

The Influence of Public Policy on Democratic Participation from the Rule of Law Perspective

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ABSTRACT

Democratic participation constitutes an essential element in the implementation of the rule of law and good governance. This study aims to analyze the effectiveness of legal regulations governing public participation in supporting participatory democracy and to explain the urgency of strengthening public participation in achieving democratic, transparent, and accountable governance. This research employs a normative juridical method using statutory, conceptual, and analytical approaches. Primary legal materials consist of Law Number 13 of 2022, Law Number 30 of 2014, and Law Number 14 of 2008, supported by scholarly literature published over the last five years. The findings indicate that these regulations have provided an adequate normative foundation for ensuring public involvement through the principles of openness, accountability, and meaningful participation. Furthermore, strengthening democratic participation has strategic importance in enhancing the legitimacy of public policies, reinforcing oversight of governmental administration, and promoting the realization of the rule of law and good governance oriented toward public interests.

Keywords: *Good Governance; Participatory Democracy; Public Participation; Public Policy; Rule of Law.*

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ARTICLE HISTORY

Received : June 14, 2025
Final Revised : October 18, 2025
Accepted : November 1, 2025
Published : December 30, 2025

1. | INTRODUCTION

The democratic participation of the community is one of the fundamental elements in the modern state of law that places citizens not only as policy objects, but also as subjects who have the right to be involved in the process of formulation, implementation, and evaluation of public policies. In a democratic government system, the existence of community participation is an important instrument to ensure policy legitimacy and realize governance that is transparent, accountable, and responsive to public needs. The development of the concept of contemporary democracy shows that the quality of democracy is no longer only measured by the mechanism of representation, but also by the level of public involvement in the decision-making process that affects the public interest. Therefore, the relationship between public policy and democratic participation of the community is an issue that has strong relevance in legal studies, especially in the context of the state of law that prioritizes the protection of citizens' rights (Wirakusuma & Riwanto, 2022; Putri, 2023).

From a legal perspective, the recognition of the public's right to participate in the process of government administration has gained a fairly strong normative foundation through Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Establishment of Laws and Regulations, Law Number 30 of 2014 concerning Government Administration, and Law Number 14 of 2008 concerning Public Information Disclosure. The three regulations in principle emphasize the importance of openness, accountability, and community involvement as part of the implementation of good governance. The presence of such an arrangement shows that community participation is not just a political necessity, but also a right guaranteed by the legal system. In its development, the concept of public participation has undergone a transformation into a concept of meaningful participation that places the community as a party that has the opportunity to be heard, considered, and obtain explanations for the aspirations conveyed in the process of forming and implementing policies (Nursetiawan & Ardhanariswari, 2022; Taufiq & Safitri, 2023).

However, the existence of regulations governing public participation does not automatically guarantee the realization of effective democratic participation. Several studies show that the implementation of the principle of public participation still faces various challenges, both related to access to information, communication mechanisms between the government and the community, and the level of accountability in decision-making. Information disclosure that is not fully optimal has the potential to hinder the ability of the public to participate substantively in the policy process. At the same time, governance that has not fully accommodated the principles of good governance can affect the quality of the relationship between the government and the community in the process of implementing government (Syam & Tenrilawa, 2022; Rayhan et al., 2024). Therefore, the effectiveness of regulations that regulate public participation is an important factor in determining the extent to which public policies are able to encourage the strengthening of participatory democracy.

The development of the legal literature over the past few years shows that there is a growing attention to the concept of meaningful participation as an instrument to improve the quality of policy formation and legal legitimacy. Various studies confirm that purely procedural participation is no longer sufficient to answer people's demands for open and accountable government. On the contrary, a participation mechanism is needed that allows the community to contribute significantly to the decision-making process so that it can produce more responsive and public-interest-oriented policies (Andriani, 2023; Syafril & Sjarif, 2023; Mahatta & Febriyanto, 2024). In addition, the use of technology and electronic participation systems is also beginning to be seen as an alternative to expand public access to policy processes, although its effectiveness still requires strengthening from regulatory and institutional aspects (Wirakusuma & Riwanto, 2022; Wafi & Izzi, 2024).

Based on these developments, the study of the influence of public policy on the democratic participation of the community is important to be analyzed from a legal perspective because it is related to the function of regulation as an instrument that ensures the involvement of the community in the administration of government. In addition to having implications for the quality of democracy, the regulation of public participation is also closely related to efforts to realize the principles of the rule of law and good governance that place the community as an integral part of the decision-making process. Thus, this research is directed to answer two research questions, namely: RQ1, how effective is the regulation in Law Number 13 of 2022, Law Number 30 of 2014, and Law Number 14 of 2008 in supporting the democratic participation of the community in the perspective of the state of law?; and RQ2, why is it important to discuss the influence of regulations on the democratic participation of the community in an effort to realize democratic, transparent, and accountable governance?

2. | RESEARCH METHOD

This research uses a normative juridical method that focuses on the study of legal norms, legal principles, and doctrines related to the influence of public policy on the democratic participation of the community in the perspective of the state of law. The normative juridical approach was chosen because this research does not focus on the collection of empirical data, but on the analysis of the legal system that regulates community involvement in the process of government administration and policy formation. Through this approach, the research is directed to examine the compatibility between the applicable legal arrangements and the principles of participatory democracy, openness, and good governance as part of the implementation of the modern legal state. This approach also allows for an in-depth study of the function of regulation in ensuring the right of the public to participate in decision-making processes related to the public interest.

The approaches used in this study include statute approach, conceptual approach, and analytical approach. The statute approach is used to analyze various relevant laws and regulations, especially Law Number 13 of 2022 concerning the Second

Amendment to Law Number 12 of 2011 concerning the Establishment of Laws and Regulations, Law Number 30 of 2014 concerning Government Administration, and Law Number 14 of 2008 concerning Public Information Disclosure. The three regulations are used as primary legal material to identify normative constructions regarding the right to community participation, the principle of openness, and the principle of accountability in the administration of government. Meanwhile, the conceptual approach is used to examine various concepts that have developed in the legal literature and public administration, such as participatory democracy, meaningful participation, good governance, transparency, and accountability as a theoretical framework in explaining the relationship between public policy and public participation. The analytical approach is used to assess the effectiveness of regulations and the urgency of strengthening public participation in realizing a democratic and public-interest-oriented government.

The sources of legal materials in this study consist of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal material is in the form of laws and regulations that are still in force and have a direct relationship with the object of study. Secondary legal materials were obtained from scientific journal articles, books, and other scientific works published in the last five years and discussed public participation, democracy, public policy, and good governance. All references are selected based on their relevance, substance and indexing in Google Scholar so that they have adequate academic validity. The tertiary legal materials are in the form of legal dictionaries, encyclopedias, and other supporting sources that are used to clarify certain concepts. All of these legal materials are analyzed descriptive-qualitatively through the process of inventory, classification, interpretation, and conclusion drawing in order to gain a comprehensive understanding of the effectiveness of regulations and the urgency of strengthening the democratic participation of the community within the framework of the state of law and good governance.

3. | RESULTS & DISCUSSION

The Effectiveness of Regulations on Democratic Participation

The democratic participation of the community is one of the elements that determines the quality of the implementation of the state of law and the implementation of the principles of good governance. In the perspective of modern law, public participation is understood not only as a means to express aspirations, but also as a right to obtain protection through various legal instruments that govern the relationship between the government and citizens. The existence of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Establishment of Laws and Regulations, Law Number 30 of 2014 concerning Government Administration, and Law Number 14 of 2008 concerning Public Information Disclosure shows the strengthening of a normative framework that places community participation as part of the implementation of democratic government. The

arrangement basically provides a space for the public to obtain information, express opinions, and participate in the process of forming and implementing public policies (Nursetiawan & Ardhanariswari, 2022; Taufiq & Safitri, 2023).

Law Number 13 of 2022 provides a stronger legal basis for the implementation of public participation through the recognition of the concept of meaningful participation in the formation of laws and regulations. The concept places the public as a party that has the right to be heard, the right to have their opinions considered, and the right to obtain an explanation of the results of the formation of regulations. The presence of this mechanism shows that regulations are no longer only oriented to formal procedures, but also prioritize the substantive involvement of the community as part of the principles of constitutional democracy. Various studies show that strengthening the concept of meaningful participation has contributed to increasing legal legitimacy and the quality of policy formation that is more responsive to the public interest (Andriani, 2023; Pakpahan et al., 2023; Mahatta & Febriyanto, 2024).

In addition, the effectiveness of community participation is also influenced by the existence of Law Number 30 of 2014 concerning Government Administration which regulates various general principles of good governance, including the principles of openness, accountability, and services oriented to the interests of the community. These principles serve as guidelines for government administrators in making decisions and implementing public policies. With this arrangement, the relationship between the government and the community is no longer one-sided, but is built through a more open and responsible mechanism. In this context, the principle of good governance is a factor that strengthens the effectiveness of regulations because community participation can only run optimally if it is supported by transparent and accountable governance (Syam & Tenrilawa, 2022; Rayhan et al., 2024).

The existence of Law Number 14 of 2008 concerning Public Information Disclosure also has an important role in supporting the effectiveness of people's democratic participation. The right to information is the main prerequisite for the public to be able to understand, supervise, and provide input on various policies made by the government. Without access to adequate information, community participation has the potential to become symbolic and lose its substantive meaning. Therefore, public information disclosure is not only related to transparency, but also an instrument that allows the community to carry out supervisory functions and strengthen the accountability of government administration. A number of studies show that information disclosure has a close relationship with improving the quality of public participation and public trust in government institutions (Wirakusuma & Riwanto, 2022; Putri, 2023).

However, the effectiveness of regulations is not solely determined by the existence of legal norms, but also influenced by the ability of the government system to implement the principles that have been regulated in laws and regulations. Several studies have shown that public participation that is only procedural has the potential to

reduce the meaning of democracy and create a gap between the goal of forming regulations and their implementation. Therefore, it is necessary to strengthen a participation mechanism that is more inclusive, transparent, and adaptive to technological developments. The use of electronic participation systems is one of the alternatives that can expand public access to the policy-making process and strengthen the relationship between the government and citizens within the framework of participatory democracy (Syafri & Sjarif, 2023; Rizqi, 2022; Wafi & Izzi, 2024).

Based on the perspective of the state of law, the three regulations have basically provided an adequate normative foundation in supporting the democratic participation of the community. Its effectiveness is reflected in the recognition of the public's right to obtain information, convey aspirations, and be involved in the process of forming and implementing public policies. Thus, the existence of Law Number 13 of 2022, Law Number 30 of 2014, and Law Number 14 of 2008 can be considered quite effective in supporting the democratic participation of the community, although optimizing the implementation and strengthening of participation mechanisms is still needed so that the goals of the state of law and the principles of good governance can be realized more substantively.

The Urgency of Strengthening Public Participation in Democratic Governance

The discussion of the democratic participation of the community in the administration of government has greater urgency along with the development of the paradigm of the state of law that no longer places the community only as a recipient of policies, but as an integral part of the decision-making process. In a democratic state of law, the legitimacy of a policy is determined not only by the authority of its former, but also by the extent to which the public obtains the opportunity to actively participate in the process that produces the policy. Community participation is an instrument that is able to bridge the interests of the government and the public so that the resulting policies have a higher level of acceptance and are able to reflect the needs of the community more broadly. Therefore, strengthening public participation is an inseparable part of efforts to realize a substantial democracy and oriented towards the protection of citizens' rights (Nursetiawan & Ardhanariswari, 2022; Putri, 2023).

The urgency of regulating community participation is also closely related to the development of the concept of meaningful participation which places community involvement as a right that must be guaranteed by law. The concept shows that participation is not enough only to be realized through the fulfillment of formal procedures, but must provide space for the public to express their opinions, gain access to information, and ensure that the input provided is considered in the decision-making process. Thus, the existence of regulations that regulate public participation has an important function to ensure a balance between government authority and the rights of the community in the administration of government. Various studies show that the implementation of meaningful participation can improve the quality of policies and

strengthen the legitimacy of the law in democratic countries (Taufiq & Safitri, 2023; Andriani, 2023; Mahatta & Febriyanto, 2024).

In addition to being related to legal legitimacy, strengthening community participation also has urgency in realizing the principles of good governance. Good governance requires openness, accountability, responsiveness, and participation as a supportive unit. In this context, community participation functions as a monitoring mechanism for the administration of government so that it can minimize the potential for abuse of authority and increase accountability in the decision-making process. The close relationship between public participation and good governance shows that community involvement is one of the important indicators in assessing the quality of government administration. The higher the level of community participation, the greater the opportunity to create a government that is transparent and responsible for the public interest (Syam & Tenrilawa, 2022; Rayhan et al., 2024).

The urgency of discussing public participation is also inseparable from the importance of information disclosure as a prerequisite for democracy. Open information allows the public to understand the policies that are being formulated or implemented, so that the public has the ability to provide input rationally and constructively. Conversely, limited access to information can hinder participation and reduce the effectiveness of public oversight mechanisms. In this context, information disclosure is a means that strengthens the relationship between the public and the government and increases public trust in state institutions. A number of studies show that adequate access to information has a significant influence on the quality of government participation and accountability (Wirakusuma & Riwanto, 2022; Rizqi, 2022).

The development of information and communication technology is also a factor that strengthens the urgency of discussions on people's democratic participation. Digital transformation has opened up wider opportunities for people to be involved in various policy processes through electronic participation mechanisms. The use of technology not only expands people's access to information, but also creates more effective communication patterns between the government and the public. The presence of a digital-based participation system is a form of adaptation to the development of the needs of modern society that requires a more open, inclusive, and responsive decision-making process. In this perspective, strengthening community participation is a necessity that cannot be ignored in facing the dynamics of governance that continue to evolve (Sjarif, 2023; Wafi & Izzi, 2024).

Furthermore, the discussion on the influence of regulations on the democratic participation of the community has urgency because it is related to efforts to maintain a balance between state power and the rights of citizens within the framework of the rule of law. Regulations that ensure public participation function as an instrument to prevent excessive domination of power while strengthening the principle of checks and balances in the administration of government. The existence of effective participation

mechanisms allows the community to contribute to the formation of more responsive and equitable policies. Therefore, strengthening public participation is not only an administrative necessity, but also an important part of realizing a democratic, transparent, accountable, and oriented government that is oriented towards protecting the public interest. Thus, the discussion of the regulation of people's democratic participation is important because it is directly related to the quality of the state of law, the legitimacy of public policy, and the sustainability of the principles of good governance in the modern government system (Pakpahan et al., 2023; Mochtar et al., 2024).

4. | CONCLUSION

The democratic participation of the community is an important element in the implementation of a democratic state of law and is one of the main indicators in realizing good governance. Based on an analysis of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Establishment of Laws and Regulations, Law Number 30 of 2014 concerning Government Administration, and Law Number 14 of 2008 concerning Public Information Disclosure, it can be seen that the three regulations have provided an adequate normative basis to ensure public involvement in the process of government administration. The regulation on public participation, the principles of openness, and accountability shows that the legal system has recognized public participation as part of the protection of citizens' rights as well as a means to improve the quality of public policy. Thus, the effectiveness of the regulation has in principle been able to support the implementation of democratic participation of the community in the perspective of the rule of law, although strengthening the implementation and development of a more inclusive participation mechanism is still needed.

In addition, the discussion of the influence of regulations on the democratic participation of the community has significant urgency because it is related to efforts to realize democratic, transparent, and accountable governance. Strengthening public participation not only serves to increase the legitimacy of public policy, but also serves as an instrument of supervision over the administration of government as well as a means to maintain a balance between state authority and citizens' rights. In the context of the development of modern governance, the existence of an effective participation mechanism is a necessity that cannot be ignored because it contributes to the creation of policies that are responsive, fair, and oriented to the public interest. Therefore, strengthening the democratic participation of the community must be seen as an integral part of efforts to realize the principles of the state of law and sustainable good governance in the modern government system.

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.

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