

## Community Participation in the Formation of Regional Regulations

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**Abstract:** Participation in the formation of statutory regulations is regulated in Article 96 of Law Number 12 of 2011 which states that the public has the right to provide oral and/or written input in the formation of statutory regulations, which can be done through: Hearing Meetings, Visits Work, Socialization and/or Seminars, Workshops and Discussions. The type of research used is normative research or legal literature study. This thesis research aims to determine the forms of community participation and the formation process used in drafting regional regulations. Based on the research results, it can be concluded that the forms of community participation that can be carried out in the stages of forming laws and regulations include: hearings, work visits, outreach, seminars, workshops, discussions, public consultations, deliberations, partnerships, conveying aspirations, supervision, participation in the form of research, community participation in the form of input via print media, community participation in the form of input via electronic media, community participation in the form of demonstrations.

**Keyword:** Community Participation, Regional Regulations.

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### 1. Introduction

The formation of Regional Regulations (Perda) is a manifestation of the authority given to regional governments in the context of implementing regional autonomy and assistance tasks as well as accommodating special regional conditions and/or further elaborating on higher-level statutory regulations. Regional regulations are one of the tools in carrying out social and democratic transformation as an embodiment of local communities that are able to respond to rapid changes and challenges in the current era of autonomy and globalization as well as creating *good local governance* as part of sustainable development. in the area. On this basis, the formation of regional regulations must be carried out in accordance with its principles. In order for regional regulations to be more focused and coordinated, a series of processes have been formally established that must be passed, which include the planning process, drafting process, discussion process, determination process and promulgation. One thing that must receive special attention from the organs that form regional regulations is the planning process. This process really requires in-depth study, whether the resolution of a problem in the region must be regulated by regional regulations or simply by other forms of regional legal products.

Preparation of a program for the formation of regional regulations as a planning instrument and the urgency of preparing a program for the formation of regional regulations. The planning stage is the initial key to successfully achieving the desired goals. According to Solly Lubis, planning is part of the management system (management) subsystem. The specific nature of planning is the dominance of the planning function for overall management success. According to the strategic political view, if overall management has strategic value, planning itself as part of it must also have a strategic nature and meaning.

Draft Regional Regulations can also be submitted by members, commissions, joint commissions, or DPRD apparatus that specifically handles the field of legislation. Draft Regional Regulations that have been prepared by the DPRD are submitted in a letter from the DPRD leadership to the Regional Head. On the other hand, the Draft Regional Regulation for the Regional Head has been submitted with an introductory letter from the Regional Head to the leadership of the DPRD. If at one session the DPRD and the Regional Head present a Draft Regional Regulation on the same material, then what is discussed is the Draft Regional Regulation submitted by the DPRD, and the Draft Regional Regulation submitted by the Regional Head is used as a comparative material.

Politics and Law Formation of Regional Regulations Politics of law according to Mahfud. MD is how the law will or should be made and its direction is determined by national political conditions and how the law functions. The formation of law is a very important social and political process and has a broad influence because (law) will shape and regulate or control society. Laws are used by the authorities to achieve and realize goals in accordance with what they aspire to.

With the material from this law, it is hoped that the community can participate in the process of forming regulations in their region so that the regulations made and implemented are right on target. It is also hoped that

when the community is involved in the formation process, there will be an attitude of concern from the community towards the regulations issued and also the emergence of a harmonious relationship between the regional government and the community which together creates a supremacy of law so that prosperity prevails in the area.

However, quite a few in most areas do not involve the community at all, the community is even considered a nuisance in the running of government. The impacts arising from the absence of participation in the process of forming statutory regulations include:

- a. The public's sense of ownership of matters contained in statutory regulations is low;
- b. The public does not understand the government's goals and programs;
- c. Government programs do not suit the needs or characteristics of the community
- d. Decreasing public trust in the government.

But here mistakes are not only made by the government, even apathetic people can cause problems too. With the condition of society which often does not care about the process of forming laws and regulations, this can also be a benchmark where the regulations issued will not be in accordance with the reality of what is happening. This incident has given rise to speculation that it could be considered non-participatory regulation. Even though the government and society may want to go hand in hand, there are no initiatives from both parties that give the impression that the government and society are not on the same page. Therefore, we need to know what the stages and roles of Community Participation are in the formation of Regional Regulations. The type of research used is normative research or legal literature study. The nature of the research used by the author in writing this law is descriptive. The research approach in writing this law is a normative/judicial approach. The type of data used is secondary data.

## **2. Research Methods**

The method used in this research is normative legal research with statutory and conceptual approaches. A statutory approach is an approach that is carried out by analyzing rules and regulations related to the legal issues to be studied. And the conceptual approach is a type of approach in legal research that provides a point of view of problem-solving analysis in legal research seen from the aspects of the legal concepts behind it or even can be seen from the values contained in the normalization of regulation concerning the concepts used.

## **3. Results and Discussion**

### **A. Stages of Community Participation in the Formation of Regional Regulations.**

Public participation in the formation of a regulation can be carried out individually or jointly by people who are outside public office. Community participation actors are community forces included in the political infrastructure such as the press, community leaders, pressure groups, interest groups, and universities. The strength of this political infrastructure can provide control and influence over various public decisions that will be issued through statutory regulatory forums.

The law formation process can basically be divided into 3 stages, namely the ante-legislative stage, legislative stage, and post-legislative stage. In these three stages, basically, the community can participate and provide input according to their wishes. The public can participate in all stages of the law formation process and choose only one stage. However, the forms of community participation vary, although some are the same from one stage to another.

#### **1) Community participation at the anti-legislative stage consists of;**

##### **a. Community participation in the form of research.**

Community participation in this form of research can be carried out by the community when they see problems in the order of social, national, and state life that need to be researched and studied in depth and require the completion of statutory regulations.

##### **b. Community participation in the form of discussions, workshops, and seminars.**

Community participation in the form of discussions, workshops, and seminars at this anti-legislative stage can be carried out as a follow-up to the results of research on an object that will be regulated by law.

##### **c. Community participation takes the form of submitting initiative proposals.**

Submitting proposals for initiatives to create laws can be carried out by the community with or without prior research, discussions, workshops, and seminars. However, this proposed initiative will certainly be stronger if it is preceded by research, discussions, workshops, and seminars on the issues that will be regulated in law.

**d. Community participation in the form of drafting laws.**

Community participation in the form of drafting laws can be carried out by the community as the final form of community participation at the anti-legislative stage. This means that after conducting research and proposing initiatives, the community can take turns incorporating the research results into the draft law.

**2) Community participation in the legislative stage consists of;**

**a. Community participation in the form of hearings/RDPU at the DPR.**

Public participation in the form of hearings/RDPU at the DPR can be carried out by the public either at the direct request of the DPR (RDPU) or at the request of the community itself (hearing). If this public participation is based on the DPR's request, then public participation is conveyed to those who request a public hearing. However, for public participation in the form of hearings based on the direct wishes of the public, the public can choose DPR equipment that is expected to channel the aspirations of the community, for example, Panja, Commission, Special Committee, Fractions, and so on. This trial can be carried out by the community either orally, in writing, or a combination of oral and written.

**b. Community participation in the form of alternative bills.**

Public participation in the form of submitting alternative draft laws can be carried out by the community by drafting alternative laws when the draft law being discussed in the legislature is not or is not even aspirational for the interests of the wider community.

**c. Community participation takes the form of input through print media.**

Public participation in the form of input via print media can be done by the public by forming an opinion on an issue that is being discussed in the legislative body. This public opinion can be in the form of articles, press conferences, interviews, statements, or in the form of headlines from newspapers and magazines.

**d. Community participation takes the form of input via electronic media.**

Community participation in the form of input via electronic media can be carried out by the community by means of dialogue by presenting competent sources on an issue being discussed in the legislative body.

**e. Community participation in the form of demonstrations.**

Community participation in the form of demonstrations can be carried out by the community in order to support, reject, or suppress material being discussed in the law formation process.

**f. Community participation in the form of discussions, workshops, and seminars.**

Community participation in the form of discussions, workshops, and seminars can be carried out by the community to gain clarity on the issues being discussed in the legislature.

**3) Community participation at the post-legislative stage consists of;**

**a. Demonstrations against the new law**

The existence of a new law can be responded to in various ways by society, because it is very possible that a new law will not solve the problem, but will instead create new social problems in society. This attitude can be in the form of support or rejection of the birth of a new law which is realized through demonstrations.

**b. Demand to test the law.**

A law that has been produced by the legislative body and has been ratified by the president and published in the State Gazette has binding and legal force in society. However, in democratic countries, including Indonesia, the people have the freedom to answer. People who are not or are not satisfied with the enactment of the law can submit a judicial review of the law.

**c. Legal socialization.**

To socialize the product of the law that has just been issued by the legislature, the public can participate in carrying out various activities related to the birth of the new law. The form of this activity can be in the form of counseling, seminars, workshops, discussions, and so on. In this way, the existence of a law is not only known to elites who are directly involved in the law-making process, but will also soon be widely known by the public.

**B. The Role of Community Participation in the Formation of Regional Regulations.**

Community participation in the formation of statutory regulations as regulated in Article 10 of Law Number 10 of 2004, that the community has the right to provide oral or written input in the context of forming or discussing draft laws and draft regional regulations. Furthermore, Article 39 paragraph (1) of Law 32 of 2004 states that it is the community's right to provide input verbally or in writing in the context of drafting or discussing draft regional regulations.

Participation is intended as the participation of parties outside the DPRD and regional government in the preparation and formation of regional regulations or regional regulations. There are two sources of participation; Firstly, from government elements outside the DPRD and regional government, such as the police, prosecutor's office, courts, universities, and others. Both from the community, both individuals such as experts or those with experience, and from groups such as NGOs. The involvement of parties outside the DPRD and regional government is very important to (i) capture the knowledge, expertise, or experience of the community so that regional regulations truly meet the requirements of good statutory regulations; (ii) ensure that regional regulations are in accordance with the realities of life in society; (iii) foster a sense of ownership, a sense of responsibility for regional regulations.

In Article 53 of Law Number 10 of 2004, the public has the right to provide oral or written input in the context of determining or discussing draft laws and draft regional regulations. Furthermore, in Law Number 32 of 2004 as amended several times and most recently by Law Number 12 of 2008, Article 139 states that the public has the right to provide oral or written input in the context of drafting or discussing draft regional regulations.

The contents of regional regulations must reflect the principles of protection, humanity, nationality, kinship, archipelago, unity in diversity, justice, equality of law and government, legal order and certainty, as well as balance, harmony, and harmony. This principle is intended so that a regional regulation does not conflict with the provisions of higher laws and regulations, the public interest, and/or morality. Contrary to the public interest, including disturbing harmony between members of society, disrupting access to public services, disturbing public peace and order, disrupting economic activities to improve community welfare, and/or discrimination against ethnicity, religion and belief, race, class, and gender.

Community participation in the formation of statutory regulations is confirmed in Article 96 of Law Number 12 of 2011 which reads as follows;

- 1) The public has the right to provide oral and/or written input in the formation of Legislative Regulations.
- 2) Oral and/or written input as intended in paragraph (1) can be done through: a. hearings; B. work visit; C. socialization; and/or seminars, workshops, and/or discussions
- 3) The public as referred to in paragraph (1) are individuals or groups of society who have an interest in the substance of the Draft Law.
- 4) To make it easier for the public to provide oral and/or written input as intended in paragraph (1), each Draft Legislative Regulation must be easily accessible to the public.

Community participation at the starting point for drafting regional regulations is community effectiveness and efficiency. The basic aim of community participation is to generate useful input and perceptions from citizens and interested communities (between the public) in order to improve the quality of decision-making because by involving communities affected as a result of policies and interest groups, the Decision makers can capture the views, needs, and appreciation of the community and groups, then translate them into one concept.

Community participation in the process of forming regional regulations is the actualization of the realization of democracy in society so that the regional regulations that are created will have a responsive nature aimed at human welfare and happiness and include the participation of social groups or individuals in society. The authorities no longer use arbitrary power because there is a commitment from the community to exercise power in accordance with regulated procedures.

Guarantees and some of the legal foundations for the community to be able to participate in the law-making process are confirmed in article 96 of Law Number 12 of 2011 concerning the Formation of Legislative Regulations which requires community participation in the framework of drafting laws both orally and verbally. written in the formation of the law. However, sometimes the reality that occurs during the process of reviewing and discussing draft regional regulations by the community is that the community is not involved in these activities, which ultimately means that the aspirations that will be conveyed regarding the process of drafting regional regulations are not in accordance with the legal needs of the community.

#### 4. Conclusion

Based on the explanation above, the author can conclude that the first public participation in the formation of a regulation can be carried out individually or jointly by people who are outside public office. Community participation actors are community forces included in the political infrastructure such as the press, community leaders, pressure groups, interest groups, and universities. The process of forming laws can basically be divided into 3 stages, namely the ante-legislative stage, the legislative stage, and the post-legislative stage. In these three stages, basically, the community can participate and provide input according to their wishes. The second, community participation in the process of forming regional regulations is the actualization of the realization of democracy in society so that the regional regulations that are created will have a responsive nature aimed at human welfare and happiness and include the participation of social groups or individuals in society. The authorities no longer use arbitrary power because there is a commitment from the community to exercise power in accordance with regulated procedures.

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