

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 merely instruments of state authority but also products of collective decision-making that reflect the aspirations and needs of society. Consequently, the legitimacy of legislation depends not only on its substantive content but also on the procedures through which it is formulated. Public participation has therefore become an increasingly important principle in contemporary law-making because it enables citizens to contribute to legislative processes and strengthens democratic accountability.

The relationship between democratic governance and legislative formation is grounded in the principle of popular sovereignty. Under democratic constitutional systems, political authority originates from the people and should be exercised in accordance with public interests. Legislative institutions play a central role in translating public aspirations into legal norms that regulate social, economic, and political life. Negretto (2020) argues that democratic legitimacy depends significantly on participatory and representative law-making processes that ensure citizens have opportunities to influence legal development. Similarly, Ostwald (2023) emphasizes that democratic governance requires legal systems that maintain connections between public participation and legislative authority.

In Indonesia, democratic governance is constitutionally based on the 1945 Constitution (UUD 1945), which recognizes popular sovereignty as a fundamental principle of state administration. Article 1 paragraph (2) of the Constitution states that sovereignty rests with the people and is implemented according to constitutional provisions. This principle requires public institutions, including legislative bodies, to exercise authority in a manner consistent with democratic values and public accountability. Consequently, the process of forming legislation constitutes an important aspect of democratic governance within Indonesia's constitutional framework.

The legal framework governing legislative formation in Indonesia is primarily 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, adopting, and promulgating legislation while emphasizing principles such as transparency, openness, and public participation. The legislative framework reflects broader democratic objectives aimed at ensuring that laws are developed through processes that are accountable and responsive to societal needs.

Public participation has become one of the most significant issues within Indonesian legislative development. Citizens increasingly expect opportunities to contribute to legislative discussions and provide input regarding policies that affect public interests. Wardana, Sukardi, and Salman (2023) argue that public participation strengthens legislative legitimacy because it enables citizens to influence legal

development and enhances the responsiveness of law-making institutions. Likewise, Sianipar et al. (2022) emphasize that participatory legislation contributes to democratic governance by encouraging dialogue between lawmakers and society.

The importance of public participation has gained increasing attention following debates surrounding several major legislative reforms in Indonesia. In particular, discussions concerning omnibus legislation and strategic national policies have generated public concerns regarding transparency, consultation, and procedural legitimacy. These debates have highlighted the need to ensure that legislative processes provide meaningful opportunities for public engagement rather than merely formal mechanisms of consultation. As a result, public participation has emerged as a central topic within discussions concerning democratic governance and legislative reform.

A major development in this area occurred through Constitutional Court Decision No. 91/PUU-XVIII/2020. The Court emphasized the importance of meaningful public participation in legislative formation and highlighted the need for greater openness throughout the law-making process. The decision significantly influenced subsequent legislative reforms and contributed to the incorporation of participation principles within Law No. 13 of 2022. Consequently, meaningful participation has become a key concept within contemporary Indonesian legislative governance.

The concept of meaningful participation extends beyond formal consultation requirements. Meaningful participation requires citizens to have access to relevant information, opportunities to express opinions, and consideration of public input during legislative deliberations. Prastyo (2022) argues that meaningful participation represents an essential democratic standard because it ensures that public involvement influences legislative outcomes rather than functioning solely as a procedural formality. Similarly, Nursetiawan and Ardhanariswari (2022) emphasize that meaningful participation reflects the principles of a democratic rule of law by strengthening inclusiveness and accountability within legislative processes.

The adoption of Law No. 13 of 2022 introduced important changes to Indonesia's legislative framework, including provisions related to public participation and legislative transparency. Artioko (2022) argues that the law represents an effort to institutionalize meaningful participation within legislative procedures following Constitutional Court guidance. However, continuing debates indicate that challenges remain concerning the practical implementation of participation requirements and the extent to which public input influences legislative outcomes. These issues highlight the ongoing importance of evaluating legislative governance from a democratic perspective.

Transparency and accountability constitute additional dimensions of democratic law-making. Legislative processes that operate openly and provide access to information are more likely to gain public trust and legitimacy. Citizens require access to legislative documents, policy rationales, and deliberative processes in order to evaluate the performance of legislative institutions. Firdaus (2022) argues that

transparency strengthens democratic governance by enabling public oversight and reducing barriers to participation. These findings suggest that legislative legitimacy depends not only on participation opportunities but also on institutional openness and accountability.

Despite substantial progress in legislative reform, challenges continue to affect democratic law-making in Indonesia. Debates concerning omnibus legislation, procedural legitimacy, public consultation, and implementation of meaningful participation requirements indicate that tensions remain between legislative efficiency and democratic inclusiveness. These challenges have generated increasing scholarly interest regarding the effectiveness of existing legal frameworks in promoting democratic governance.

Although previous studies have examined public participation, legislative reform, and constitutional developments in Indonesia, many focus on specific legislative cases or individual legal reforms. There remains a need for comprehensive research examining legislative formation and democratic governance through the broader perspective of participatory law-making and constitutional principles. Such analysis is particularly important following the adoption of Law No. 13 of 2022 and the continuing influence of Constitutional Court Decision No. 91/PUU-XVIII/2020.

In response to this gap, this study employs a normative juridical method to examine legislative formation and democratic governance in Indonesia. Utilizing both a statutory approach and a conceptual approach, the analysis evaluates primary legal materials, particularly the 1945 Constitution, Law No. 12 of 2011, Law No. 13 of 2022, and Constitutional Court Decision No. 91/PUU-XVIII/2020, alongside secondary legal materials including legal literature, statutory interpretations, and scholarly doctrines. To guide the analysis, this study addresses the following research questions: (1) How do the 1945 Constitution, Law No. 12 of 2011, Law No. 13 of 2022, and Constitutional Court Decision No. 91/PUU-XVIII/2020 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 on the preservation of democratic governance and meaningful participation within the Indonesian legislative framework? By answering these research questions, this study seeks to provide a comprehensive legal understanding of how legislative formation frameworks establish democratic governance and preserve public participation in Indonesia.

2. | LITERATURE REVIEW

Democratic Governance and Legislative Formation

Democratic governance is closely associated with the process through which laws are formulated, adopted, and implemented. In democratic systems, legislation serves not only as a legal instrument but also as a mechanism through which public aspirations are translated into binding norms. Consequently, the legitimacy of law depends upon both its substantive content and the procedures used during its formation. Democratic

governance therefore requires legislative processes that are transparent, participatory, and accountable to citizens.

The principle of popular sovereignty provides the foundation for democratic law-making. Under democratic constitutional systems, political authority originates from the people and should be exercised through institutions that represent public interests. Legislative bodies perform a central role in this process by converting societal demands into legal frameworks that regulate public affairs. Negretto (2020) argues that democratic legitimacy is strengthened when legislative processes provide opportunities for citizen involvement and representative deliberation. Similarly, Ostwald (2023) emphasizes that democratic governance requires legal systems capable of maintaining a meaningful relationship between public participation and legislative authority.

Legislative formation contributes significantly to democratic governance because laws influence political, social, and economic life. Citizens are more likely to perceive legislation as legitimate when law-making processes are open, inclusive, and responsive to public concerns. Jackson (2022) argues that democratic law-making depends upon public trust, which is strengthened when citizens can observe and participate in legislative development. Consequently, procedural legitimacy has become an important component of democratic governance.

The literature further highlights the importance of representative institutions in democratic legislative systems. Legislatures are expected to act as channels through which societal interests are expressed and debated. However, representative institutions alone may not be sufficient to ensure democratic legitimacy. Modern governance increasingly requires broader participation mechanisms that allow citizens to contribute directly to legislative discussions and policy development. As a result, democratic governance has evolved toward more participatory approaches to law-making.

Transparency represents another important characteristic of democratic legislative formation. Citizens require access to information concerning proposed laws, legislative debates, and policy objectives in order to evaluate legislative performance. Transparent procedures improve accountability and enable public oversight throughout the legislative process. These mechanisms contribute to democratic legitimacy by ensuring that legislative decisions remain subject to public scrutiny.

The literature also demonstrates that democratic governance and legislative quality are closely interconnected. Laws developed through transparent and participatory processes are generally perceived as more legitimate and responsive to public needs. Martitah et al. (2023) argue that contemporary legislative reforms increasingly emphasize principles of good legislation, including openness, participation, and accountability. These principles contribute to democratic governance by strengthening trust in legislative institutions and improving policy outcomes.

Overall, democratic governance and legislative formation are mutually reinforcing concepts. Democratic systems depend upon legislative processes that reflect public interests, while effective legislation requires procedures that ensure participation,

transparency, and accountability. These relationships illustrate the importance of law-making processes within contemporary democratic governance.

Indonesian Legal Frameworks for Law-Making

Indonesia has developed a comprehensive legal framework governing the formation of laws and regulations. The constitutional foundation of legislative formation is provided by the 1945 Constitution (UUD 1945), which establishes the principles of popular sovereignty, representative democracy, and constitutional governance. These principles provide the basis for legislative authority while emphasizing the importance of accountability and public participation within democratic governance.

The primary statutory framework regulating legislative formation is Law No. 12 of 2011 concerning the Formation of Laws and Regulations. The law establishes procedures for planning, drafting, discussing, adopting, and promulgating legislation. It also defines the hierarchy of legal norms and provides guidance concerning legislative principles and drafting techniques. Through these provisions, the law seeks to ensure consistency, legal certainty, and procedural legitimacy within Indonesia's legislative system.

The legislative framework was significantly updated through Law No. 13 of 2022, which introduced amendments designed to strengthen legislative procedures and improve public participation. One of the most important developments involved the incorporation of meaningful participation principles following Constitutional Court Decision No. 91/PUU-XVIII/2020. These reforms reflect growing recognition that democratic governance requires broader opportunities for citizen involvement in legislative processes.

The literature highlights the importance of Law No. 12 of 2011 and Law No. 13 of 2022 in promoting democratic law-making. Harjono (2020) argues that legislative formation laws provide essential procedural foundations that guide the development of legal norms and support governance stability. Similarly, Zakaria (2023) emphasizes that recent legislative reforms have influenced the operation of Indonesia's legislative system by introducing new approaches to participation and procedural accountability.

Constitutional Court Decision No. 91/PUU-XVIII/2020 represents another important development within Indonesia's legislative governance framework. The Court emphasized that public participation must be meaningful and effective rather than merely symbolic. According to the decision, meaningful participation requires public access to information, opportunities to express opinions, and consideration of public input during legislative deliberations. These standards have significantly influenced discussions regarding democratic law-making and legislative legitimacy in Indonesia.

The legal framework also reflects broader constitutional principles concerning democratic governance. The Constitution recognizes that sovereignty belongs to the people and that governance institutions should operate in accordance with democratic values. Legislative procedures therefore function not only as technical mechanisms but

also as instruments through which democratic principles are implemented within governance processes.

Another important feature of Indonesia's legislative framework is the emphasis on openness. Legislative institutions are expected to provide information regarding proposed laws and facilitate opportunities for public consultation. These requirements support transparency and accountability by enabling citizens to monitor legislative activities and contribute to policy discussions. Such mechanisms are increasingly viewed as essential components of democratic governance.

The literature further demonstrates that legislative reform in Indonesia has evolved in response to demands for greater participation and accountability. Public debates concerning omnibus legislation, constitutional review, and legislative transparency have encouraged policymakers to strengthen participation mechanisms and improve procedural safeguards. These developments indicate that legislative formation remains an important area of democratic governance reform.

Overall, Indonesia's legal framework for law-making reflects efforts to balance representative democracy, legislative efficiency, and public participation. Through constitutional principles, statutory regulations, and Constitutional Court decisions, the legislative system seeks to promote democratic legitimacy and accountability. These legal foundations provide the basis for examining how participation contributes to democratic governance within Indonesia's law-making processes.

Public Participation in Legislative Processes

Public participation is one of the most important elements of democratic law-making because it enables citizens to contribute directly to the development of laws and public policies. Democratic governance requires legislative processes that accommodate societal interests and provide opportunities for citizens to express views regarding proposed regulations. Participation therefore functions as a mechanism through which public aspirations can be incorporated into legislative decision-making.

The literature consistently identifies public participation as a fundamental requirement of democratic governance. Wardana, Sukardi, and Salman (2023) argue that public participation strengthens legislative legitimacy because citizens become active stakeholders in the law-making process rather than passive recipients of legal norms. Similarly, Hatta (2023) emphasizes that participation contributes to democratic governance by improving communication between legislators and society during legislative deliberations.

Participation in legislative processes serves several democratic functions. First, it enables citizens to provide information and perspectives that may improve legislative quality. Second, it strengthens accountability by allowing the public to monitor legislative activities. Third, participation enhances public acceptance of laws because citizens are more likely to support regulations developed through inclusive procedures. Consequently, participation contributes to both democratic legitimacy and governance effectiveness.

The concept of participatory legislation has become increasingly significant within Indonesian legal discourse. Huzaeni and Nada (2022) argue that legislative formation should involve broader citizen engagement to ensure that legal norms reflect societal needs and democratic values. Likewise, Sianipar et al. (2022) emphasize that public participation strengthens democratic governance by creating opportunities for dialogue between lawmakers and citizens.

A major development in Indonesia's legislative system concerns the recognition of meaningful participation. This concept gained prominence following Constitutional Court Decision No. 91/PUU-XVIII/2020 and subsequent amendments introduced through Law No. 13 of 2022. Meaningful participation requires that citizens receive adequate information regarding proposed legislation, possess opportunities to provide input, and have their views considered during legislative deliberations. Participation therefore extends beyond formal consultation requirements and seeks to ensure substantive public involvement.

Prastyo (2022) argues that meaningful participation represents an essential democratic standard because it ensures that public involvement contributes to legislative decision-making rather than functioning merely as a procedural requirement. Similarly, Nursetiawan and Ardhanariswari (2022) emphasize that meaningful participation reflects the principles of a democratic rule of law by promoting openness, accountability, and inclusiveness within legislative processes.

The literature further demonstrates that meaningful participation contributes to deliberative democracy. Deliberative approaches emphasize dialogue, consultation, and reasoned discussion between policymakers and citizens. Public participation serves as a manifestation of deliberative democracy because it encourages collective discussion concerning legislative issues and public interests. Through deliberation, citizens can influence policy outcomes while strengthening democratic legitimacy.

Another important aspect of participation concerns accessibility. Effective participation requires that citizens have access to legislative information and consultation mechanisms. Participation opportunities become limited when legislative discussions occur without adequate transparency or public communication. Consequently, democratic law-making requires institutions capable of facilitating broad and inclusive participation.

Despite legal reforms promoting participation, challenges remain regarding implementation. Several studies indicate that public consultation processes are sometimes limited by insufficient information dissemination, restricted access to legislative documents, or inadequate consideration of public input. These concerns suggest that the effectiveness of participation depends not only on legal recognition but also on institutional commitment to democratic engagement.

Overall, the literature demonstrates that public participation constitutes a central component of democratic governance and legislative legitimacy. Through consultation, deliberation, and meaningful engagement, citizens contribute to the development of

laws while strengthening accountability and public trust. These findings indicate that participatory legislative processes remain essential for democratic law-making in Indonesia.

Transparency and Accountability in Law-Making

Transparency and accountability are fundamental principles of democratic governance because they ensure that legislative institutions remain open, responsive, and answerable to citizens. In the context of law-making, transparency refers to the accessibility of information concerning legislative proposals, deliberations, and decision-making processes. Accountability refers to the obligation of legislators and public institutions to justify decisions and respond to public concerns. Together, these principles strengthen democratic legitimacy and public trust in legislative institutions.

Transparency enables citizens to monitor legislative activities and evaluate whether law-making processes reflect public interests. Democratic governance depends upon informed citizens who possess access to information regarding proposed legislation and policy objectives. Without transparency, public participation becomes difficult because citizens lack the information necessary to engage effectively in legislative discussions.

The literature consistently identifies transparency as a prerequisite for democratic law-making. Firdaus (2022) argues that legislative transparency improves governance quality by enabling public oversight and strengthening institutional accountability. Similarly, Wardana et al. (2023) emphasize that transparency facilitates participation because citizens require access to information before they can contribute meaningfully to legislative processes. These findings suggest that transparency and participation are closely interconnected components of democratic governance.

Accountability represents another essential aspect of democratic legislation. Legislative institutions are expected to explain policy choices and demonstrate that laws are developed in accordance with constitutional principles and public interests. Accountability mechanisms encourage lawmakers to consider societal concerns and justify legislative outcomes. As a result, accountability contributes to both procedural legitimacy and governance effectiveness.

The relationship between transparency and accountability is particularly important within democratic systems. Transparency provides the information necessary for accountability mechanisms to operate effectively, while accountability encourages institutions to maintain openness and responsiveness. Jackson (2022) argues that democratic law-making depends upon public trust, which is strengthened when legislative institutions operate transparently and remain accountable for their decisions. These findings indicate that transparency and accountability function as mutually reinforcing principles.

The literature further demonstrates that public trust is closely connected to legislative openness. Citizens are more likely to perceive legislation as legitimate when legislative procedures are transparent and participatory. Conversely, secrecy and limited consultation can weaken confidence in legislative institutions and generate

concerns regarding procedural legitimacy. Consequently, transparency serves as an important mechanism for strengthening democratic governance.

Contemporary legislative reforms in Indonesia increasingly emphasize openness and public accountability. The incorporation of meaningful participation principles within Law No. 13 of 2022 reflects broader efforts to improve transparency and strengthen citizen involvement in legislative processes. These reforms indicate growing recognition that democratic governance requires legislative institutions capable of engaging openly with society.

Despite these developments, challenges remain concerning the practical implementation of transparency requirements. Access to legislative information may vary across institutions and legislative stages, while public understanding of complex legislative processes can remain limited. These issues suggest that transparency requires not only information disclosure but also effective communication and public accessibility.

Overall, transparency and accountability constitute essential pillars of democratic law-making. Transparent legislative processes facilitate participation, strengthen oversight, and improve public trust, while accountability ensures that legislative institutions remain responsive to citizens. These principles contribute significantly to democratic governance and legislative legitimacy in Indonesia.

Challenges in Democratic Law-Making

Despite significant legal reforms, democratic law-making in Indonesia continues to face various challenges related to participation, transparency, procedural legitimacy, and implementation. These challenges have become increasingly visible in debates surrounding major legislative reforms and have generated broader discussions concerning the quality of democratic governance. Although legal frameworks formally recognize public participation, practical implementation often reveals gaps between normative expectations and legislative realities.

One of the most significant challenges concerns the implementation of meaningful participation. Constitutional Court Decision No. 91/PUU-XVIII/2020 established that public participation should provide opportunities for citizens to access information, express opinions, and receive consideration of their input during legislative deliberations. However, several studies indicate that participation mechanisms do not always achieve these objectives in practice. Artioko (2022) argues that while Law No. 13 of 2022 incorporates meaningful participation principles, challenges remain regarding the extent to which public input influences legislative outcomes. Similarly, Annisa (2024) highlights continuing concerns regarding the effectiveness of participation mechanisms within legislative procedures.

The debate surrounding meaningful participation has become particularly important following major legislative reforms. Cholikh (2024) emphasizes that Constitutional Court guidance requires legislators to move beyond formal consultation practices and ensure substantive public engagement throughout the law-making

process. Nevertheless, practical implementation frequently depends upon institutional commitment, transparency, and accessibility. These conditions are not always uniformly achieved across legislative initiatives.

Another important challenge concerns procedural legitimacy. Democratic governance requires legislative processes that are perceived as fair, transparent, and inclusive. When citizens believe that legislative procedures fail to accommodate public participation adequately, concerns regarding legitimacy may emerge. Ishomuddin (2024) argues that deviations from meaningful participation principles can weaken confidence in legislative outcomes and generate public criticism regarding procedural fairness. Consequently, maintaining procedural legitimacy remains an important objective within democratic law-making.

The omnibus law approach has also generated significant scholarly and public debate. Omnibus legislation is often promoted as a mechanism for improving regulatory efficiency and accelerating policy reform. However, concerns have emerged regarding the complexity of omnibus legislative procedures and their implications for public participation. Harjono (2020) notes that omnibus legislation presents unique challenges because extensive regulatory changes may complicate public consultation and legislative scrutiny. Similarly, Zakaria (2023) emphasizes that the adoption of omnibus approaches requires careful attention to democratic principles and participation requirements.

Constitutional review has become another important mechanism for addressing challenges in democratic law-making. Constitutional Court Decision No. 91/PUU-XVIII/2020 demonstrates the Court's role in protecting democratic principles within legislative processes. Pujayanti et al. (2024) argue that the Constitutional Court contributes significantly to democratic governance by safeguarding constitutional values and ensuring that legislative procedures comply with constitutional standards. Through judicial review, the Court provides an institutional mechanism for evaluating legislative legitimacy and promoting governance accountability.

Technological developments present both opportunities and challenges for legislative participation. Digital platforms can expand access to legislative information and facilitate broader public consultation. Pamungkas and Yusuf (2023) argue that digital approaches to participation may strengthen inclusiveness and improve communication between lawmakers and citizens. However, unequal access to technology and differences in digital literacy may limit the effectiveness of these initiatives. As a result, technological innovation alone cannot guarantee meaningful participation without broader efforts to ensure accessibility and inclusion.

Another challenge concerns balancing legislative efficiency with democratic inclusiveness. Legislative institutions often face pressures to respond quickly to emerging policy issues, economic developments, and governance needs. While efficiency is important, accelerated legislative procedures may reduce opportunities for public consultation and deliberation. Democratic governance therefore requires

balancing timely policy responses with adequate participation and transparency mechanisms.

The literature further suggests that public awareness remains an important factor affecting participation quality. Citizens may encounter difficulties understanding complex legislative procedures or accessing relevant legislative information. Consequently, participation mechanisms must be supported by effective communication strategies and accessible information systems. Without adequate public understanding, opportunities for participation may remain underutilized despite formal legal recognition.

Overall, the literature demonstrates that democratic law-making in Indonesia continues to face challenges involving meaningful participation, procedural legitimacy, omnibus legislation, technological accessibility, and implementation of participation requirements. Although recent legal reforms have strengthened the normative foundations of participatory legislation, effective implementation remains essential for ensuring democratic governance. These challenges highlight the continuing importance of improving legislative transparency, accountability, and citizen engagement within Indonesia's law-making processes.

3. | 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.

4. | RESULTS

Normative Regulation of Public Participation and Legislative Governance under Indonesian Legal Frameworks

The findings of this study demonstrate that public participation plays a significant role in strengthening democratic governance within Indonesia's legislative formation process. The reviewed literature consistently indicates that participatory law-making contributes to legislative legitimacy, transparency, accountability, and public trust. The findings further reveal that Indonesia's legal framework, particularly the 1945 Constitution, Law No. 12 of 2011, Law No. 13 of 2022, and Constitutional Court Decision No. 91/PUU-XVIII/2020, provides important foundations for participatory legislation. However, challenges related to implementation, procedural legitimacy, and meaningful participation continue to influence the effectiveness of democratic law-making.

One of the principal findings concerns the relationship between public participation and democratic legitimacy. Democratic governance requires legislative processes that reflect public interests and provide opportunities for citizen involvement. The literature demonstrates that participation enhances legislative legitimacy because citizens are more likely to accept legal outcomes when they have opportunities to contribute to legislative discussions. Wardana, Sukardi, and Salman (2023) argue that public participation strengthens the democratic character of legislation by allowing citizens to engage directly with the law-making process. Similarly, Hatta (2023) emphasizes that participation improves the connection between legislative institutions and society by facilitating dialogue concerning public policies.

The findings further indicate that participation contributes to legislative quality. Citizens frequently possess information, experiences, and perspectives that can improve legislative outcomes. Through consultation and public engagement mechanisms, legislators can obtain broader insights regarding the potential consequences of proposed laws. Huzaeni and Nada (2022) argue that participatory legislative processes contribute to more responsive and inclusive legal frameworks because they incorporate diverse societal viewpoints. These findings suggest that participation improves both democratic legitimacy and legislative effectiveness.

Another important finding concerns the growing significance of meaningful participation within Indonesian law-making. Constitutional Court Decision No. 91/PUU-XVIII/2020 established that participation should not be limited to formal procedural requirements but should involve substantive opportunities for public engagement. The Court identified several important elements of meaningful participation, including access to information, opportunities to express views, and consideration of public input during legislative deliberations. These standards have significantly influenced discussions concerning democratic law-making in Indonesia.

The literature consistently identifies meaningful participation as a central democratic principle. Prastyo (2022) argues that meaningful participation ensures that public involvement contributes to legislative outcomes rather than functioning merely as a symbolic process. Likewise, Nursetiawan and Ardhanariswari (2022) emphasize that meaningful participation reflects democratic rule-of-law principles because it strengthens openness, accountability, and inclusiveness. These findings indicate that participation quality is as important as participation availability.

The findings also demonstrate the influence of Law No. 13 of 2022 on participatory legislation. The law introduced reforms designed to strengthen public participation and improve legislative procedures following Constitutional Court guidance. Artioko (2022) argues that the incorporation of meaningful participation principles represents an important effort to institutionalize democratic law-making practices. Similarly, Cholik (2024) highlights that legislative reforms increasingly emphasize citizen involvement as a requirement of democratic governance. These findings suggest that recent legal developments have strengthened the normative foundations of participatory legislation.

Transparency emerged as another important theme within the literature. Effective participation depends upon citizens having access to relevant legislative information. Public consultation mechanisms cannot function effectively when legislative proposals, policy objectives, or deliberative processes remain inaccessible. Firdaus (2022) argues that transparency enables meaningful participation by ensuring that citizens possess adequate information regarding legislative developments. Likewise, Wardana et al. (2023) emphasize that transparency improves public oversight and strengthens accountability throughout 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 open and accessible. Public access to legislative information reduces uncertainty regarding policy decisions and enables citizens to monitor legislative performance. Consequently, transparency functions as an important mechanism supporting democratic governance and institutional legitimacy.

Accountability represents another significant finding of this study. Legislative institutions are expected to justify policy decisions and demonstrate responsiveness to public concerns. Participation mechanisms strengthen accountability because

legislators become more aware of societal expectations and public scrutiny. Jackson (2022) argues that democratic law-making depends upon accountability relationships between lawmakers and citizens. These findings indicate that participation and accountability are closely interconnected dimensions of democratic governance.

Normative Implications of Contemporary Legal and Institutional Challenges on Democratic Governance and Meaningful Participation

The literature also identifies constitutional review as an important safeguard for democratic law-making. Constitutional Court Decision No. 91/PUU-XVIII/2020 demonstrates the role of judicial institutions in protecting participatory rights and procedural legitimacy. Pujayanti et al. (2024) argue that the Constitutional Court contributes significantly to democratic governance by ensuring that legislative procedures comply with constitutional principles. These findings suggest that judicial oversight strengthens democratic accountability within legislative systems. Another important finding concerns debates surrounding omnibus legislation. The literature indicates that omnibus approaches may improve legislative efficiency by consolidating multiple regulatory changes into a single legislative process. However, concerns have emerged regarding the implications of omnibus legislation for participation and transparency. Harjono (2020) argues that omnibus methods may complicate public consultation because legislative proposals often involve extensive and complex regulatory changes. Similarly, Zakaria (2023) notes that legislative efficiency should not undermine democratic participation and procedural legitimacy. These findings suggest that balancing efficiency and inclusiveness remains an important challenge within democratic governance. Digital participation emerged as a developing theme within recent scholarship. Technological innovations provide opportunities to improve public engagement through online consultations, digital information platforms, and electronic participation mechanisms. Pamungkas and Yusuf (2023) argue that smart-legislation initiatives can enhance citizen participation by expanding access to legislative processes. These developments suggest that digital technologies may strengthen participatory governance when supported by appropriate institutional frameworks. Despite these positive developments, the findings reveal continuing challenges affecting democratic law-making. Several studies indicate that public consultation processes do not always provide sufficient opportunities for meaningful engagement. Access to legislative information may remain uneven, while public input is not always reflected in legislative outcomes. Ishomuddin (2024) argues that discrepancies between legal participation requirements and practical implementation continue to affect legislative legitimacy. Likewise, Annisa (2024) identifies ongoing concerns regarding the effectiveness of participation mechanisms following the enactment of Law No. 13 of 2022. The literature further highlights challenges associated with public awareness and accessibility. Citizens may face difficulties understanding complex legislative procedures or accessing technical legal information. These barriers can reduce participation quality even when formal participation

opportunities exist. Consequently, democratic governance requires not only legal participation mechanisms but also efforts to improve public understanding and accessibility. Overall, the evidence reviewed in this study demonstrates that public participation constitutes a central component of democratic governance within Indonesia's legislative system. Participation contributes to legislative legitimacy, transparency, accountability, and public trust, while meaningful participation has emerged as a key democratic standard following Constitutional Court Decision No. 91/PUU-XVIII/2020. Although recent legal reforms have strengthened participatory frameworks, implementation challenges remain. These findings indicate that strengthening participation mechanisms remains essential for promoting democratic governance and legislative legitimacy in Indonesia.

5. | DISCUSSION

The findings demonstrate that public participation has become a central element of democratic governance within Indonesia's legislative formation process. Democratic law-making requires legislative procedures that are transparent, accountable, and responsive to public interests. The reviewed literature consistently indicates that participation contributes to legislative legitimacy by allowing citizens to engage in the development of laws that affect public life. These findings support the view that democratic governance extends beyond representative institutions and increasingly depends upon participatory mechanisms that facilitate public involvement in policy formulation.

One of the most important findings concerns the relationship between participation and democratic legitimacy. Legislative legitimacy is strengthened when citizens perceive that law-making processes are open, inclusive, and responsive. Participation enables individuals and social groups to express interests, provide policy input, and influence legislative discussions. Consequently, citizens are more likely to accept legislative outcomes when they have opportunities to contribute to decision-making processes. The findings therefore suggest that participation functions as an important source of democratic legitimacy within Indonesia's constitutional system.

The study also highlights the significance of meaningful participation as a democratic standard. Constitutional Court Decision No. 91/PUU-XVIII/2020 represents a major development because it emphasizes that participation should involve more than formal consultation procedures. Meaningful participation requires access to information, opportunities to express views, and consideration of public input during legislative deliberations. This approach reflects broader democratic principles that prioritize substantive engagement rather than symbolic involvement. The findings indicate that meaningful participation has become an increasingly important benchmark for evaluating legislative legitimacy in Indonesia.

Another important implication concerns the role of legal frameworks in promoting democratic governance. Law No. 12 of 2011 and Law No. 13 of 2022 establish

procedural foundations for legislative formation while incorporating principles of openness and participation. These legal developments demonstrate growing recognition that democratic law-making requires institutional mechanisms capable of facilitating citizen involvement. The findings therefore suggest that legislative reform has strengthened the normative basis for participatory governance within Indonesia's legal system.

Transparency emerged as another significant dimension of democratic law-making. Effective participation depends upon citizens having access to legislative information and opportunities to understand proposed legal changes. Transparency enables public oversight and improves accountability by allowing citizens to monitor legislative activities. The findings indicate that transparency and participation are mutually reinforcing principles because citizens cannot participate meaningfully without access to relevant information. Consequently, legislative openness remains essential for democratic governance.

The study further demonstrates that accountability is closely linked to participation and transparency. 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 societal interests. These relationships strengthen democratic accountability by ensuring that legislative authority remains connected to public expectations and constitutional principles.

The findings additionally reveal the important role of constitutional review in protecting democratic law-making. Constitutional Court Decision No. 91/PUU-XVIII/2020 illustrates how judicial institutions can safeguard participatory rights and reinforce democratic standards within legislative processes. Judicial oversight contributes to democratic governance by ensuring that legislative procedures comply with constitutional requirements and principles of public participation. The Constitutional Court therefore functions as an important institutional safeguard supporting legislative legitimacy.

At the same time, the study identifies several challenges affecting democratic law-making in Indonesia. One of the most significant concerns involves the implementation of meaningful participation requirements. Although participation is formally recognized within legislative frameworks, practical implementation may vary across legislative processes. Public consultation opportunities do not always result in substantive consideration of citizen input, creating concerns regarding the effectiveness of participation mechanisms. These findings suggest that legal recognition alone is insufficient without consistent institutional commitment to participatory governance.

The debate surrounding omnibus legislation illustrates another challenge. While omnibus approaches may improve legislative efficiency, concerns remain regarding transparency, public consultation, and procedural legitimacy. The findings indicate that democratic governance requires balancing legislative efficiency with opportunities for

meaningful citizen engagement. Legislative reforms should therefore ensure that accelerated procedures do not undermine participation and accountability principles.

Digital participation presents both opportunities and challenges for democratic governance. Technological innovations can expand access to legislative information and facilitate broader public engagement. However, differences in digital literacy, internet access, and public awareness may limit participation effectiveness. These findings suggest that digital participation initiatives should be accompanied by efforts to improve accessibility and inclusiveness.

Overall, the study demonstrates that public participation plays a critical role in strengthening democratic governance within Indonesia's legislative system. Participation contributes to legitimacy, transparency, accountability, and public trust, while constitutional and statutory frameworks provide important protections supporting democratic law-making. Nevertheless, challenges related to implementation, legislative efficiency, and participation quality continue to influence the effectiveness of participatory governance. Strengthening meaningful participation therefore remains essential for promoting democratic legitimacy and improving legislative governance in Indonesia.

6. | 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.

Overall, 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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Conflict of Interest Statement

The authors declare 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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