

- a. Preparation Stage The preparation stage is a process of compiling and planning a Provincial Regulation within the Provincial Government and within the Provincial DPRD to produce a Draft Regional Regulation based on the priority list of Provincial Regulations that have been determined inregional regulation proposalat the planning stage. The preparation stage for a Provincial Regulation based on Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Legislation consists of several things, namely:
 - 1) In the case of the Draft Provincial Regulation being prepared by the legislative body, namely the Provincial DPRD, the Draft Provincial Regulation is submitted to the Governor by including a letter from the leadership of the Provincial DPRD.
 - 2) In the case of the Draft Provincial Regulation being prepared by the executive, namely the Governor or related staff, the Draft Provincial Regulation is submitted to the leadership of the Provincial DPRD by including a cover letter from the Governor.
- b. The discussion stage of the Draft Provincial Regulation is carried out by the Provincial DPRD together with the Governor. At the discussion stage, the things that are done based on the provisions on the Formation of Legislation are as follows:
 - 1) The first level discussion consists of:
 - a) Commission meetings, namely meetings held by each commission in the Provincial DPRD;
 - b) Joint commission meeting, namely a follow-up meeting held after each commission has completed its meeting;
 - c) Balegda Meeting, namely a meeting held by the DPRD Province's supporting apparatus which is specifically formed to handle matters related to the formation of the Draft Provincial Regulation;
 - d) Budget Agency Meeting, namely a meeting held by the DPRD Province's supporting apparatus which is specifically formed to discuss the budget in the relevant Draft Provincial Regulation; or

- e) Special Committee Meeting, namely a meeting held by the DPRD Province's supporting apparatus which is formed specifically to discuss the formation of Draft Regional Regulations within the DPRD Province.
- 2) The second level of discussion, namely in a plenary meeting, namely a meeting held by inviting all members of the Provincial DPRD to discuss and make decisions with the following activities:
 - a) Submission of reports containing the process and opinions as well as the results of level I discussions;
 - b) Statement of agreement or statement of rejection from each faction;
 - c) Submission of the final opinion of the Governor or staff appointed by the Governor.
- c. Determination Stage The things that are carried out at the stage of determining a Provincial Regulation based on Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Legislation, are as follows:
 - 1) The draft Provincial Regulation that has been jointly approved by the Provincial DPRD and the Governor in the previous discussion stage, is submitted by the leadership of the Provincial DPRD to the Governor to be stipulated as a Provincial Regulation within a maximum period of 7 (seven) days from the date of joint approval.
 - 2) The stipulation of the Draft Provincial Regulation is carried out by affixing the Governor's signature within a maximum period of 30 (thirty) days since the Draft Provincial Regulation is jointly approved by the Provincial DPRD and the Governor in the discussion stage. In the event that the Draft Provincial Regulation is not signed by the Governor within a maximum period of 30 (thirty) days since the Draft Provincial Regulation is jointly approved, then the Draft Provincial Regulation is valid as a Provincial Regulation and must be promulgated.
- d. Promulgation Stage The promulgation stage is a stage marked by the inclusion of the Provincial Regulation into the Regional Gazette. The Provincial Regulation comes into force and has binding force on the date of promulgation, unless otherwise specified. The Governor's Regulation and the Regent/Mayor's Regulation are promulgated in the Regional Gazette (Province/Regency/City). Promulgation of Regional Regulations in the Regional Gazette and Regional Gazette is carried out by the Regional Secretary. Legislation comes into force and has binding force on the date of promulgation, unless otherwise specified in the relevant Legislation.
- e. The Dissemination Stage is carried out to provide information and/or obtain input from the community and stakeholders. Dissemination regional regulation proposal carried out jointly by the DPRD and the Provincial or Regency/City Regional Government coordinated by the DPRD's supporting apparatus which specifically handles the legislative field.

The importance of community participation in Regional Regulations has been guaranteed in Law Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government as the main legal umbrella that explains matters concerning the Regional Regulations in question. More or less the same thing is also

emphasized in Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Legislation, providing space for relations or relationships between the community and the legislature and the Government in the process of forming Regional Regulations.

Open access to the community is expected to produce participatory Regional Regulation products, meaning they are responsive to real problems and the main needs of the community or at least reflect the public interest. Therefore, meaningful community participation is needed as a tool for organizing and managing the regional legal development system which is carried out in a planned, integrated and systematic manner.

The large amount of authority held by regions will certainly bring great benefits to the community if the regional government is able to build democracy at the local level (local level democracy) by increasing public participation. Philipus M. Hadjon said that the concept of public participation is related to the concept of openness, "In the sense that without openness of government, it is impossible for the public to participate in government activities."

Participation means giving the community the right to provide input in the formation of regional legislative programs, while simultaneously requiring the regional government and DPRD to make it easier for this input to reach them. Conceptually, participation is the implementation of a democratic government system of the people, by the people and for the people.

The essence of the importance of community participation in the formation of Regional Regulations according to Ni Made Ari Yulianti Griadhi and Anak Agung Sri Utari, is:

- a. Providing a better foundation for public policy making in creating good governance.
- b. Ensuring more effective implementation because citizens are aware of and involved in public policy making.
- c. Increasing public trust in the executive and legislative branches, and
- d. Resource efficiency, because with community involvement in public policy making and knowing public policy, the resources used in public policy socialization can be saved.

The position of meaningful community participation in the process of forming legislation, especially regional regulations, is to realize genuine awareness for the community in implementing and obeying all forms of rules that are jointly determined. In short, meaningful community participation can realize three important elements that must be achieved, namely democracy, participation and accountability.

Furthermore, in its legal considerations, the Constitutional Court interpreted the meaning of public participation as "The opportunity for the public to participate in the formation of laws is actually also a constitutional mandate which places the principle of people's sovereignty as one of the main pillars of the state as stated in Article 1 paragraph (2) of the 1945 Constitution." Furthermore, public participation is also guaranteed as a constitutional right based on Article 27 paragraph (1) and Article 28C paragraph (2) of the 1945 Constitution which provides opportunities for citizens to participate in government and build society, the nation and the state.

The applicant submitted expert Zainal Arifin Muckhtar in the Constitutional Court decision Number 91/PUU-XVIII/2020 to convey orally in the trial in essence as follows.

1. Benefit is a material principle, not a formal principle.
2. The Job Creation Law contains more harm than benefits that can be obtained.
3. What should be resolved first is the formal matters because there is a time limit, then decide on the material matters.
4. In America the key point is at the signing, while in Indonesia it is at the approval stage. This means that in the drafting of the Job Creation Law there should be no more changes after the approval stage.
5. The legal paradigm according to the P3 Law is single, not plural.
6. The Constitutional Court has not yet established a principle on how participation is not only represented by certain institutions or certain experts, but also the entire community. The Constitutional Court should not only look at whether there is a meeting but also what the meeting contains.
7. The academic text is basically not only whether it exists or not, but also whether the contents of the academic text are the same as the contents of the law.

In the description of the sixth point, we want to make improvements to meaningful Community Participation that can be interpreted in terms of process and substance. In relation to the formation of this meaningful regional regulation, it contains two meanings, namely process and substance.

The process is a mechanism in the formation of regional regulations which must be carried out transparently so that the community can participate in providing input in regulating a problem. Therefore, community participation means part of the formal testing standard and is used to assess the validity of the formality of the formation of regional regulations that are placed or associated with the assessment of accumulative standards. If at least one stage or one standard is not met from all stages, it can be said to be formally flawed.

The substance is the material to be regulated and must be aimed at the interests of the wider community so as to produce a democratic law/regional regulation with a responsive/populist character. Thus, participation, transparency and democratization in the formation of laws/regional regulations are a complete and inseparable whole in a democratic country.

In essence, the meaningful position of community participation in the process of forming regional regulations is:

1. provide a better foundation for public policy making in creating good governance;
2. ensuring more effective implementation because citizens are aware of and involved in public policy making;
3. increase public trust in the executive and legislative branches; and;
4. resource efficiency, because with community involvement in public policy making and knowing public policy, the resources used in the socialization of public policy can be saved.

In the formation of regional regulations governing the way of life in society, the community has the right to participate in decision-making by the regional government. Jurgen Habermas' thoughts discuss the importance of communication theory in achieving a win-win solution or justice. When all the wishes of the state are made into legal regulations just to fulfill and appear to have fulfilled the mandate of democracy, however the content is only the state's unilateral wishes without any respect for the principles of democracy itself (autocratic legalism).

Meaningful Community Participation Mechanism in the Formation of Regional Regulations

Regional regulations are the crystallization or formalization of the will of the people, on the distribution of representation. From the strategy of arranging community participation, it means that in the process of forming regional regulations, it is able to present the attitude of the community towards the law (social thinking situation). The attitude of presenting the community towards the law is intended to create trust, values, ideas, hopes and social forces that determine how the law is followed, violated, and deviated from. Bryan Thompson stated that "Constitutionalism regarding the work of the state must be based on basic law which is only binding if it is based on the highest power (sovereignty) in a state.

RIA (Regulatory Impact Assessment) is a method that systematically and consistently examines the impact caused by government actions, communicating information to decision makers. The outline of the changes to Article 96 is to detail the nomenclature in the 4 original paragraphs and the addition of advanced mechanisms in 5 new paragraphs. Several changes to Article 96 of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Legislation that can be identified are:

- a. Addition of nomenclature for each stage in paragraph (1);
- b. New regulations regarding online and/or offline community participation in paragraph (2);
- c. The community that has the right to provide input is defined as those directly affected and/or those who have an interest in paragraph (3);
- d. Affirming that the public has the right to easy access to academic texts and/or draft legislation in paragraph (4);
- e. The obligation of the makers of legislative regulations to inform the public about the formation of legislative regulations as a substitute for the provisions of paragraph (2) letter c regarding socialization;
- f. Reduction of provisions on socialization mechanisms and addition of openness to other public consultation activity mechanisms in paragraph (6);
- g. Accommodation of the results of public consultations as consideration in planning, compiling and discussing draft legislation in paragraph (7);
- h. The regulation that law makers can explain the results of discussions on community input to the community in paragraph (8);
- i. Provisions for delegation of implementing regulations regarding community participation into DPR Regulations, DPD Regulations, and Presidential Regulations in paragraph (9).

Meaningful Community Participation in the process of forming regional regulations must be carried out with openness, meaning that all communities in areas included in the jurisdiction of regional autonomy have the right to provide input. Meaningful participation can be understood as the absence of limitations in providing input, as explained in Article 96 paragraph 3 of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Legislation.

The Regional Regulation Making Agency (Bapemperda) must build an integrated system for all regional community groups. This means efficiency between input and output, effectiveness between policy targets and sustainability results between community needs and results before a regulation is implemented or changed. In addition, the wide area that is easily accessible to the DPRD should be able to take the initiative in order to obtain input from the regional government and/or the community in the region.

The problem can be seen from the five stages that are usually carried out in the process of forming regional regulations. According to Wawan Ichwanuddin, among them are:

- The stage of preparing the regional regulation formation program (Prompemperda). Community involvement in the consultation and communication stages is possible to provide input and strengthen Ranlegnas (Designing of Regional Regulations). National Legislation). In this regard, what is very unfortunate is that it is not clear who is meant by the community representatives in the forum because all are appointed by the government.
- Preparation of initiatives. In this case there are two stages in which the community can be involved in the preparation of academic papers and consultation forums. However, both are optional depending on the government's intention and interest in involving the community.
- The process of drafting DPRD regulations. The role of the community can be carried out through universities that are notified by the DPRD Regional Regulation Formation Agency to create Draft Regulations. The design of the community depends on the participation of civil society to participate.
- The proposal process in the DPRD. In this stage there is no public participation because the DPR only provides information.
- Discussion in the DPRD. The role of the community lies in the Public Hearing Meeting (RDPU). However, in practice it is unfortunate that the RDPU is more of an initiative from the DPRD so that it is not visible from which community groups are listened to and can provide input.

This means that the process of forming regional regulations can basically be divided into three stages, namely:

Table 1. Mechanism for the formation of regional regulations

Ante Legislativ (Planning)	Legislative (Discussion)	Post Legislative (Enactment)
a) Study b) Submission of Initiative Proposal c) Design	a) Discussion b) Determination of the Bill into Law c) Validation	a) Invitation b) Enforcement c) Law Enforcement

d) Submission of the Bill		
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In these three processes, the community can participate in providing input according to their wishes. The community can participate in all stages of the process of forming regional regulations. Franz Magnis-Suseno explained that the concept of democracy or people's sovereignty means that the government of the country remains under the control of the community.

In the formation of Regional Regulations, the right to be heard can be implemented by providing access to local communities such as indigenous communities or marginalized communities in the region to provide aspirations in the form of dialogue or utilization of information media that reaches remote villages. The right to be considered can be implemented by conducting an inventory of every aspiration of the local community and pouring it into the draft regional regulation up to the consideration section of the regional regulation that is in accordance with the aspirations of the local community. The right to receive an explanation or answer to the opinion given can be implemented by implementing public discussion spaces that reach village communities, stakeholders and indigenous communities without any discrimination.

The use of traditional forums or community organizations in the context of public consultation processes is also equally effective in efforts to harmonize local wisdom with development aspects. One of the essences of legislation is participation. Of course, what must be seen is the essence of that participation, and not just the formality of participation. But at least the Constitutional Court's decision confirms the importance of the community's position in the process of forming Regional Regulations and gaining a fairly strong position.

In essence, community participation is meaningful in the process of forming regional regulations to create a meaningful order through a process of consensus, ideally receiving protection from the state that is not just on paper through laws on its formation. But rather responsive protection that the rights of the community to provide input, ideas or contributions to legal and national issues in the implementation of meaningful community participation are truly accommodated democratically.

Implementation of Meaningful Community Participation in the Ideal Regional Regulation Formation Process

As explained in previous discussions, the urgency of meaningful participation in efforts to produce ideal legal products, this chapter will examine the application of meaningful community participation in the process of forming ideal regional regulations.

In order to produce ideal and quality regional regulations, it is important to study comprehensively related to meaningful community involvement at each level of regional regulation formation. This is important because then it can be seen how the responsibility of the regulation maker is in facilitating the space for community participation in the formation of regional regulations.

That in the process of forming regional regulations, as regulated in Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Legislation in conjunction with Permendagri Number 120 of 2018 concerning the formation of regional legal products, states that the process of forming regional regulations is carried out through several levels of discussion, including the planning, drafting, discussion, determination and promulgation stages. At each of these stages, it is interesting to study how meaningful community involvement is carried out by the legislators.

In order for this research to be more focused, this research summarizes meaningful community involvement in three important stages, including:

a. Planning Stage

At this stage, the space for public participation to be actively involved is actually very narrow. This is based on the fact that this planning stage is the private power space of the legislators. However, the opportunity for meaningful public involvement is not completely closed, this is proven by the implementation of the working visit space (recess) of the legislators to carry out activities to absorb aspirations, which will then be brought to the commission meetings to be tested and studied whether public input in the recess can be included in the regional legislative project or not.

For example, in Langkat district, lawmakers are actively involved in gathering information and input directly from the community through the recess mechanism to the electoral district. The input then becomes a consideration for lawmakers, in this case the Langkat Regency DPRD, to conduct a study to then consider whether it can be included in Regional Regulation Proposal or not. Apart from that, the Langkat Regency DPRD also continues to conduct socialization related to Regional Regulation Proposal priorities that have been agreed upon at the plenary meeting.

b. Drafting Stage

The stage of drafting the Regional Regulation is a crucial phase in the regional legislative process because this is where the foundation of legal substance is formed. At this stage, Bapemperda together with the Draft Academic Manuscript Drafting Team is actively involved in efforts to facilitate meaningful community participation. This can be seen through the activities carried out by Bapemperda and the drafting team to obtain initial information data for the Draft Regional Regulation.

In an effort to obtain the initial information, Bapemperda and the drafting team conducted direct observations to relevant stakeholders, both government and the general public. The data and information obtained were used as initial references in conducting academic studies related to the draft regional regulation. This process can be said to be the initial door to meaningful community involvement in the formation of regional regulations that can contain criticism and/or input.

In addition to conducting direct observations, Bapemperda and the drafting team conducted focus group discussions involving the wider community. This is expected to provide more substantial data and information in order to produce a quality academic draft of the regional regulation based on meaningful community participation. Then the data and

information are processed in such a way as to produce a draft academic manuscript that will be discussed in more depth and detail in the public consultation room.

In the public consultation activity, the draft academic paper that has been prepared jointly between Bapemperda and the drafting team is considered almost perfect, but in order to obtain improvements in this activity, Bapemperda involves substantive stakeholders. The input obtained in this phase is more qualitative data, this is based on the process that has been passed before the public consultation was carried out. In this activity, the discourse space is widely opened for the community to conduct analysis related to the draft of the regional regulation.

In principle, all the activities explained above are efforts by regional regulation makers to facilitate meaningful community participation in the process of forming regional regulations. It is hoped that with the active involvement of the community, regional regulation makers can produce ideal and quality legal products.

For example, in Langkat district, for example, Bapemperda together with the drafting team carried out comprehensive steps as referred to in the discussion above. This is proven by the active involvement of Bapemperda in initiating the collection of information from the community through the mechanisms of aspiration absorption activities that have been discussed previously. Thus, it can be said that in the stages of drafting the Regional Regulation, the Community is involved in its entirety, starting from the collection of initial information to the finalization of the draft of the regional regulation.

c. Discussion Stage

Strategic opportunity for the community to provide input, criticism, or support for the substance of the Regional Regulation before it is ratified. Community involvement at this stage aims to ensure that the Regional Regulation that is drafted truly reflects the needs of the community and does not conflict with public interest. In this case, the draft Regional Regulation will be discussed at a special committee meeting (Pansus) for the formation of regional regulations.

The meetings held by the Special Committee are internal meetings, joint meetings and public hearings (RDPU) in finalizing (cleaning up) the Draft Regional Regulation. At this stage, the Community that provided input and criticism submitted at each stage of the draft regional regulation formation has been considered or rejected. Thus, the principle of meaningful Community participation has been implemented normatively.

Based on the explanation above, it can be seen that meaningful community participation has been implemented normatively as stipulated in the applicable laws and regulations. However, if examined more deeply, community involvement as referred to in the discussion above is still very far from what is stipulated by the Constitutional Court. That as previously mentioned, community involvement is only carried out to fulfill the requirements stipulated in the law on the formation of laws and regulations.

In fact, community involvement should be carried out substantively by involving representative communities, this is as intended in the Constitutional Court's decision, which fully prioritizes meaningful community participation. Because the phrase "meaningful" in

the decision is interpreted as the full involvement of the community in the process of forming a legal product. By considering the fulfillment of the right to information, being heard and considering their input in the process of forming legal products at every level.

Participation is not enough to be done only by a group of people sitting in representative institutions (Provincial/District/City DPRD), because institutions and people sitting in representative institutions often use politics in the name of the people's interests to fight for their own personal or group interests. The benefits of meaningful participation can directly have an impact on avoiding the opportunity for manipulation of people's involvement and clarifying what the people want.

On the other hand, it can provide added value to the legitimacy of the planning formulation, because the more parties involved, the better. Meaningful Community Participation in the formation of Regional Regulations can ultimately increase the awareness and political skills of the Community. Technically, the practice of Community Participation is important in the process of forming Regional Regulations in the Province/Regency/City, this still refers to Law Number. 13 of 2022 Jo Permendagri No. 120 of 2018 and relies on the awareness and political will of the Regional Head and DPRD which are manifested in the Regional Head Regulation and DPRD Rules of Procedure.

Community participation in the formation of Regional Regulations must be seen in the process of its formation which is participatory, meaning inviting as much participation as possible from all elements of society, both in terms of individuals and community groups. In addition, it must also be aspirational, originating from the desires or wishes of the Community. Open access to the community is expected to produce participatory Regional Regulation products, meaning responsive to real problems and the main needs of the community or at least reflecting the public interest.

In this way, the community can participate more meaningfully in all stages of the process of forming regional regulations or have only one stage. However, the form of community participation varies, although there are also some that are the same between one stage and another: meaning the form of community participation in the planning, drafting and discussion stages. So, the form of community participation in the process of forming regional regulations is adjusted to the stages being carried out.

CLOSING

Conclusion

Based on the research results, both library research, analysis results and discussions that have been carried out in previous chapters, the following are conclusions that are answers to the problems in writing this Thesis, as follows:

1. The stages in the process of forming regional laws do not yet regulate the principle of meaningful participation as regulated in Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Legislation.
2. Mechanism meaningful full participation regarding community involvement in the process of forming regional regulations has not prioritized the fulfillment of community

rights to obtain information about whether their opinions are rejected or accepted in the process of forming regional regulations.

3. Implementation meaningful community participation in the process of forming regional regulations, there is no difference with the concept of community participation. The interpretation of meaningful participation is only interpreted normatively in the process of forming regional regulations. Substantively, the input provided by the community must be more planned.

Suggestion

Making Changes to Law Number 13 of 2022 concerning the formation of laws and regulations by including several improvements including:

1. The general public must be given the widest possible space through meaningful community participation procedures, so that they can actively participate and participate in conveying constructive aspirations through the formation of regional regulations.
2. Create implementing regulations and add articles that specifically regulate the Community who have the right to provide input to provide legal certainty regarding meaningful participation space for the Community in the process of forming Regional Regulations.
3. Forming a special team specifically to provide meaningful participation space for the community in the process of forming regional regulations.

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