

Implementation of Good Governance in the Effectiveness of Administrative Law Regulations

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ABSTRACT

This study examines the effectiveness of regulations in supporting the implementation of good governance principles from the perspective of administrative law and the urgency of strengthening regulations for the protection of public rights. The research employed a normative juridical method through statutory and conceptual approaches. The primary legal materials used include Law Number 39 of 1999 concerning Human Rights, Law Number 30 of 2014 concerning Government Administration, and Law Number 12 of 2011 concerning the Formation of Laws and Regulations as amended by Law Number 13 of 2022. The findings indicate that regulatory effectiveness is influenced by the quality of legislative drafting, public participation, transparency, accountability, and the consistency of government institutions in implementing the general principles of good governance. Effective regulations are capable of enhancing legal certainty, protecting public rights, and improving the quality of public services within the administrative system. Conversely, ineffective regulations may create legal uncertainty and reduce public trust in the governmental system. Therefore, strengthening good governance principles in the formulation and implementation of regulations is essential for establishing a democratic, transparent, and justice-oriented national legal system.

Keywords: *Administrative Law; Good Governance; Government Administration; Human Rights; Regulatory Effectiveness.*

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1. | INTRODUCTION

The development of the modern legal system places the state as the main actor in ensuring the protection of people's rights through the establishment of regulations that are oriented to the principles of the state of law, democracy, and good governance. In the state of law, the existence of laws and regulations is not only understood as an administrative instrument, but also as a means of protecting human rights, controlling power, and efforts to realize legal certainty in the life of society and the state. This concept is developing as the public's demands for a government that is transparent, accountable, participatory, and responsive to the public interest increases. Therefore, the formation of quality regulations is one of the main indicators in the implementation of good governance principles in the modern government system (Susanto, 2019).

In practice, the formation and implementation of regulations still face various problems that affect the effectiveness of the law in carrying out the function of protecting the community. Regulations that are not drafted in a participatory manner, lack of transparency, and lack of consideration of social needs have the potential to cause ineffectiveness in the implementation of the law. This condition shows that the existence of the law is not only determined by the number of regulations formed, but also by the quality of the substance, the mechanism of formation, and the ability of the regulation to respond to the needs of the community in a fair and proportionate manner. In the context of state administrative law, the quality of governance has a close relationship with the success of law enforcement and the protection of citizens' rights (Johnston 2006;Ibad, 2021).

The principle of good governance basically emphasizes transparency, accountability, community participation, and the rule of law in the administration of government. This principle is an important foundation in the formation of public policies and laws and regulations so that they do not conflict with the interests of the community and the principle of human rights protection. Good governance is also seen as an important instrument in creating a professional and responsible government administration system. In this case, the existence of Law Number 30 of 2014 concerning Government Administration provides a legal basis for the implementation of government that is oriented to the general principles of good governance, including legal certainty, openness, proportionality, and accountability in government decision-making (Yuliono & Ngumar, 2019).

In addition, the existence of Law Number 12 of 2011 concerning the Formation of Laws and Regulations as amended through Law Number 13 of 2022 shows that the formation of regulations must be carried out based on the principle of clarity of purpose, suitability between the type and material of content, and openness in the legislation process. This openness provides space for community participation as a form of democratic implementation in the formation of national law. Public participation is an important aspect because the community is the main subject that will receive the impact of the implementation of regulations formed by the government. Therefore, the

formation of participatory laws and regulations is expected to be able to produce regulations that are more effective, responsive, and have strong social legitimacy (Fauzi, 2020).

On the other hand, the protection of human rights is also an important element in the development of national law. Human rights are not only related to the protection of individuals against arbitrary actions, but also to the state's obligation to guarantee people's rights through fair policies and regulations. This is affirmed in Law Number 39 of 1999 concerning Human Rights which places the state as the responsible party in respecting, protecting, and fulfilling the rights of citizens. In this context, ineffective regulations can have an impact on weak protection of people's rights and reduce public trust in the legal system and government (Hanafiah, 2022).

The problem of regulatory effectiveness is also often associated with weak institutional coordination, low quality of legal substance, and lack of optimal implementation of general principles of good governance in state administrative practices. Not a few regulations ultimately experience obstacles in implementation because they are not prepared based on real social needs or do not consider their juridical and sociological impacts. This situation shows that the formation of law requires an approach that is not only normative, but also pays attention to the aspects of the effectiveness and usefulness of the law in society. Thus, evaluation of the effectiveness of regulations is important to ensure that the law is truly able to carry out the functions of protection, justice, and legal certainty in a balanced manner (Zuliah & Pulungan, 2020).

From the perspective of state administrative law, the effectiveness of regulations is closely related to the government's ability to exercise its authority professionally and responsibly. The government is not only required to form regulations, but also ensure that these regulations can be implemented optimally and do not contradict the principle of protecting people's rights. Therefore, discussions about the effectiveness of regulations and the urgency of strengthening the principles of good governance are important in the development of a democratic and fair national legal system. Apart from being a means of controlling power, regulations are also the main instrument in creating social stability, protecting citizens' rights, and improving the quality of public services (Artayasa, 2019).

Based on this description, this study proposes two problem formulations or research questions. Research Question 1 (RQ1) is how effective regulations are in supporting the implementation of good governance principles in the perspective of state administrative law. Furthermore, Research Question 2 (RQ2) is why the discussion of regulations and good governance principles is important in efforts to protect people's rights and strengthen the national legal system.

2. | RESEARCH METHOD

This research uses normative juridical research methods, namely legal research that places law as a norm or rule that applies in the system of laws and regulations. The normative juridical approach was chosen because this study focuses on the analysis of the effectiveness of regulations, the implementation of good governance principles, and the urgency of protecting people's rights from the perspective of state administrative law. Normative legal research is carried out by examining various primary legal materials, secondary legal materials, and tertiary legal materials that are related to the research object. This approach is used to understand the synchronization between regulations, legal principles, and the application of legal principles in the administration of government and the formation of public policies.

The approach used in this study consists of a statute approach and a conceptual approach. The legislative approach is carried out by examining various legal provisions related to government administration, the formation of laws and regulations, and the protection of human rights. In this study, the main regulations analyzed include Law Number 39 of 1999 concerning Human Rights, Law Number 30 of 2014 concerning Government Administration, and Law Number 12 of 2011 concerning the Establishment of Laws and Regulations as amended through Law Number 13 of 2022. The three regulations were chosen because they are directly related to the principles of good governance, regulatory effectiveness, and the protection of people's rights in the national legal system.

Meanwhile, a conceptual approach is used to analyze various legal theories, principles, and doctrines that develop in state administrative law and human rights. This approach is carried out by examining the opinions of experts, the results of previous research, and various scientific journals that are relevant to the research topic. A conceptual study is needed to gain a more comprehensive understanding of the relationship between regulatory effectiveness, good governance, and the protection of people's rights in a democratic legal state. The principle of good governance is an important foundation in creating a government administration system that is transparent, accountable, and responsive to the needs of the community. The implementation of good state administrative laws is closely related to the success of human rights protection through effective and fair regulations.

The primary legal materials in this study are in the form of laws and regulations relevant to the research object, while secondary legal materials are obtained from scientific journals, books, research results, and academic articles published in the 2018–2022 period. The tertiary legal materials are obtained from legal dictionaries, encyclopedias, and other supporting sources relevant to the research. The technique of collecting legal materials is carried out through literature studies by identifying, inventorying, and reviewing various legal sources that are related to the research theme. Furthermore, the legal material analysis technique is carried out in a descriptive-analytical manner by defining, connecting, and interpreting various legal provisions and

concepts related to the effectiveness of regulations and the principles of good governance in the perspective of state administrative law.

3. | RESULTS

The Effectiveness of Regulations in Supporting the Implementation of Good Governance Principles

The effectiveness of regulations is one of the important indicators in assessing the success of government administration oriented to the principles of good governance. From the perspective of state administrative law, regulations not only function as a regulatory instrument, but also as a means of protecting people's rights, controlling power, and creating legal certainty in state life. Effective regulations must be able to answer the needs of the community, provide legal certainty, and can be implemented consistently by government institutions. Therefore, the effectiveness of regulations has a close relationship with the quality of governance and the implementation of the principles of the rule of law in the modern state administration system (Gavriliuță & Lotos 2018; Susanto, 2019).

The principles of good governance emphasize the importance of transparency, accountability, community participation, effectiveness, and the rule of law in the administration of government. These principles are the basis for the formation and implementation of regulations so that the policies produced do not conflict with the interests of the community and human rights. In this context, Law Number 30 of 2014 concerning Government Administration provides a normative basis for the administration of government based on the general principles of good governance, such as the principles of legal certainty, openness, prudence, and accountability. The existence of these regulations shows that the effectiveness of state administrative laws is greatly influenced by the government's ability to exercise its authority professionally and responsibly (Yuliono & Ngumar, 2019).

The effectiveness of regulations is also related to the process of forming participatory and transparent laws and regulations. In Law Number 12 of 2011 concerning the Formation of Laws and Regulations as amended through Law Number 13 of 2022, it is emphasized that the formation of regulations must be carried out based on the principle of openness and clarity of purpose. This shows that the public has the right to obtain information and provide input in the legislation process as a form of implementing democracy in the rule of law. Public participation in the formation of regulations is important to ensure that the legal substance formed is truly in accordance with the social needs of the community and is not only oriented to institutional interests (Fauzi, 2020).

However, in practice, the effectiveness of regulations still faces various obstacles that affect the implementation of the principles of good governance. One of the main problems is the low synchronization between the substance of the regulation and the

needs of the community. Not a few regulations are formed without considering social conditions and the impact of their implementation as a whole, causing ineffectiveness in the implementation of the law. In addition, weak coordination between government agencies also causes the implementation of regulations to run suboptimally. This condition shows that the effectiveness of the law is not only determined by the existence of regulations, but also by the quality of the substance of the law and the readiness of institutions in implementing the provisions that have been set (Ibad, 2021).

From a human rights perspective, the effectiveness of regulations is closely related to the state's ability to ensure the protection of people's rights. Law Number 39 of 1999 concerning Human Rights affirms that the state has an obligation to respect, protect, and fulfill the rights of citizens through fair policies and regulations. Therefore, ineffective regulations have the potential to cause legal uncertainty and reduce the quality of protection of people's rights in various areas of life. The effectiveness of regulations is important because the law must basically be able to provide a sense of justice, certainty, and benefits in a balanced manner in society (Hanafiah, 2022).

In addition to protecting people's rights, the effectiveness of regulations also affects the quality of public services in the government administration system. Regulations that are drafted clearly and implementively will help the government in providing more professional, transparent, and accountable services to the community. On the other hand, overlapping or asynchronous regulations can create administrative barriers and reduce the quality of public services. In state administrative law, public services are a concrete form of implementing state obligations to the community so that the quality of regulations greatly determines the success of good governance (Zuliah & Pulungan, 2020, Rosenbloom et al., 2022).

The effectiveness of regulations is also influenced by the application of general principles of good governance in state administrative practices. The principles of openness, proportionality, professionalism, and accountability are important factors in ensuring that regulations can be applied fairly and consistently. In this case, the government is not only tasked with forming regulations, but also ensuring supervision and evaluation of the implementation of these regulations. Regulatory evaluation is needed to identify weaknesses in legal substance and administrative obstacles that can affect the effectiveness of law implementation in society (Artayasa, 2019).

Thus, the effectiveness of regulations in supporting the implementation of good governance principles is greatly influenced by the quality of regulatory formation, community participation, institutional synchronization, and the government's consistency in implementing the general principles of good governance. Effective regulations will be able to create legal certainty, improve the quality of public services, and strengthen the protection of people's rights in a democratic legal state. On the other hand, ineffective regulations can create public distrust of the legal system and hinder the realization of transparent, accountable, and fair governance. (Setiaji and Ibrahim, 2018; Muni, (2020) states that strengthening the effectiveness of regulations is an

important part of the development of a national legal system that is oriented towards the principles of good governance and the protection of people's rights.

The Urgency of Regulations and Good Governance Principles in the Protection of People's Rights

The discussion of regulations and the principles of good governance is becoming increasingly important in the development of the modern legal system because law is no longer understood only as an instrument of social control, but also as a means of protecting people's rights and limiting state power. In a democratic legal country, the existence of quality regulations is the main foundation in creating legal certainty, justice, and benefits for society. Therefore, regulations must be prepared based on the principles of good governance in order to be able to respond to social needs effectively and proportionately. The principle of good governance is important because it provides direction for the government to exercise its authority in a transparent, accountable, and responsible manner in every process of government administration (Susanto, 2019).

The urgency of discussing regulations is also related to the increasing public demands for the protection of human rights in the state administrative system. From the perspective of state administrative law, every government policy and action must be based on the principles of legality and respect for the rights of the community. Law Number 39 of 1999 concerning Human Rights affirms that the state has an obligation to respect, protect, and fulfill the rights of citizens through fair policies and regulations. Thus, regulations have a strategic position as the main instrument in ensuring the protection of people's rights while preventing abuse of authority by government officials (Hanafiah, 2022).

In addition to the protection of people's rights, discussions about regulations and good governance are also important in creating an effective and professional government administration system. In Law Number 30 of 2014 concerning Government Administration, it is explained that the administration of government must be guided by the general principles of good governance, such as the principles of legal certainty, openness, accountability, and not abusing authority. This provision shows that the principle of good governance is not only a theoretical concept, but has also become part of a positive legal system that must be applied in the practice of state administration. Therefore, discussions about regulations and the principles of good governance are important to ensure that every government policy is implemented in accordance with the principles of the state of law and the protection of people's rights (Yuliono & Ngumar, 2019).

The urgency of regulation can also be seen from its role in creating social stability and improving the quality of public services. Clear and effective regulations will help the government in providing fast, transparent, and accountable services to the public. On the other hand, regulations that are out of sync or have weak substance can cause legal uncertainty and hinder the implementation of public services. In the context of

state administrative law, public services are a form of state responsibility to the community so that the quality of regulations greatly determines the success of good governance. Therefore, strengthening regulations is an important part of efforts to improve the quality of public services and public trust in the government (Zuliah & Pulungan, 2020).

On the other hand, discussions about regulations and good governance are also important because there are still various obstacles in the implementation of the law in society. One of the obstacles that often arises is the low participation of the public in the process of forming regulations. In fact, public participation is an important element in a democratic country because people have the right to provide input on regulations that will have an impact on their social lives. Law Number 12 of 2011 concerning the Formation of Laws and Regulations as amended through Law Number 13 of 2022 emphasizes that the formation of regulations must be carried out openly and provide space for participation to the public. This participation is needed so that the regulations formed have social legitimacy and can be applied effectively in society (Fauzi, 2020).

The urgency of discussing regulations is also related to the need to strengthen the rule of law in the government system. In a state of law, all government actions must be based on laws and regulations and must not be carried out arbitrarily. Therefore, the existence of quality regulations is important to prevent abuse of power and maintain a balance between government authority and people's rights. Good regulation also functions as an instrument of supervision over state administrative actions so that the government can exercise its authority professionally and responsibly (Ibad, 2021).

In addition, the development of modern society that is increasingly complex also causes the need for regulation to increase. The government is required to be able to form regulations that are adaptive to social, economic, and technological developments without ignoring the principle of protecting people's rights. In this context, the principle of good governance is important as a guideline in the formation of policies that are responsive and oriented to the public interest. Adaptive and participatory regulations will help create a more dynamic legal system and be able to respond to the challenges of social change in modern society (Artayasa 2019 & Ali 2024).

Thus, the discussion of regulations and the principles of good governance has great urgency in strengthening the national legal system and protecting people's rights. Regulations that are prepared based on the principles of openness, accountability, and public participation will be able to improve the quality of governance and strengthen public trust in the legal system. On the contrary, ineffective and non-participatory regulations have the potential to cause legal uncertainty, weak protection of people's rights, and reduce the quality of public services. Therefore, strengthening regulations and implementing the principles of good governance must be a priority in the development of national law in order to create a democratic, transparent, and fair government system (Setiaji & Ibrahim, 2018; Muni, 2020).

4. | CONCLUSION

The effectiveness of regulations has an important role in supporting the implementation of the principles of good governance in the state administrative legal system. Regulations that are prepared based on the principles of openness, accountability, legal certainty, and community participation are able to create governance that is more transparent, professional, and responsive to public needs. The existence of regulations not only functions as a regulatory instrument, but also as a means of protecting people's rights and controlling the government's authority in the implementation of state administration. Therefore, the quality of the formation and implementation of regulations is the main factor in determining the success of good governance.

This research shows that the effectiveness of regulations is influenced by several factors, including the quality of legal substance, synchronization between regulations, public participation in the legislation process, and the government's consistency in implementing the general principles of good governance. Regulations that are not drafted in a participatory manner and do not pay attention to the social needs of the community have the potential to create legal uncertainty and hinder the protection of people's rights. On the contrary, effective regulation can improve the quality of public services, strengthen the protection of human rights, and increase public trust in the system of government.

In addition, discussions on regulations and the principles of good governance have great urgency in strengthening the national legal system. The principle of good governance is an important foundation in ensuring that every government policy and action is implemented in a transparent, accountable, and in accordance with the principles of the rule of law. In this context, the existence of Law Number 39 of 1999 concerning Human Rights, Law Number 30 of 2014 concerning Government Administration, and Law Number 12 of 2011 as amended through Law Number 13 of 2022 is the normative basis for realizing democratic and fair governance. Therefore, strengthening the effectiveness of regulations and the implementation of the principles of good governance must continue to be carried out as an effort to create a national legal system that is able to provide legal certainty, justice, and optimal protection of people's rights.

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The data that support the findings of this study are available from the corresponding author upon reasonable request.

REFERENCES

- Ali, M. A. S. D. M. (2024). The Interplay of Law and Social Norms: Analyzing the Evolution of Legal Systems. *Fari Journal of Social Sciences and Law*, 1(01), 1-12.
- Artayasa, I. N. (2019). Kedudukan Hukum Administrasi Negara Dalam Ilmu Hukum. *Jurnal Ilmiah Cakrawarti*, 2(1), 30-36.
- Fauzi, A. (2020). Penerapan Perluasan Keputusan Tata Usaha Negara Sebagai Upaya Dalam Penegakan Hukum Administrasi dan Kaitannya Dengan Prinsip-Prinsip Good Governance (Sebagaimana Diatur Dalam Pasal 87 UU No. 30 Tahun 2014 tentang Administrasi Pemerintahan). *Binamulia Hukum*, 9(2), 171-182.
- Gavriliuță, A. F., & Lotos, C. V. (2018). Good Governance and the Rule of Law—Major Pillars of Economic Efficiency. *Journal of Public Administration, Finance and Law*, 13, 123-133.
- Hanafiah, R. (2022). Hak Asasi Manusia Dalam Perspektif Hukum Administrasi Negara. *Wacana Paramarta: Jurnal Ilmu Hukum*, 21(2), 81-88.
- Ibad, S. (2021). Hukum Administrasi Negara Dalam Upaya Penyelenggaraan Pemerintahan Yang Baik. *HUKMY: Jurnal Hukum*. 1(1), 55–72.
- Ishak, D. (2022). Public services to achieve good governance in Indonesia. *Jurnal Abdimas Peradaban*, 3(1), 18-26.
- Johnston, M. (2006). Good governance: Rule of law, transparency, and accountability. *New York: United Nations Public Administration Network*, 1, 32.
- Muni, A. (2020). Hak Asasi Manusia Dalam Konstitusi Indonesia. *Al'adalah*, 23(1), 65.
- Republic of Indonesia. (1999). *Law No. 39 of 1999 concerning Human Rights*. Statute Book of the Republic of Indonesia No. 165 of 1999.
- Republic of Indonesia. (2011). *Law Number 12 of 2011 concerning the Establishment of Laws and Regulations*. Statute Book of the Republic of Indonesia Year 2011 Number 82.
- Republic of Indonesia. (2014). *Law Number 30 of 2014 concerning Government Administration*. Statute Book of the Republic of Indonesia Number 292 of 2014.
- Republic of Indonesia. (2022). *Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Establishment of Laws and Regulations*. Statute Book of the Republic of Indonesia Year 2022 Number 143.
- Rosenbloom, D. H., Kravchuk, R. S., & Clerkin, R. M. (2022). *Public administration: Understanding management, politics, and law in the public sector*. Routledge.
- Setiaji, M. L., & Ibrahim, A. (2018). Kajian Hak Asasi Manusia dalam Negara the Rule of Law: Antara Hukum Progresif dan Hukum Positif. *Lex Scientia Law Review*, 2(2), 123-138.
- Susanto, S. N. H. (2019). Good Governance Dalam Konteks Hukum Administrasi. *Administrative Law and Governance Journal*, 2(2), 205-217.
- Yuliono, R. N., & Ngumar, S. (2019). Implementasi Prinsip-Prinsip Good Governance Dalam Meningkatkan Kinerja Organisasi Pelayanan Publik. *Jurnal Ilmu dan Riset Akuntansi (JIRA)*, 8(6).
- Zuliah, A., & Pulungan, M. A. (2020). Pelayanan Publik Dalam Kajian Hukum Administrasi Negara dan Hak Asasi Manusia. *Law Jurnal*, 1(1), 32-42.