

## The Urgency of Implementing Meaningful Participation in Forming Laws in Indonesia



Wicipto Setiadi<sup>1</sup>, Diani Sadiawati<sup>2</sup>, Beniharmoni Harefa<sup>3</sup>, Anni Alvionita Simanjuntak<sup>\*4</sup>

<sup>1,2,3,4</sup>Faculty of Law, Universitas Pembangunan Nasional Veteran Jakarta

**ABSTRACT:** This research engages regarding *meaningful participation* in the formation of laws. There have been several demonstrations over the Bill discussion. The most recent demonstration is a protest opposing the Health Bill discussion. Demonstrations signify that *meaningful participation* needs to be appropriately implemented. This research is intended to determine the urgency, implementation and challenges of *meaningful participation*. The research method used is normative juridical research. The finding revealed the essential and strategic role of *meaningful participation* on the formation of laws. Ideally, the Formation of Law should facilitate genuine public participation and active involvement. The public's right to provide input is an implementation of 1) right to be heard, 2) right to be considered, and 3) right to be explained. Even if the input is not accepted, it is expected that the community will acknowledge the decision with a reasonable explanation (*legowo*). Given that *Meaningful participation* is a novel concept, it is anticipated to encounter challenges, primarily concerning the political factor of law, which is inseparably linked to the political configuration of the governing regime.

**KEYWORDS:** meaningful participation, legal politics, law

### INTRODUCTION

Indonesia as a constitutional state is embedded within the 1945 Constitution of the Republic of Indonesia. As a consequence of being a democratic constitutional state, the law plays an essential role so that the life of the nation, state, and governance can run appropriately and achieve *good governance*. In addition, the existence of excellent and responsive laws will always uphold constitutional values, democratic values, and the completion of human rights.

The constitutional state concept provides guidance that every aspect of society, nationality, and state, including government, should adhere to the law by the national legal system.<sup>1</sup> Indonesia adheres to the principles of a modern state of law, namely the Pancasila State of Law. Therefore, the role of legislation extends beyond reflecting societal values and norms or mere regulatory functions of the state. The legislation serves as methods and instruments to regulate and steer people's lives towards desired ideals. In a modern constitutional state, legislation is expected to "walk ahead," taking lead and guiding the development and transformation of society.<sup>2</sup> According to Maria Farida, in a state based on modern law, the main objective of the formation of laws is no longer to create a codification of norms and values that existed in society but rather to bring about modifications or transformation in people's lives.<sup>3</sup>

Within a democratic nuance, it is inherent that the formation of laws and regulations is conducted democratically, considering the aspirations of the entire community, particularly from vulnerable, marginalized, or even minority groups in an area where the laws and regulations will be enforced. This aligns with the principles of the rule of law, which were initially established to restrain state power from engaging in arbitrary actions and protect people's rights. Lothar Gundling<sup>4</sup> proposes several rationales for the demand for community participation in policy formulation, namely: 1) to inform the government; 2) increasing public acceptance of decisions; 3) to help protect the law; 4) to democratize the decision-making.

<sup>1</sup> General Elucidation of Law No. 12 Year 2011 on the Formation of Law.

<sup>2</sup> Tim Pengajar Teori Perundang-Undangan Fakultas Hukum Universitas Indonesia, Teori Perundang-Undangan, dalam laporan akhir Penyusunan Naskah akademik RUU Perubahan Atas UU No. 10 Tahun 2004 tentang Pembentukan Peraturan Perundang-Undangan, Badan Pembinaan Hukum Nasional, 2009, p. 12.

<sup>3</sup> Maria Farida Indrati, Ilmu Perundang-undangan: Jenis, Fungsi dan Materi Muatan, (Yogyakarta: Penerbit Kanisius, 2002), p. 2.

<sup>4</sup> Yuliandri, Asas-Asas Pembentukan Peraturan Perundang-Undangan yang Baik: Gagasan Pembentukan Undang-Undang Berkelanjutan, (Jakarta: Rajawali Press, 2011), p.188.

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Public participation aims to generate valuable inputs and perspectives from concerned citizens and communities, with the objective of improving the quality of decision-making. By involving people affected by policies and interest groups, decision-makers can gather the viewpoints, needs, and appreciation of these people and groups and then put them into a concept.<sup>5</sup>

Normatively, public participation in the formation of laws and regulations is regulated in Article 96 of Law No. 12/2011<sup>6</sup> which explains public participation in the formation of laws and regulations. The context of the formation of laws and regulations entails the community's involvement, including supervising, controlling, and influencing, starting from planning to evaluating the implementation of regulations.<sup>7</sup>

The reformation in 1998 significantly influenced the order of the constitutional system in Indonesia. Previously, the President had a role the formation of laws. Contrarily, the formation of laws entirely lies within the authority of the House of Representatives of the Republic of Indonesia (DPR RI) with the collaborative approval of the President. In contrast, the President currently only has the right to propose. This is certainly in line with the prescribed role and duties of each power branch of the DPR RI, as a branch typically in an ideal context. However, on the other hand, the existence of laws can be a shortcut that benefits particular groups or elites and ignores the poor and other marginalized groups. Based on the opinion of former Constitutional Judge Laica Marzuki, who said that law could contain the content of legal crimes (*misdadigrechts*), which eliminate people's rights and impede the community's independence or welfare.<sup>8</sup>

Previously, there was a demonstration in front of the DPR building to discuss the Draft Law (RUU) in the DPR. In 2019 there were demonstrations regarding the KPK Bill and the Criminal Code Bill. Furthermore, there were also demonstrations related to the discussion of the Job Creation Bill. The most recent demonstration occurred in June 2023, related to discussing the Health Bill in the DPR. This demonstration was undertaken by the Indonesian Doctors Association (IDI) and several other health workers in front of the DPR building. Doctors and health workers voiced their refusal of the Health Bill, which was drafted using the Omnibus Law method currently being discussed by the government and the DPR. The protest against the Health Bill was not only held in Jakarta. Similar demonstrations took place in other regions with the same demands, demand of opposing the Health Bill, which was drafted using the Omnibus Law approach. The occurrence of pros and cons by several professional organizations against the Health Bill indicates that *meaningful participation* has yet to be fully implemented.

### Problem Formulation

From the description above, the problem formulation as a limitation of the discussion in this study is: 1) To what extent does the urgency of *meaningful participation* in the formation of laws? 2) How is the implementation of *meaningful participation* in the formation of laws and what are the challenges?

## RESEARCH METHODS

The research methodology in this study is normative juridical research<sup>9</sup>, conducted by examining existing literature or secondary data intended to explain or address specific issues. The approach used is a *statutory approach*.

## DISCUSSION

### A. The Urgency of *Meaningful Participation* in Lawmaking

In the democracy era, people have a strategic position in determining government policies. This is due to the influence the rule of law and Constitutionalism. The state is a power that has political "infrastructure" if there is no control, it will result in infringing people's rights. One of the "infrastructures" owned by the state is the law. Therefore, it is essential to protect and guarantee equitable legal certainty over the people's rights in the formation of laws. Laws are not made in neutral conditions or situations but in the dynamics of the life of the broader community with all its complexities. This means that the community that the law will address faces various limitations in accepting the actuality of the law. A law made unilaterally by the legislator will likely face rejection because it fails to align with the sense of justice in society. This is where the importance of community

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<sup>5</sup> Mahendra Putra Kurnia, dkk. Pedoman Naskah Akademik PERDA Partisipatif (Urgensi, Strategi, dan Proses Bagi Pembentukan Perda yang Baik). (Yogyakarta, Kreasi Total Media (KTM), 2007). p. 71.

<sup>6</sup> Law Number 12 of 2011 on the Formation of Law has been amended by Law Number 15 of 2019 and Law Number 13 of 2022.

<sup>7</sup> Joko Risiyono, Pengaruh Partisipasi Publik Dalam Pembentukan Undang-Undang: Telaah Atas Pembentukan Undang-Undang Penyelenggara Pemilu (Jakarta: Perludem, 2016), p. 29

<sup>8</sup> Tanto Lailam, "Problems and Solutions for Arranging of the Checks and Balances System in the Process of Making Law and Constitutional Review in Indonesia," Negara Hukum 12, No. 1 (2021): 123-42.

<sup>9</sup> Soerjono Soekanto dan Sri Mamudji, Penelitian Hukum Normatif Suatu Tinjauan Singkat, (Jakarta: CV Rajawali 1990), p. 15.

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participation in the law-making process comes in. Participatory democracy is expected to ensure the realization of responsive legal products better because the community participates in law-making and owning the law's creation.<sup>10</sup>

Therefore, in the process of law formation, it should accommodate the aspirations existing community. Otherwise, harming the people affected by applying a law. According to Sampford, the originator of Chaos Theory in the law states that society, in reality, is always in an unstable or chaotic condition or in an unpredictable and unsystematic condition. This happens because there are so many influencing factors in society, for example, the force of power that mutually attract one another. Therefore, how can such a situation be described as organized? Viewing such situations as orderly will only reduce the actual reality of society.<sup>11</sup>

Sampford states that the existing disorder is caused by the unbalanced relationship between forces in society. However, the imbalance and disorder are temporary. The condition will return to an orderly arrangement. It follows that disorder exists with purpose transforming into orderly arrangement. The temporary disorder is caused by *strange attractor* forces that encourage order. The force of attraction in the universe is strong or weak nuclear force and gravity. While in the social sphere, there is strength or power. These attracting forces manifest themselves in law and state power. Law and state power are two institutions possess the capability to attract a disordered atmosphere into orderly one.<sup>12</sup>

Therefore, irregularity is part of legal development leading to establishment of order. Suppose the irregular conditions that exist in society are in the form of mutually attractive forces. In that case, the *strange attractor*, the state, should acknowledge such a reality to form laws than establish conditions of order. However, if the state as a *strange attractor* turns a blind eye to the reality that exists in society, it could be that the laws issued will create social inequality and get a rejection from the community or the laws issued do not have a function as law, but only as ordinary documents issued by the state.

Indonesia has Pancasila as the state pillar. Pancasila has a function, namely as a guiding rule in legal development because Pancasila serves as basis all legal sources in Indonesia, so there is tidiness in the substance of legislation originating from Pancasila and leading to the goal of an independent, united, sovereign, just and prosperous state. According to Moh. Mahfud. M.D, in the Indonesian legal development and political rules, there are known signs of the existence of legal guiding principles that must be guided, one of which is:<sup>13</sup>

"... national law must be developed in a democratic and nomocratic manner, ensuring active participation and absorbing the broader community's aspirations through fair, transparent, and *accountable* mechanisms. It must prevent the emergence of manipulated legal products, elusive or cat-and-mouse, and transactions in the dark."

Therefore, it can be said that the process of forming legal products that is not transparent and does not provide space for the public to convey their aspirations and apply the law from legislation that is the result of a "cat-and-mouse" process is something that is not in accordance with the Pancasila Legal System which aspires to develop national law through democratic and nomocratic means. Public participation in the formation of laws and regulations is not an activity that eliminates the power or reduces the authority of the legislators. Public participation in the formation of laws and regulations should be seen as part of the process of democratisation of the formation of laws and regulations and is a form of step to strengthen legitimacy or make laws and regulations have strong social roots so that people feel that they own a law and regulation.

Drafting Pelembagaan Metode Partisipatif dalam Pembentukan Peraturan Perundang-Undangan or Legislative Drafting Institutionalising Participatory Methods in the Formation of Legislation, states that<sup>14</sup> :

"Participation is not enough for just a few people sitting in representative institutions because institutions and people sitting in representative institutions often use politics in the name of the people's interests to fight for their own personal or group interests. Direct participation of the people has three essential impacts: first, it prevents any potential manipulation of people's involvement and ensures that their opinions are considered as they want; Furthermore, it Enhances the value of legitimacy of the planning formula. The more significant number of those involved would be better; the last, it increases people's political awareness and skills."

For this reason, community participation in the formation of laws and regulations is a form of community protection effort aims to protect the community from the process of lawmaking carried out by representative institutions interest, which potentially goes beyond the community's interest. In addition, the existence of community participation ensures the well-being of

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<sup>10</sup> Saifudin, Partisipasi Publik Dalam Pembentukan Peraturan Perundang-undangan, (Yogyakarta: FH UII Press, 2009),p. 33.

<sup>11</sup> Otje Salman dan Anthon F. Susanto, Teori Hukum, Mengingat, Mengumpulkan dan Membuka Kembali, (Bandung: Refika Aditama, 2007), p. 104-105.

<sup>12</sup> Amir Syarifudin dan Indah Febriani, Sistem Hukum dan Teori Hukum Chaos, Hasanuddin Law Review, Vol. I Issue 2, August 2015, p. 304.

<sup>13</sup> Moh. Mahfud. M.D, Perdebatan Hukum Tata Negara Pasca Amandemen Konstitusi, (Jakarta: PT Raja Grafindo Persada, 2013), hlm 9.

<sup>14</sup> 12 Sirajuddin, Legislative Drafting Metode Partisipatif dalam Pembentukan Peraturan Perundang-undangan, (Malang: Setaraperss,2016), p. 237

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minority and marginalized communities by forming laws and regulations processes undertaken by representative institutions. That is natural for the majority population because of the general election principle, *one man, one vote*, ensures the representative institutions reflect the interest majority group in society. Therefore, to avoid discriminatory legislation and democratize the process of forming laws and regulations, the community, both individual citizens and community groups, have the right to contribute their input in forming laws and regulations either in written or oral form.<sup>15</sup>

### B. Meaningful participation implementation in law-making and the challenges

As specified in Article 96 of Law Number 12 of 2011 on the Formation of Legislation as amended by Law Number 15 of 2019 and Law No. 13 of 2022, the public's right to provide oral and/or written input in the formulation of laws and regulations by conducting public consultation through several ways, namely: a. Public Hearing Meeting; b. Working visit; c. Socialization; and/or seminars, workshops, discussions, and/or; d. other public consultation activities. The results of the public consultation taken into consideration during the planning, drafting, and discussion of draft laws and regulations. Furthermore, the legislator can explain the public input discussion outcomes. This indicates that public participation is one of the most strategic and essential aspects decision-making in forming laws and regulations.

Based on the principles of good legislation formation, public participation is a manifestation of one of formation laws and regulations principles, namely the principle of openness.<sup>16</sup> Openness principle entails the process formation of laws and regulations, including planning, preparation, discussion, ratification or stipulation, and promulgation, is conducted transparently and openly. Thus, all levels society have the broadest possible opportunity to provide input in the formation of laws and regulations.<sup>17</sup>

Thus, public participation's role in the formation of laws and regulations is essential to prevent rejection/resistance to decisions taken by lawmakers. In line with that, Philipus M. Hadjon believes that *openness*, be it *openheid* or *openbaarheid*, is critical in implementing reasonable and democratic government. *Openheid* means a mental attitude in the form of a willingness to provide information and accept other people's opinions, while *openbaarheid* shows openness.<sup>18</sup>

Nonet and Selznick state that community participation has a crucial role in the formation of legal products; this can be seen in the formation process, which is carried out in a participatory manner by inviting various segments of society, either individually or as community groups.<sup>19</sup> As a result, the enacted legislation and regulations products are accepted by the community's desires or derive from the community by exploring the values that exist in society. The effectiveness of law and regulation in society can be achieved if public participation becomes a prerequisite in its formation. The laws and regulations formed are advantageous in society. These benefits include:<sup>20</sup> 1) increasing the legitimacy and quality of laws and regulations; 2) increasing opportunities for successfully implemented; 3) increasing obedience to the laws and regulations implementation; and 4) expanding the form of *partnership* with citizen.

Community participation can be tangible evidence in the representation system between the House of Representatives, the President, and the people as constituents. This is the system used by the State of Indonesia, namely the representation system. Therefore, the public certainly hopes there will be enormous benefits in forming laws and regulations with public participation.

The Constitutional Court of the Republic of Indonesia in its decision Number 91 / PUU-XVIII / 2020 concerning the formal testing of Law Number 11 of 2020 concerning Job Creation<sup>21</sup> directs that public participation in the formation of laws and regulations conducts by using *meaningful participation* to create/realize enthusiastic public participation and involvement. This more meaningful public participation fulfills at least three prerequisites: begin with, *right to be heard*; then, *right to be considered*; the last, *right to be explained*. Public participation is mainly intended for groups of people who are directly affected or have an *interest/concern* in the Draft Bill being discussed.

Law Number 13 of 2022, which is the second amendment to Law Number 12 of 2011 concerning the Formation of Legislation as a further action to the Constitutional Court's decision Number 91/PUU-XVIII/2020 concerning the formal testing of Law Number 11 of 2020 concerning Job Creation does not regulate in detail *meaningful participation* in the formation of laws and regulations. Law No. 13 of 2022 should regulate *meaningful participation* in detail and not delegate the regulation solely to People's Consultative Council Regulations (DPR Regulations), Regional Representative Council Regulation (DPD Regulations),

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<sup>15</sup> Salahudin Tanjung Seta, Hak Masyarakat dalam Pembentukan Peraturan Perundang-undangan accessed through the website [https://jdih.go.id/files/804/artikel%20hukum\\_2020\\_530-2252-1-pb.pdf](https://jdih.go.id/files/804/artikel%20hukum_2020_530-2252-1-pb.pdf) on 25 June 2023.

<sup>16</sup> See: Article 5 letter g of Law Number 12 Year 2011 on Law-making Process

<sup>17</sup> See: Explanation of Article 5 letter g of Law Number 12 Year 2011 on the Law-making Process

<sup>18</sup> Anak Agung, Istri Ari, dan Atu Dewi, "Penjabaran Prinsip Demokrasi dalam Pembentukan Kebijakan Daerah," *Supremasi Hukum* Vol. 28, no. 1 (2019): 83–107.

<sup>19</sup> Rahendro Jati, "Partisipasi Masyarakat dalam Proses Pembentukan Undang-Undang yang Responsif," *Rechts Vinding* Vol. 1, no. 3 (2012): 329–342.

<sup>20</sup> *Ibid.*

<sup>21</sup> Law No. 11 of 2020 on Job Creation has been revoked by Government Regulation in Lieu of Law No. 2 of 2022 on Job Creation. Subsequently, this Government Regulation in Lieu of Law has been enacted into law by Law No. 6 of 2023.

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moreover Presidential Regulations.<sup>22</sup> Such delegation will undoubtedly pose challenges for DPR Regulations drafters, DPD Regulations and Presidential Regulations to draft them because the law needs to be clear in details regulating *meaningful participation* in the formation of laws and regulations.

*Meaningful participation* focuses primarily on procedural aspect/formality rather than the material/substantive content. It means that the process of public participation in the formation of this law should be appropriately executed; despite having a 50% chance of being accepted in terms of substances, the probability remains evenly split at 50%:50%. From various references related to public participation in the formation of this law, there is no *right to be accepted* because the final determination/decision regarding the law politics in the law formation is the legislator's monopoly. Even though the final decision lies with the lawmakers, if the public input is heard (*to be heard*), then it is given thoughtful consideration (*to be considered*). Then there is an explanation (*to be explained*) of whether the input is accepted or not by the lawmakers; the public will be more accepting than if the public is not explained at all. What has happened so far is that whether the input is accepted or not, no explanation and reasons are given. Only individuals who support the cause are selectively invited, while those with opposing views are excluded.

Public participation is conducted at each stage of law formation by the law phase, beginning with planning, drafting, discussing, ratifying and promulgating. The most decisive stages are the planning, drafting, and discussion stages, while the ratification and promulgation stages are administrative. The consequences of law formation that do not perform *meaningful participation* should not solely rely on *judicial review* at the Constitutional Court as the only recourse. However, there could be consequences at each stage of law-making, especially the planning, drafting and discussion stages. For instance, if *meaningful participation* is not fulfilled during the planning stage, then the Bill will not be included in National Legislation Program, *Prolegnas* lists. If *meaningful participation* is not fulfilled at the drafting stage, the Bill is not continued in the harmonization process (in the DPR or the Government). Non-fulfillment of *meaningful participation* at the stage of discussion in the DPR does not continue the discussion at Level II Talks (approval at the Plenary Meeting) of DPR.

In practice, public participation has an essential part in the law-making processing or sequence and often faces challenges. The main obstacle arises because of the institution's motives or interests toward the authority to form laws, namely *Dewan Perwakilan Rakyat* (House of Peoples' Representatives) and the President. Political configuration and legal politics are very prominent in decision-making in the formation of laws as a policy both at the practical and operational levels.<sup>23</sup> This is because there is a causal relationship between politics and law, in addition to being a legal product, the law is also a political product. As a result, the interests of the community as the intended party (*adresaad*) are often put aside in favour of political interests.

Padmo Wahjono argues that legal politics is a basic policy that determines the direction, form, and content of the law to be formed. Legal politics is also a policy of state administrators determining the criteria for imposing penalties encompassing the entire formation, application, and enforcement of law.

In addition, Satjipto Rahardjo stated that legal politics is an activity of choosing and the means to be used to achieve a social goal with specific laws in society, which includes answers to several fundamental questions, among others: First, what goals are to be achieved through the existing system. Secondly, what methods and which ones are considered the best to be achieved in achieving these goals. Third, when and through what means the law needs to be changed. Moreover, Fourth, can a standardized and well-established pattern be formulated to assist in deciding the process of selecting goals and ways to achieve those goals properly.<sup>24</sup>

Mahfud MD also views legal politics as a *legal policy* or official policy line regarding laws that will be enforced either by making new laws or by replacing old ones to achieve state goals. So that the conception of legal politics is said that law is a political product, so the character of legal products will be determined by the political configuration that gave birth to them.<sup>25</sup> In addition, Mahfud MD also explained three frameworks or patterns regarding the relationship between politics and law. First, *das sollen* pattern of politics and law. This pattern departs from the premise that politics determines the law. This pattern places the law (*ius constitutum*) as the basis for how politics should be carried out. In other words, the existence of law precedes the existence of politics. Many positivists adhere to the *das sollen* view because they see that the political reality must run as law requires. Second, the view is based on *das sein*. The premise of this view recognizes that law is determinant of politics. As such,

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<sup>22</sup> See: Article 96 paragraph (9) of Law No. 13 Year 2022 on the Second Amendment to Law No. 12 Year 2011 on the Formation of Law.

<sup>23</sup> Nisan Rolan Wijaya, Tangkas Hadi Perwira, and Rahman Syawal Rusman, "Politik Hukum Dalam Pembentukan Undang-Undang Republik Indonesia Nomor 18 Tahun 2019 Tentang Pesantren," *Cakrawala Hukum* Vol. 11, no. 2 (2020): 194–201.

<sup>24</sup> Moh. Mahfud MD, *Politik Hukum Di Indonesia* (Jakarta: Rajawali Press, 2014), 1-2.

<sup>25</sup> Maryana Sety Aningrum, "Politik Hukum Pembentukan Undang Nomor 2 Tahun 2011 (Studi Terhadap Pasal 13 Huruf e Tentang Kewajiban Partai Politik)" (Universitas Islam Indonesia, 2017), 8.

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law is the crystallization, formalization, or legalization of competing political wills through compromise or domination by powerful political forces..<sup>26</sup>

Legal politics cannot be separated from the political configuration that is identical to a regime or power because the legal product's character from the law's formation will be reflected in the political configuration itself. Political configuration is divided into 2 (two), namely democratic political configuration and authoritarian political configuration. Then the influence of the resulting legal products is divided into responsive or autonomous characters and repressive or conservative characters or orthodox patterns. The character of a responsive or autonomous legal product is a form of democratic political configuration. The character of repressive or conservative legal products or orthodox patterns is a form of authoritarian configuration..<sup>27</sup>

The lack of *meaningful participation*, in addition to what has been stated above, could be improved by the performance of the House of Representatives. This can be seen in the non-achievement of the Bill targets set in the National Legislation Program (Prolegnas), both in the annual and five-year targets. Prolegnas is a planning instrument for law-making programs that are prepared in a planned, integrated, and systematic manner..<sup>28</sup> Two main things that become public attention in the field of legislation are quantity and quality. Quantity is related to how many laws are produced that do not reach the target, while the quality issue focuses on the quality of the laws. Indicators of quality can be seen by the Constitutional Court canceling laws that have been enacted through *judicial review*..<sup>29</sup> The frequency of laws being *judicially reviewed by the Constitutional Court* can only partially be used to measure the poor quality of laws because *judicial review* is also often used to seek justice and accommodate certain parties' interests. Based on the description above, it is expected that the law products that have met the criteria of *meaningful participation* should be of better quality, or at least rejection by the public can be minimized because the public feels that their right to participate in the formation of laws is responded to optimally. Thus, the law product has a responsive character so that the law can be a means to overcome the problems that arise in society, not the other way around; the birth of the law creates new problems. With a good quality law product accepted by the community, of course, the community can benefit in running the life of the nation and state because they feel comfortable, calm, and peaceful.

### Cover

*Meaningful participation* is one of the essential and strategic elements in the formation of laws, as a manifestation of the principle of openness in the formation of laws and regulations. As the Constitutional Court Decision Number 91/PUU-XVIII/2020 concerning the formal testing of Law Number 11 of 2020 concerning Job Creation, the formation of laws and regulations, especially laws, ideally meet the criteria of *meaningful participation* to create or realize actual public participation and involvement. *Meaningful participation* is a follow-up to the public's right to provide input in the formation of laws and regulations, especially laws, ideally meet the criteria of *meaningful participation* to create or realize actual public participation and involvement. *Meaningful participation* is a follow-up to the public's right to provide input in the formation of laws, namely: First, the *right to be heard*; secondly, the right to be considered; and third, the *right to receive explanations or answers to the opinions given (right to be explained)*. Whether or not public input is accepted in the formation of essential laws is explained by the legislator. Even though the input is not accepted, with a reasonable explanation, it is hoped that the community will accept (*legowo*) that their input is not accepted.

*Meaningful participation*, because it is a new thing, which has yet to be done in earnest previously, will inevitably encounter difficulties in the formation of laws. These difficulties occur due to the political factor of law, which is also inseparable from the political configuration of a period or regime of power. In addition, the negative image that exists of the institution of the House of Representatives and the President as the authority that has the authority to formulate laws is very influential. For example, the House of Representatives performance in the legislation field is related to achieving the National Legislation Programme (Prolegnas), which differs from the specified targets in annual and five-year targets.

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<sup>26</sup> Syahriza Alkohir Anggoro, "Politik Hukum : Mencari Sejumlah Penjelasan," Cakrawala Hukum Vol. 10, no. 1 (2019): 77–86.

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<sup>28</sup> See: Article 1 point 9 of Law No. 12 Year 2011 on the Formation of Law

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