

Public Participation and Democratic Strengthening in Policy Formulation

Syawalitsany Raihan Ar Rasyid¹ ✉ and Girang Fitria Pratiwi²

Universitas Janabadra, Yogyakarta, Indonesia¹; Universitas Terbuka, Bengkulu, Indonesia²

ABSTRACT

Public participation is an essential element of a democratic state governed by law and an integral component of formulating responsive policies oriented toward the public interest. This study aims to analyze the urgency of public participation as an instrument for strengthening democracy and to examine the role of good governance principles in supporting effective public involvement in policy formulation (Law Number 13 of 2022). This research employs a normative legal method with a comparative approach through library research utilizing relevant primary and secondary legal materials. Primary legal sources consist of laws and regulations concerning public information disclosure, governmental administration, and legislative drafting, while secondary sources are derived from scientific publications issued over the last five years. The findings indicate that public participation plays a significant role in enhancing policy legitimacy, quality, and accountability. Furthermore, the implementation of good governance principles through transparency, accountability, and responsiveness contributes to more effective public participation. The synergy between public participation and good governance is crucial for strengthening democracy and promoting a more responsive government capable of addressing societal needs.

Keywords: *Democracy, Good Governance, Government, Policy, Public Participation.*

CORRESPONDING AUTHOR:

Syawalitsany Raihan Ar Rasyid
Universitas Janabadra, Yogyakarta, Indonesia
contact: raihan123@gmail.com

ARTICLE HISTORY

Received : July 10, 2023
Final Revised : August 30, 2023
Accepted : October 25, 2023
Published : December 30, 2023

1. | INTRODUCTION

A democratic state of law places the community as the main subject in the administration of government and the formation of public policies. In the development of the modern constitutional system, public participation is no longer seen as a mere complement, but as one of the important elements that determine the quality and legitimacy of a policy. The involvement of the community in the process of forming regulations and public policies is a manifestation of the principle of people's sovereignty which places citizens as parties who have the right to convey aspirations, criticisms, and inputs to every policy that has an impact on common life. This concept is in line with the principles of the state of law and democracy which requires an open, accountable, and responsive government to the needs of the community (Mar'ah et al., 2022; Sofwan, 2022).

The development of the modern government paradigm has brought changes to the pattern of relations between the government and society. If in the past policy formation was more top-down, then the development of democracy requires a more participatory and collaborative process. Community participation is seen as able to improve the quality of policy substance because the community is the party that directly understands the needs and problems faced. Community involvement is also a means to encourage the creation of policies that are responsive and have a higher level of acceptance. Thus, public participation not only functions as an instrument of democracy, but also as a means of realizing effective and fair legal products (Widiati et al., 2019; Oktavia, 2022).

In Indonesia's positive legal perspective, the guarantee of public participation has a strong constitutional foundation. The 1945 Constitution of the Republic of Indonesia affirms that sovereignty is in the hands of the people and is implemented according to the Constitution. Furthermore, Law Number 14 of 2008 concerning Public Information Disclosure provides the right to the public to obtain information as a prerequisite for effective participation. In addition, Law Number 30 of 2014 concerning Government Administration emphasizes the importance of the principle of openness and accountability in the administration of government. Further strengthening is provided through Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 which emphasizes the importance of meaningful participation in the formation of laws and regulations. The presence of these various legal instruments shows that community participation has gained strong juridical legitimacy in the national legal system (Riyanto, 2020).

On the other hand, the development of the concept of good governance also strengthens the urgency of community participation in the policy-making process. Good governance not only emphasizes the effectiveness of government administration, but also prioritizes transparency, accountability, responsiveness, and community involvement in the decision-making process. Community participation is one of the important indicators to assess the quality of good governance. Governments that provide a wide range of participation tend to produce policies that are more adaptive to

social dynamics and have stronger legitimacy in society (Triyanto et al., 2021; Khosrowjerdi, 2022).

However, the implementation of community participation in policy formation still faces various challenges. Limited access to information, low understanding of public law, dominance of certain groups, and lack of optimal public consultation mechanisms are factors that can hinder the realization of meaningful participation. This condition has the potential to reduce the quality of democracy and distance the goal of forming laws that are responsive to the needs of the community. In addition, the increasingly complex development of society requires the strengthening of participation mechanisms that are able to ensure more effective and sustainable community involvement (Rosidin, 2019; Akhmaddhian, 2020).

Various previous studies have generally placed community participation as an important factor in producing aspirational and democratic policies. However, the discussion of the relationship between public participation and the strengthening of democracy and good governance still requires further study through a comparative legal approach. The study is important to understand how the principles of public participation are strengthened in the legal system and how their implementation can support the realization of democratic and accountable government (Sudianing & Ardana, 2022; Timothy, 2018).

Based on this description, this study is directed to answer two research questions. First, what is the urgency of public participation in policy formation as an instrument to strengthen democracy from a legal perspective? Second, how can strengthening the principle of good governance support the realization of effective community participation in policy formation?

2. | RESEARCH METHOD

This research uses a normative legal research method with a comparative approach that aims to analyze and compare various legal concepts, principles, and regulations related to public participation in policy formation and strengthening good governance. A comparative approach is used to identify similarities, differences, and linkages between the principles of community participation that develop in various scientific studies and the arrangements contained in the positive legal system. Through this approach, this research seeks to gain a more comprehensive understanding of the position of public participation as an instrument for strengthening democracy and good governance from a legal perspective.

The type of research used is library research with an emphasis on the analysis of primary legal materials and secondary legal materials. The primary legal materials consist of the 1945 Constitution of the Republic of Indonesia, Law Number 14 of 2008 concerning Public Information Disclosure, Law Number 30 of 2014 concerning Government Administration, and Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Establishment of Laws and Regulations. Meanwhile, secondary legal materials were obtained from various

literature in the form of books, scientific journal articles, and research results published in the 2018–2022 period and were relevant to the themes of public participation, democracy, the formation of laws and regulations, and the principles of good governance.

The collection of legal materials is carried out through documentation studies by searching through various scientific sources indexed by Google Scholar. All legal materials that have been collected are then classified based on their relevance to the focus of the research. Furthermore, a comparative process was carried out on various views and results of previous research to find similarities and differences in concepts that developed regarding community participation in policy formation. This approach allows researchers to gain a broader picture of the urgency of public participation and its relevance to strengthening the principles of democratic and accountable governance.

The analysis of legal materials is carried out in a qualitative descriptive manner by examining and interpreting every provision of laws and regulations and the opinions of experts contained in various library sources. The analysis is directed to produce systematic legal arguments on the importance of public participation in policy formation and how the principles of good governance can support the realization of effective community participation mechanisms. Thus, the comparative method used in this study is expected to be able to provide a deeper understanding of the relationship between public participation, democracy, and good governance from a legal perspective.

3. | RESULTS

The Urgency of Public Participation in Policy Formation as an Instrument for Strengthening Democracy in a Legal Perspective

Public participation is one of the fundamental elements in a democratic state of law. In the development of the modern constitutional system, policy formation is no longer understood as the exclusive authority of the government, but as a process that must involve the community as the holder of sovereignty. The involvement of the community in the decision-making process reflects the implementation of democratic principles that place the people as subjects in the administration of government. Therefore, public participation has a strategic position in realizing policies that are fair, responsive, and have strong legitimacy. Community participation in essence aims not only to provide space for the delivery of aspirations, but also to be a mechanism for monitoring the running of government so that it continues to run in accordance with the principles of the state of law and democracy (Mar'ah et al., 2022; Sofwan, 2022).

From a constitutional perspective, the principle of people's sovereignty as stipulated in the 1945 Constitution of the Republic of Indonesia is the normative basis for the implementation of community participation in policy formation. The concept was then strengthened through Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Establishment of Laws and Regulations which provides an affirmation of the importance of meaningful community participation. The

presence of these provisions shows that community involvement is not just a formality, but an inseparable part of the process of forming democratic regulations. Meaningful participation provides opportunities for the public to obtain information, express opinions, and get explanations for the input provided so that the quality of regulatory formation can be further improved (Oktavia, 2022).

Community participation also has a close relationship with policy legitimacy. Policies that are prepared by involving the community tend to obtain a higher level of acceptance compared to policies that are formed behind closed doors. Community involvement allows the government to gain a broader perspective on the needs, problems, and interests that are developing in social life. Thus, the resulting policy not only has juridical power, but also acquires social legitimacy which is one of the indicators of the successful implementation of a policy. Legal products born through a participatory process will be more responsive to the needs of the community and be able to minimize potential conflicts arising from the mismatch between legal norms and social realities (Widiati et al., 2019; Rosidin, 2019).

The urgency of public participation is also related to efforts to realize the principle of openness in the administration of government. Law Number 14 of 2008 concerning Public Information Disclosure provides guarantees for the public's right to obtain information related to public policies. Information disclosure is the main prerequisite for effective participation, because the public cannot provide quality input if access to information is still limited. In this context, the right to obtain information is an important part of the protection of citizens' rights in the modern democratic system. The more open the policy-making process, the greater the opportunity for the community to actively participate in the process so as to create a more harmonious relationship between the government and the community (Khosrowjerdi, 2022).

In addition to being related to legitimacy and openness, public participation also plays a role in improving the quality of policies. Community involvement allows for the exchange of information and experiences that can enrich the substance of policies. Various aspirations and needs that develop in society can be accommodated through participation mechanisms so that the resulting policies become more adaptive to social changes. This condition shows that public participation has a preventive function in reducing the possibility of ineffective policies or contrary to the interests of the community. Therefore, community participation is one of the important factors in producing responsive and sustainable policies (Akhmaddhian, 2020; Sudianing & Ardana, 2022).

From a democratic perspective, community participation also contributes to strengthening the legal culture and legal awareness of the community. Community involvement in the policy formation process will foster a sense of ownership of the policies produced. This condition indirectly encourages increased compliance with the law because the public feels that the applicable norms are the result of a joint process that pays attention to the aspirations of various parties. Community participation is also

a means of political education and legal education that can substantively improve the quality of democracy. Democracy is not only understood as a general election mechanism, but also as a process that ensures the involvement of the community in every stage of government administration (Timotius, 2018).

Furthermore, public participation has an important role in creating an accountable government. Law Number 30 of 2014 concerning Government Administration places the principles of openness and accountability as part of the general principles of good governance. In this context, the community functions as an instrument of control over the administration of government. The presence of community participation encourages the government to be more careful in formulating policies because every decision taken must be accountable to the public. Thus, community participation not only functions as a means of democracy, but also as an instrument to strengthen transparency and accountability in the administration of government (Triyanto et al., 2021).

Based on this description, it can be understood that public participation has great urgency in policy formation as an instrument for strengthening democracy from a legal perspective. Community participation not only serves to increase the legitimacy and quality of policies, but also serves as a means to realize openness, accountability, and strengthening the legal culture in society. Therefore, the existence of an effective participation mechanism is one of the important prerequisites in creating a democratic, responsive, and community-oriented government system at large.

Strengthening the Principles of Good Governance in Supporting the Realization of Effective Community Participation in Policy Formation

The development of the paradigm of modern government implementation places good governance as one of the most important principles in realizing a democratic government that is responsive to the needs of the community. Good governance is essentially a governance concept that emphasizes transparency, accountability, effectiveness, the rule of law, and community participation in every decision-making process. In the context of policy formation, the application of good governance principles is a factor that determines the quality of the relationship between the government and the community. Community involvement will not run optimally if the administration of government is still carried out behind closed doors and does not provide adequate space for the community to actively participate. Therefore, strengthening the principles of good governance is one of the important prerequisites in creating effective and sustainable public participation (Triyanto et al., 2021; Khosrowjerdi, 2022).

Community participation as one of the main elements of good governance is closely related to the principle of information disclosure. Information disclosure allows the public to gain access to various information related to the policy-making process so that the public can provide input rationally and constructively. Law Number 14 of 2008 concerning Public Information Disclosure has provided legal guarantees for the public's

right to obtain public information. With this openness, the relationship between the government and the community becomes more transparent and allows for a more effective communication process in policy formation. Access to adequate information is the main requirement for the realization of meaningful community participation because without sufficient information, the community cannot contribute optimally to the decision-making process (Riyanto, 2020).

In addition to openness, the principle of accountability also has an important role in supporting community participation. Accountability means that every government action and policy must be accountable to the community. This principle is in line with the provisions in Law Number 30 of 2014 concerning Government Administration which places the principles of openness, meticulousness, and accountability as part of the general principles of good governance. In the framework of good governance, accountability encourages the government to involve the community in the decision-making process so that the resulting policies have strong legitimacy and are in accordance with the public interest. The existence of a clear accountability mechanism will also increase public trust in the government and substantially strengthen the quality of democracy (Triyanto et al., 2021).

Strengthening the principle of good governance is also related to efforts to improve the quality of the formation of laws and regulations. Law Number 13 of 2022 emphasizes the importance of meaningful participation as part of the process of forming democratic regulations. This concept shows that community participation is not only limited to listening to public opinions, but also provides opportunities for the community to obtain an explanation of the results of the discussions that have been carried out. Thus, society is no longer positioned as an object of policy, but rather as a subject who has the right to participate in every stage of regulatory formation. This approach is part of the implementation of good governance that prioritizes the principles of openness, participation, and accountability in the administration of government (Oktavia, 2022).

In practice, the effectiveness of community participation is also influenced by the level of legal awareness and the capacity of the community to understand various issues related to public policy. People who have a good level of legal literacy tend to be more active in providing input and supervising the running of government. Therefore, strengthening good governance must be accompanied by efforts to empower the community through legal education and increasing community capacity in understanding the policy formation process. Community empowerment is one of the strategies that can encourage the creation of more inclusive and quality participation so that the policies produced truly reflect the needs of the community at large (Sofia, 2021; Akhmaddhian, 2020).

In addition, the principle of good governance also encourages the creation of a government that is responsive to the aspirations of the community. A responsive government will find it easier to build effective communication with the community

and be able to adapt policies to evolving social dynamics. The responsiveness of the government is one of the factors that determine the success of the implementation of public participation because the public will be more encouraged to get involved if the aspirations they convey receive adequate attention. On the contrary, low government responsiveness can reduce public trust and hinder the realization of effective participation. Therefore, the success of the implementation of good governance is highly dependent on the government's ability to build harmonious and collaborative relationships with the community (Mar'ah et al., 2022).

Furthermore, the application of the principle of good governance also contributes to the creation of responsive legal products. Responsive legal products are laws that are formed by considering the aspirations and needs of the community so that they are easier to accept and implement by the community. Community involvement in the policy-making process will strengthen the social legitimacy of the resulting policies and reduce potential conflicts that can arise due to the incompatibility between legal norms and community needs. Thus, strengthening the principle of good governance not only has an impact on improving the quality of government administration, but also affects the effectiveness of law implementation in people's lives (Widiati et al., 2019; Rosidin, 2019).

Based on this description, it can be understood that strengthening the principles of good governance has a very important role in supporting the realization of effective community participation in policy formation. The principles of openness, accountability, responsiveness, and participation are interrelated and inseparable elements in realizing a democratic government. Therefore, optimizing the application of the principles of good governance is a fundamental need in strengthening the quality of democracy, increasing policy legitimacy, and creating a government system that is more transparent, accountable, and oriented to the interests of the community.

4. | CONCLUSION

Public participation has a very important position in policy formation as one of the instruments for strengthening democracy from a legal perspective. The involvement of the community in the policy-making process not only reflects the implementation of the principle of people's sovereignty, but also becomes a means to realize policies that are more responsive, fair, and have strong legitimacy. In a democratic state of law, the public is no longer positioned as the object of a policy, but as a subject who has the right to obtain information, express opinions, and participate in every stage of decision-making. The recognition of the importance of public participation has also gained a juridical basis through various laws and regulations that prioritize the principles of openness, accountability, and community participation in the administration of government.

In addition to functioning as an instrument to strengthen democracy, public participation also contributes to improving the quality of policies and legal products produced. The involvement of various elements of society allows the accommodation

of various needs and interests that develop in social life so that the policies formed become more adaptive and have a higher level of acceptance. Thus, public participation has a strategic role in creating a legal system that is responsive and oriented towards the interests of the community at large.

On the other hand, strengthening the principle of good governance is an important factor that supports the realization of effective community participation in policy formation. The principles of openness, accountability, responsiveness, and participation are interrelated elements in building democratic governance. The application of these principles is able to increase public trust in the government while creating a more collaborative relationship in the decision-making process. Therefore, optimizing the implementation of good governance is a fundamental need in strengthening the quality of democracy, increasing policy legitimacy, and realizing the implementation of government that is transparent, accountable, and oriented to the public interest. With the synergy between community participation and the application of the principles of good governance, it is hoped that a more democratic, responsive policy-making system will be created, and able to respond to various dynamics that develop in people's lives.

Acknowledgment

We gratefully acknowledge the contributions of individuals who supported the completion of this article.

Funding Information

This research did not receive any funding.

Conflict of Interest Statement

The authors declare that there is no conflict of interest.

Ethical Approval and Originality Statement

Ethical approval was obtained for this study. The manuscript represents original work and has not been previously published, nor is it under consideration by another journal.

Data Disclosure Statement

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

REFERENCES

- Akhmaddhian, S. (2020). Pelatihan Pembuatan Peraturan Desa Di Kecamatan Banjaran, Majalengka. *Empowerment: Jurnal Pengabdian Masyarakat*, 3(01).
- Constitution of the Republic of Indonesia in 1945.
- Khosrowjerdi, M. (2022, February). Good governance and national information transparency: A comparative studkaky of 117 countries. In *International Conference on Information* (pp. 143-160). Cham: Springer International Publishing.
- Law Number 14 of 2008 concerning Public Information Disclosure.
- Law Number 30 of 2014 concerning Government Administration.
- Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Establishment of Laws and Regulations.
- Mar'ah, G. I., Malinda, R., & Pramesta, S. D. (2022). Partisipasi masyarakat dalam penyusunan peraturan desa di indonesia. *Verfassung: Jurnal Hukum Tata Negara*, 1(1), 35-54.
- Oktavia, M. O. (2022). Penguatan partisipasi masyarakat dalam proses pembentukan peraturan perundang-undangan. *Jurist-Diction*, 5(4), 1449–1468.
- Riyanto, H. B. (2020). Pembaruan Hukum Nasional Era 4.0. *Jurnal Rechtsvinding: Media Pembinaan Hukum Nasional*, 9(2), 161.
- Rosidin, U. (2019). Partisipasi Masyarakat Desa dalam Proses Pembentukan Peraturan Desa yang Aspiratif. *Jurnal Bina Mulia Hukum*, 4(1), 168-184.
- Sofia, A. (2021). Konsep Awal Pemberdayaan Masyarakat oleh Aisyiyah Kajian Media terhadap Suara 'Aisyiyah Edisi Pra-Kemerdekaan. *Aplikasia: Jurnal Aplikasi Ilmu-Ilmu Agama*, 21(1), 45-58.
- Sofwan, S. (2022). Urgensi Partisipasi Publik Dalam Pembentukan Peraturan Daerah. *Jatiswara*, 37(1), 118-126.
- Sudianing, N. K., & Ardana, D. M. J. (2022). Efektivitas Musyawarah Perencanaan Pembangunan Desa (Musrenbangdes) Di Masa Pandemi Covid19 Di Desa Padangbulia Kecamatan Sukasada. *Locus*, 14(2), 100-115.
- Timotius, R. (2018). Revitalisasi desa dalam konstelasi desentralisasi menurut Undang-Undang Nomor 6 Tahun 2014 tentang Desa. *Jurnal Hukum & Pembangunan*, 48(2), 323-344.
- Triyanto, D., Purnawan, H., & Saputra, B. (2021). Penerapan Prinsip Good Governance Dalam Pelayanan Publik Di Puskesmas Betungan Kota Bengkulu: Application Of Good Governance Principles In Public Services At The Betungan Community Health Center, Bengkulu City. *Restorica: Jurnal Ilmiah Ilmu Administrasi Negara dan Ilmu Komunikasi*, 7(1), 1-6.