

Legislative Formation and Democratic Governance in Indonesia: Assessing Public Participation in Law-Making Processes

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ABSTRACT

Public participation stands as an essential component of modern democratic governance because it directly strengthens legislative legitimacy, procedural transparency, and institutional accountability within the state structure. This comprehensive normative juridical study examines legislative formation and democratic governance in Indonesia, grounding its detailed analysis in the 1945 Constitution, Law No. 12 of 2011, Law No. 13 of 2022, and Constitutional Court Decision No. 91/PUU-XVIII/2020. Utilizing both statutory and conceptual frameworks, the evaluation thoroughly reviews primary and secondary legal materials to determine how public consultation effectively operates within the modern law-making lifecycle. The core findings indicate that meaningful public involvement significantly improves legislative legitimacy, promotes administrative transparency, and enhances overall public accountability. Nevertheless, substantial challenges concerning practical implementation, procedural legitimacy, and public accessibility continue to hinder optimal governance outcomes. The study concludes that strengthening genuine public participation remains entirely indispensable for advancing democratic governance, protecting fundamental constitutional rights, and substantially improving overall legislative quality throughout Indonesia.

Keywords: *Legislative Formation, Democratic Governance, Public Participation, Law-Making Process, Indonesia, Constitutional Law.*

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1. | INTRODUCTION

Democratic governance requires legislative processes that are transparent, accountable, and responsive to public interests. In democratic systems, laws are not only instruments of state authority but also products of collective decision-making that reflect the aspirations of society. Therefore, legislative legitimacy depends on both the substance of legislation and the procedures used in its formulation. Public participation has become an important principle in contemporary law-making because it allows citizens to contribute to legislative processes and strengthens democratic accountability. Democratic governance is closely related to the principle of popular sovereignty, where legislative institutions are expected to translate public aspirations into legal norms. Negretto (2020) argues that democratic legitimacy depends on participatory and representative law-making processes that provide citizens with opportunities to influence legal development. Similarly, Ostwald (2023) emphasizes that democratic governance requires legal systems that maintain strong connections between public participation and legislative authority.

In Indonesia, democratic governance is based on the 1945 Constitution, which recognizes popular sovereignty as a fundamental principle of state administration. Article 1 paragraph (2) states that sovereignty belongs to the people and is exercised according to constitutional provisions. Legislative formation is further regulated through Law No. 12 of 2011 concerning the Formation of Laws and Regulations, as amended by Law No. 13 of 2022. These laws establish procedures for drafting, discussing, and enacting legislation while emphasizing transparency, openness, and public participation. The legislative framework therefore seeks to ensure that law-making remains accountable and responsive to societal needs.

Public participation has become an increasingly important issue in Indonesia's legislative development. Citizens expect opportunities to provide input on policies that affect public interests. Wardana et al. (2023) argue that public participation strengthens legislative legitimacy by allowing citizens to influence legal development. Likewise, Sianipar et al. (2022) emphasize that participatory legislation contributes to democratic governance by encouraging dialogue between lawmakers and society. The importance of participation has become more visible following debates surrounding omnibus legislation and other strategic national policies, which raised concerns regarding transparency, consultation, and procedural legitimacy. These developments highlight the need for legislative processes that provide meaningful rather than merely formal opportunities for public engagement.

A significant development occurred through Constitutional Court Decision No. 91/PUU-XVIII/2020, which emphasized the importance of meaningful public participation during legislative formation. The decision encouraged greater openness throughout the law-making process and later influenced the revision of Law No. 13 of 2022. Meaningful participation extends beyond procedural consultation by ensuring access to information, opportunities to express opinions, and consideration of public

input during legislative deliberations. Prastyo (2022) argues that meaningful participation is an essential democratic standard because it ensures that public involvement influences legislative outcomes rather than functioning solely as a procedural requirement. Similarly, Nursetiawan and Ardhanariswari (2022) explain that meaningful participation strengthens inclusiveness, accountability, and democratic rule-of-law principles. Artioko (2022) further argues that Law No. 13 of 2022 represents an effort to institutionalize meaningful participation within Indonesia's legislative procedures, although practical challenges remain regarding its implementation.

Transparency and accountability are also important dimensions of democratic law-making. Open legislative processes and public access to legislative information strengthen public trust and institutional legitimacy. Firdaus (2022) argues that transparency enhances democratic governance by enabling public oversight and reducing barriers to participation. Nevertheless, debates concerning omnibus legislation, procedural legitimacy, and the implementation of meaningful participation indicate that tensions continue to exist between legislative efficiency and democratic inclusiveness.

Although previous studies have examined public participation, legislative reform, and constitutional developments in Indonesia, most focus on specific legislative cases or individual legal reforms. Comprehensive studies examining legislative formation and democratic governance from the perspective of participatory law-making remain limited, particularly following the enactment of Law No. 13 of 2022 and Constitutional Court Decision No. 91/PUU-XVIII/2020. To address this gap, this study employs a normative juridical method using statutory and conceptual approaches to analyze the 1945 Constitution, Law No. 12 of 2011, Law No. 13 of 2022, Constitutional Court Decision No. 91/PUU-XVIII/2020, and relevant legal literature. The study addresses two research questions: (1) How do these legal instruments normatively regulate public participation to establish legislative legitimacy and democratic governance in Indonesia? and (2) What are the normative implications of contemporary legal and institutional challenges for preserving democratic governance and meaningful participation? By answering these questions, this study seeks to provide a comprehensive legal understanding of how Indonesia's legislative framework promotes democratic governance through meaningful public participation.

2. | RESEARCH METHOD

This study employs a normative juridical research method to examine legislative formation and democratic governance in Indonesia, with particular emphasis on public participation in the law-making process. Normative juridical research focuses on examining legal rules, statutory regulations, legal principles, and doctrinal frameworks relevant to the core issues of legislative formation, public participation, and constitutional democracy. This approach is particularly suitable for analyzing how legal norms are structured and interpreted within domestic legislation and constitutional

court decisions. To conduct a comprehensive legal evaluation, this study utilizes two primary analytical approaches: the statutory approach and the conceptual approach. The statutory approach involves examining all laws and regulations related to legislative formation, with a specific focus on the 1945 Constitution, Law No. 12 of 2011 concerning the Formation of Laws and Regulations, its amendment Law No. 13 of 2022, and Constitutional Court Decision No. 91/PUU-XVIII/2020.

The conceptual approach involves examining legal doctrines, principles of democratic governance, legislative legitimacy, institutional accountability, transparency, and meaningful public participation as articulated in legal scholarship and democratic governance literature. The legal materials utilized in this research are categorized into primary and secondary legal materials. Primary legal materials comprise authoritative legal texts and statutory regulations, notably the 1945 Constitution of the Republic of Indonesia, Law No. 12 of 2011, Law No. 13 of 2022, and Constitutional Court Decision No. 91/PUU-XVIII/2020. Secondary legal materials consist of legal literature, textbooks, scholarly journal articles, statutory commentaries, jurisprudence, and legal doctrines concerning legislative formation, public participation, and democratic governance.

The collected legal materials are analyzed using qualitative juridical analysis. This analytical process involves the systematic interpretation of statutory provisions, the evaluation of legal concepts, and the synthesis of doctrinal perspectives to answer the research questions concerning how legislative formation frameworks establish public participation and democratic governance in Indonesia. Through rigorous legal reasoning and systematic interpretation, this method provides a solid doctrinal foundation for understanding the normative relationship between legislative laws and democratic stability.

3. | RESULTS & DISCUSSION

The findings indicate that public participation plays an important role in strengthening democratic governance within Indonesia's legislative formation process. The literature consistently shows that participatory law-making contributes to legislative legitimacy, transparency, accountability, and public trust. Indonesia has also established a legal framework supporting participatory legislation through the 1945 Constitution, Law No. 12 of 2011, Law No. 13 of 2022, and Constitutional Court Decision No. 91/PUU-XVIII/2020. These regulations provide opportunities for citizens to become involved in legislative processes, although several challenges remain regarding implementation and the quality of participation. One of the main findings concerns the relationship between public participation and democratic legitimacy. Democratic governance requires legislative processes that not only comply with legal procedures but also provide meaningful opportunities for citizens to express their interests and opinions. Public involvement allows legislators to better understand social needs and encourages broader acceptance of legislative outcomes. Wardana et al. (2023) explain that public participation strengthens the democratic character of

legislation by enabling citizens to engage directly in the law-making process. Likewise, Hatta (2023) emphasizes that participation improves communication between legislative institutions and society through policy dialogue.

These findings indicate that citizen involvement contributes not only to legislative legitimacy but also to stronger public confidence in democratic institutions. The findings further reveal that participation improves the quality of legislation. Citizens often possess practical knowledge and experience that can enrich legislative discussions and help identify the potential impacts of proposed laws. Through consultation mechanisms and public engagement, legislators are able to obtain broader perspectives before making policy decisions. Huzaeni and Nada (2022) argue that participatory legislative processes produce more responsive and inclusive legal frameworks because they accommodate diverse social perspectives. Therefore, participation should not be viewed merely as a formal requirement but as an important instrument for improving legislative quality and democratic governance.

Another important finding concerns the growing recognition of meaningful participation within Indonesia's legislative system. Constitutional Court Decision No. 91/PUU-XVIII/2020 represents an important milestone because it emphasizes that public participation should involve more than procedural consultation. The Court identifies three important elements of meaningful participation, namely access to information, opportunities to express opinions, and consideration of public input during legislative deliberations. These principles have significantly influenced discussions concerning democratic law-making in Indonesia. This finding is supported by previous studies. Prastyo (2022) argues that meaningful participation ensures that public involvement contributes to legislative outcomes rather than functioning only as a symbolic process. Similarly, Nursetiawan and Ardhanariswari (2022) explain that meaningful participation reflects democratic rule-of-law principles because it strengthens openness, accountability, and inclusiveness. These studies suggest that the effectiveness of participation depends not only on the availability of participation mechanisms but also on the quality of citizen engagement throughout the legislative process.

Recent legal reforms have also strengthened participatory governance in Indonesia. Law No. 13 of 2022 introduced several improvements following the Constitutional Court's decision by incorporating meaningful participation into legislative procedures. According to Artioko (2022), this reform represents an important effort to institutionalize democratic law-making practices. Likewise, Cholik (2024) notes that recent legislative reforms increasingly recognize citizen participation as an essential component of democratic governance. These developments indicate that Indonesia has made significant progress in strengthening the normative basis of participatory legislation. Transparency also emerged as a major theme throughout the reviewed literature. Effective participation requires citizens to have adequate access to legislative

information, proposed regulations, and policy objectives. Without sufficient information, public consultation cannot function effectively.

Firdaus (2022) explains that transparency enables meaningful participation by ensuring that citizens understand legislative developments. Similarly, Wardana et al. (2023) argue that transparency strengthens public oversight and improves accountability during legislative processes. The findings further indicate that transparency contributes directly to public trust. Citizens are more likely to perceive legislative institutions as legitimate when legislative procedures are conducted openly and relevant information is accessible. Public access to legislative information reduces uncertainty regarding policy decisions and enables citizens to evaluate legislative performance more effectively. Consequently, transparency functions as an important mechanism for strengthening democratic governance, institutional legitimacy, and public confidence in Indonesia's legislative system.

Accountability represents another important dimension identified in this study. Legislative institutions are expected to justify policy decisions and remain responsive to public concerns. Participation mechanisms create opportunities for citizens to evaluate legislative performance and encourage lawmakers to consider public interests during policy formulation. Jackson (2022) argues that democratic law-making depends upon accountability relationships between lawmakers and citizens. Therefore, participation, transparency, and accountability should be understood as interconnected principles that collectively strengthen democratic governance and improve the legitimacy of legislative institutions. The findings also demonstrate that constitutional review has an important role in protecting democratic governance within Indonesia's legislative process. Constitutional Court Decision No. 91/PUU-XVIII/2020 shows that judicial institutions function not only as interpreters of the Constitution but also as safeguards of participatory rights and procedural legitimacy. The decision emphasizes that legislative procedures should comply with constitutional principles by providing meaningful opportunities for public participation.

Pujayanti et al. (2024) argue that the Constitutional Court contributes significantly to democratic governance by ensuring that legislative processes remain consistent with constitutional requirements. These findings suggest that judicial oversight strengthens legislative accountability while promoting public confidence in the law-making process. Another important issue identified in this study concerns the implementation of omnibus legislation. The omnibus approach offers advantages by simplifying legislative reform and improving regulatory efficiency through the integration of multiple legal provisions into a single law. However, the literature also indicates that this approach creates important challenges for democratic governance. Harjono (2020) explains that omnibus legislation may reduce opportunities for effective public consultation because legislative proposals often contain extensive and highly complex regulatory changes. Likewise, Zakaria (2023) emphasizes that legislative efficiency should not reduce transparency, participation, or procedural legitimacy. Therefore,

although efficiency remains an important objective of legislative reform, democratic principles must continue to receive equal attention throughout the legislative process.

The findings further reveal that digital participation has become an increasingly important aspect of democratic governance. Advances in information technology provide new opportunities for citizens to participate in legislative processes through online consultations, digital information systems, and electronic participation platforms. Digital participation can broaden access to legislative information and encourage wider public involvement in policy discussions. Pamungkas and Yusuf (2023) argue that smart-legislation initiatives have the potential to improve public participation by expanding access to legislative processes through digital technologies. These developments indicate that technological innovation can strengthen democratic governance when supported by appropriate institutional arrangements and effective public communication. Despite these positive developments, the findings indicate that significant challenges remain in implementing meaningful public participation. Several studies show that public consultation mechanisms are not always accompanied by substantive consideration of public opinions during legislative deliberations. In some cases, participation is limited to fulfilling procedural requirements without significantly influencing legislative outcomes.

Ishomuddin (2024) argues that differences between legal participation requirements and their practical implementation continue to affect legislative legitimacy. Similarly, Annisa (2024) identifies continuing concerns regarding the effectiveness of participation mechanisms following the enactment of Law No. 13 of 2022. These findings indicate that the success of participatory governance depends not only on legal provisions but also on the commitment of legislative institutions to implement participation consistently. Another challenge concerns public accessibility and awareness. Although participation opportunities are increasingly available, many citizens still experience difficulties understanding legislative procedures or accessing technical legal information. Complex legal language, limited dissemination of information, and unequal access to participation channels may reduce the effectiveness of public engagement. As a result, formal participation mechanisms do not always guarantee meaningful participation. Improving public legal awareness, simplifying legislative information, and expanding access to consultation mechanisms are therefore important steps toward strengthening democratic governance.

The relationship between participation, transparency, and accountability appears consistently throughout the findings. These three principles are mutually reinforcing and collectively contribute to democratic legitimacy. Public participation allows citizens to express their interests, transparency provides access to information needed for informed participation, and accountability ensures that legislative institutions remain responsible for their decisions. When these principles are implemented together, legislative processes become more responsive, inclusive, and consistent with democratic values. Conversely, weaknesses in one dimension may reduce the

effectiveness of the others and weaken public trust in legislative institutions. The findings demonstrate that Indonesia has established a relatively strong normative framework for participatory legislative governance through the 1945 Constitution, Law No. 12 of 2011, Law No. 13 of 2022, and Constitutional Court Decision No. 91/PUU-XVIII/2020.

These legal instruments recognize public participation as an essential component of democratic law-making and provide institutional mechanisms to support transparency, accountability, and legislative legitimacy. Nevertheless, implementation challenges remain, particularly regarding meaningful participation, legislative transparency, institutional responsiveness, and public accessibility. Based on the reviewed literature, strengthening democratic governance requires continuous improvement of participation mechanisms rather than merely expanding formal consultation procedures. Legislative institutions should ensure that public opinions are genuinely considered during legislative deliberations, while transparency and accountability should be consistently implemented throughout every stage of the legislative process. Digital participation should also be further developed to increase public access without reducing inclusiveness or procedural fairness. By strengthening these aspects, Indonesia can improve legislative legitimacy, reinforce public trust, and promote more democratic, transparent, and accountable legislative governance in the future.

5. | CONCLUSION

This study examined legislative formation and democratic governance in Indonesia through a normative juridical research method focusing on public participation in the law-making process. Utilizing statutory and conceptual approaches, the analysis focused on the 1945 Constitution, Law No. 12 of 2011, Law No. 13 of 2022, and Constitutional Court Decision No. 91/PUU-XVIII/2020 as the principal legal frameworks governing participatory legislation. Addressing the first research question, the findings demonstrate that the 1945 Constitution, Law No. 12 of 2011, Law No. 13 of 2022, and Constitutional Court Decision No. 91/PUU-XVIII/2020 normatively establish a robust legal foundation for public participation that strengthens legislative legitimacy and democratic governance. Citizens are more likely to accept legal outcomes, participate in democratic processes, and support legislative institutions when laws are formulated in accordance with transparent, accountable, and inclusive legal standards. Consequently, public participation functions not only as a procedural requirement but also as a fundamental pillar for building confidence in democratic law-making.

Addressing the second research question, the normative implications reveal that contemporary legal and institutional challenges such as implementation gaps, procedural legitimacy concerns, omnibus legislation complexities, and technological barriers continue to test public confidence and meaningful participation within the legislative framework. Overcoming these vulnerabilities requires rigorous statutory

enforcement, robust legal certainty, enhanced institutional responsiveness, and active judicial oversight. The study concludes that meaningful public participation constitutes an essential indicator of democratic governance in Indonesia. Strengthening legislative formation through improved statutory clarity, institutional accountability, enhanced transparency, and the active protection of participatory rights remains indispensable for maintaining public confidence, safeguarding constitutional rights, and ensuring the long-term stability of democratic governance.

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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.

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