

Implementation of Community Participation in the Process for Forming Responsive Regional Regulations in Bandung City



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ABSTRACT: Community participation in the formation of local regulations is very important, because local regulations that are formed must be in accordance with the wishes and needs of the community. Implementation of community participation in the formation of local regulations will determine the quality, have an impact on the local regulations that are formed. However, community participation in the city of Bandung in the formation of local regulations is lacking. The problems raised by the author are: (1) how is the basis for the implementation of the formation of local regulations in the city of Bandung number 2 of 2013 concerning social institutions 2) how the implementation of public participation in the formation of local regulations in the city of Bandung, 3) how the process of forming a participatory and responsive local regulations in Bandung. The purpose of this study is to find out, study and analyze regarding: (1) the basis of the implementation of the formation of local regulations in Bandung City number 2 of 2013 concerning social institutions, (2) implementation of community participation in the formation of local regulations in the city of Bandung, and (3) the process the formation of participatory and responsive local regulations in the city of Bandung. This study uses a sociological juridical approach, with descriptive research specification analysis. The data used in this study are primary and secondary data, obtained through interviews and literature studies, which are then analyzed qualitatively. The results showed that: (1) community participation in the formation of local regulations can improve the quality of local regulations because the community is the object of the local regulations and the people who run the local regulations. Community participation produces input to improve the quality of decisions, and the implementation of local regulations will run more optimally; (2) The process of forming local regulations in Bandung is less participatory and not responsive, so that the resulting decisions are not yet of quality and not in accordance with the needs and expectations of the community, other than that it can not be minimized public turmoil or dissatisfaction and in the end the implementation of regional regulations is not running properly; and (3) the causes of the lack of quality community participation in the formation of local regulations in the city of Bandung are: (a) lack of understanding of the community in the process of establishing local regulations, (b) lack of decisive efforts from local governments in capturing the aspirations of the community, (c) the regulations are not made based on the interests of the community and the socialization of local regulations have not been maximized, and (d) the community is less involved. The solutions needed include: (a) a commitment from the law makers in the regions to involve the community in any discussion of the Peraturan Daerah, (b) a clear and transparent socialization and enforcement of the Peraturan Daerah is needed, (c) a more accurate study of the problems faced community, and (d) involving all elements of society. Keywords: Community Participation and Responsive Local Regulations

I. INTRODUCTION

The division of regions as mandated by Article 18 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, gives authority to regions to regulate and manage their own government affairs, because regions better understand the problems they face and know better what the regions themselves need. The 1945 Constitution of the Republic of Indonesia shows that Indonesia is a unitary state, the plurality of local conditions both in terms of customs, regional government capacity, local democratic atmosphere and the background to the formation of each region requires the establishment of policies. decentralization of government administration. The political decision to grant greater autonomy to regions has provided significant changes to the Indonesian government system in general and regional government in particular.¹

¹ Jazim Hamidi, Legal Optics, *Problematic Regional Regulations, Initiating Responsive and Sustainable Regional Regulations*. First Printing, Achievement Pustaka Publisher, Jakarta, 2011, p. 47.

Implementation of Community Participation in the Process for Forming Responsive Regional Regulations in Bandung City

The consequence of Article 18 of the 1945 Constitution of the Republic of Indonesia requires the implementation of regional autonomy. Regional autonomy according to the provisions of Article 1 number 6 of Law Number 23 of 2014 concerning Regional Government is: "The rights, authority and obligations of autonomous regions to regulate and manage their own government affairs and the interests of local communities in the system of the Unitary State of the Republic of Indonesia". In implementing regional autonomy, the government is required to implement the principles of decentralization, deconcentration and assistance tasks in the administration of regional government.

Law Number 12 of 2011 concerning the Formation of Legislative Regulations and Law Number 23 of 2014 concerning Regional Government have provided a way for democratic political interaction in Regional Regulation legislation. The formulation of the Explanation to Law Number 23 of 2014 concerning Regional Government essentially states that regional regulation legislation is in the context of improving community welfare by always paying attention to the interests and aspirations that grow in society. These two laws also stipulate the principles of openness and democracy, the community's right to participate in the formation of Regional Regulations, and the existence of orders for organs authorized to form regional regulations and publish draft regional regulations.

Democratic political interaction in regional regulation legislation is intended to build Good Governance, which demands a democratic climate with government management based on the principles of participation, accountability and transparency to produce responsive regional regulations. In other words, Good Governance requires broad community participation.

Regional regulations require planning and care in their formulation. The role of research and studies prepared in the form of Academic Papers is very important to support the formation of Regional Regulations to avoid possible conflicts with higher regulations or with the public interest. Besides that, by carrying out research and studies before the formation of Regional Regulations, overlap with other Regional Regulations (Existing Local Law) can also be avoided.

It is still felt that the formation of Regional Regulations is lacking or has not gone through planning the formation of good legislation. This is characterized by:²

- a. There are still many problematic regional regulations found because their substance is considered to be controversial, ambiguous, overlapping and inconsistent both vertically and horizontally;
- b. Has not shown commitment and character that is responsive to the development of human rights, weak and marginalized communities, gender justice values; and the formation process is less aspirational and participatory

With regard to the fact that many Regional Regulations are still found to be problematic because their substance is considered to be still controversial, less participatory, ambiguous and overlapping as well as inconsistent vertically and horizontally, generally this is triggered by the high spirit of regional autonomy, resulting in an increase in the formation of Provincial and Regency Regional Regulations/City. However, the Regional Regulation that was formed still caused many problems so it was cancelled. The Regional Regulations that are canceled are generally Regional Regulations that regulate regional taxes and regional levies because they are considered to have the potential to distort economic activities. Apart from that, there are various Regional Regulations which are controversial and problematic at the level of implementation in society related to Human Rights, discrimination, gender equality, environmental pollution and so on.

The number of Regional Regulations that have been canceled and the rejection from the community raises questions about the process of forming Regional Regulations. How does this process work? What are the shortcomings of the current process? What kind of political dynamics emerged during the formation process that ended with the formation of Regional Regulations that were controversial and problematic in their implementation to the point where human rights violations were indicated. This situation has resulted in increasing demands from many parties to integrate human rights into Regional Regulations. Therefore, the role of local governments in fulfilling, respecting and protecting human rights is very important.

The research results of the Regional Autonomy Implementation Monitoring Committee show that of the 709 regional regulations studied, 85.2% were problematic regional regulations and only 14.8% were non-problematic. Apart from that, from the results of a study by the Ministry of Home Affairs (Kemendagri) in 2016, there were 3,143 Regional Regulations that were revoked or revised, of which in detail 1,765 were Regional Regulations or district/city regional regulations that were revoked or revised by the Minister of Home Affairs. Then 111 regulations or decisions of the Minister of Home Affairs were revoked or revised

² Wicipto Setiadi, *The Strategic Role of Academic Papers in the Formation of Regional Regulations*. Paper presented at the Law Center Coordination Meeting on January 29 2011 at the Pangeran Beach Hotel, Padang, West Sumatra, p. 3

Implementation of Community Participation in the Process for Forming Responsive Regional Regulations in Bandung City

by the Minister of Home Affairs and 1,267 Regional Regulations or District/City Regional Head Regulations were revoked or revised by the Governor.³

The regulation of legal harmonization in the formation of regional regulations can be traced to several statutory regulations which directly regulate and are related to the formation of regional regulations. Some of these regulations are Law Number 23 of 2014 concerning Regional Government and Law Number 12 of 2011, along with its implementing regulations. Article 236 paragraphs (3 and 4) of Law Number 23 of 2014 concerning Regional Government reads: Paragraph (3) of the Regional Regulations as referred to in paragraph (1) contains content material:

- a. Implementation of Regional Autonomy and Assistance Tasks; And
- b. Further elaboration of the provisions of higher laws and regulations.

Paragraph (4) Apart from content material as intended in paragraph (3), Regional Regulations may contain local content material in accordance with the provisions of statutory regulations.

The Bandung City Government has regulated the formation of these institutions with Bandung City Regional Regulation Number 02 of 2013 concerning Village Community Institutions. However, in line with existing developments, namely with the birth of Law number 23 of 2014 concerning Regional Government and various problems in society as well as problems that conflict with the implementation of these regional regulations, it is necessary to respond by conducting an evaluation of Bandung City Regional Regulation Number 02 of 2013 regarding Village Community Institutions so that they can answer problems that occur and are in accordance with the needs and social changes of current society. This change is also necessary in order to be able to adapt to developments in laws and regulations related to the structuring of social organizations, especially Ministerial Regulation No. 5 of 2007 concerning guidelines for Structuring Community Institutions, which has now been revoked and replaced with Minister of Home Affairs Regulation number 18 of 2018 concerning Community Institutions. Villages and Village Traditional Institutions as well as a legal umbrella for social institutions that suit the needs of the community, especially in the city of Bandung.

The presence of Bandung City Regional Regulation number 2 of 2013 concerning Village Community Institutions, the social facts are not really responded to by the community and community institutions, because this regional regulation is considered not participative and less appreciative and does not suit the needs of social institution actors, so this regional regulation has remained until now. this doesn't work effectively. Along with these social facts, Soerjono Soekanto said that the law cannot satisfy all parties and cannot solve various problems perfectly. Sociology of law understands law in a social context with the aim of evaluating its effectiveness in society.⁴

Bandung City Regional Regulation number 2 of 2013 concerning Village Community Institutions Apart from not being in accordance with various existing social institution regulations such as for Community Empowerment Institutions which have the results of the National Conference on Community Empowerment Institutions in 2020 and Presidential Decree Number 49 of 2001, Empowerment of Family Welfare has the Results of the National Working Meeting Empowerment of Family Welfare in 2013 and Presidential Decree number 99 of 2017 and Minister of Home Affairs Regulation number 1 of 2013, and Karang Taruna has the results of the Karang Taruna national work meeting and Minister of Social Affairs Regulation 77 of 2010, also for Rukun Warga (RW) and other community institutions there is an age limit, namely a maximum of 65 years, even though the social facts are that of the 100 heads of Rukun Warga (RW), 62% are over 65 years old.⁵

Government Regulation number 45 of 2017 concerning Community Participation in the Implementation of Regional Government article 1 paragraph 1 states that Community Participation in the Implementation of Regional Government, hereinafter referred to as Community Participation, is the role of the community in channeling their aspirations, thoughts and interests in the administration of regional government.

Article 2 paragraph 1 of the Government Regulation states that the community has the right to participate in the preparation of Regional Regulations and regional policies that regulate and burden the community. Furthermore, article 3 states that community participation can be carried out through:

- a. public consultation;
- b. conveying aspirations;
- c. public hearings;

³ <https://news.detik.com/berita/d-3238417/mendagri-bisnis-3143-perda-yang-dicabut-atau-direvisi-government>, downloaded January 18 2024, at 05.23 WIB

⁴ Soerjono Soekanto, 2009 E journal, *getting to know the sociology of law*.

⁵ Academic Text Revision of Regional Regulation 02 of 2013 concerning Village Community Institutions, DP3APM, 2018, page 32.

Implementation of Community Participation in the Process for Forming Responsive Regional Regulations in Bandung City

- d. work visit;
- e. socialization; and/or
- f. seminars, workshops, and/or discussions.

As an effort to increase Community Participation as intended in the Government Regulation, it is stated that the Regional Government:

- a. Socialize draft Regional Regulations and draft Regional Head Regulations through information media that is easily accessible to the public; And
- b. Develop an information system for drafting Regional Regulations and Regional Head Regulations in the form of online services taking into account regional conditions and readiness.

Seeing the importance of community participation, it cannot be separated from the existence of power in the hands of the people. Popular sovereignty views that power comes from the people, so that in carrying out its duties the government must adhere to the will of the people, which is usually called democracy. Jean Jaques Rousseau was the main pioneer of the concept of popular sovereignty through his famous theory of the Social Contract (Social Contract Theory). According to Rousseau, the state was formed because of a community agreement. In this context, sovereignty is born as a result of a statement of will by the people, in 2 (two) ways, namely:⁶

- 1. Collective agreement between members of society to protect each other's rights, which is called "volunte generale";
- 2. An agreement between community members and a group of people to ensure that the agreement is implemented by community members, which is called "volunte de tous".

Community participation in the formation of regional regulations is one form of community political participation in the context of creating good governance. Community participation in the formation of statutory regulations, including Regional Regulations, is also regulated in Article 96 of Law Number 12 of 2011 which states that:

- 1) The public has the right to provide oral and/or written input in the formation of statutory regulations;
- 2) Oral and/or written input as intended in paragraph (1) can be done through:
 - a. Public hearings;
 - b. Work visit;
 - c. Socialization; and/or
 - d. Seminars, workshops and/or discussions
- 3) The public as intended in paragraph (1) is an individual or group of people who have an interest in the substance of the draft statutory regulations;
- 4) To make it easier for the public to provide input verbally and/or in writing as intended in paragraph (1), every draft legal regulation must be easily accessible to the public.

Community participation is not only community participation in the development process, but the community must also be aware of the efforts made by the government in an effort to realize people's welfare. This participation requires openness, such as openness to information because without openness it will be difficult for the government to get community participation and support in all government activities.

As in the process of making public policy in a democratic government, it will be better and more meaningful if it is able to promote the interests of the people themselves, not just the interests of elites and a group of people. The process of making public policy is more important than its content. Thus, this principle means that the process of making public policy in a democratic government lies in how the policy process is made, rather than in the content of the policy. The more opportunities for dialogue the government has with its people, the more open the path to democracy will be in government. If the door to dialogue is closed or the opening is very narrow, then people will flock to force the door to open. That is a popular demonstration that can destabilize the government.⁷

Based on the problems above, the researcher considers that community participation in the process of forming regional regulations in Bandung City needs to be researched in relation to social facts that occur in society, the rejection of Bandung City

⁶ Eddy Purnama, *State of People's Sovereignty, Analysis of the Indonesian Government System and Comparison with Other Countries*. First Edition, Nusamedia, Bandung, 2007., p. 10

⁷ Miftah Thoha, *Contemporary Public Administration Science*, First Edition, Second Printing, Kencana Prenada Media, Jakarta, 2008, p. 261

Implementation of Community Participation in the Process for Forming Responsive Regional Regulations in Bandung City

regional regulations Number 2 of 2013 concerning sub-district social institutions from the heads of the RW, LPM, PKK and Karang Taruna became the basis for researchers to conduct research with the title Implementation of Community Participation in the Process of Forming Responsive Regional Regulations in Bandung City (Study of Community Participation in the Process of Forming Bandung City Regional Regulations Number 2 of 2013 Concerning Village Community Institutions).

II. RESEARCH METHODS

The approach method used in this research is the sociological juridical method, that is, apart from using legal principles and principles in reviewing, viewing and analyzing problems, this research also reviews how it is implemented in practice. This research examines community participation in the process of forming regional regulations (Study of Community Participation in the Process of Forming Regional Regulations for the City of Bandung Number 2 of 2013 concerning Village Community Institutions).

III. RESULTS AND DISCUSSION

3.1. Measuring the Degree of Community Participation in the Formation of Regional Regulations in the City of Bandung

Public participation in a democratic governance structure requires public involvement in the decision-making process, which is increasingly important in the era of regional autonomy. Participation is intended to encourage the creation of public communication to increase public understanding of the government's decision-making process and better disclosure of government information, to then provide new ideas in expanding a comprehensive understanding of an issue. Participation reduces the possibility of conflict in implementing a decision and supports the implementation of accountability, as well as encouraging the public to observe what the government is doing. Public participation is reflected in the opportunity to review draft decisions. Opportunity to provide input and respond to public input from decision makers, in this case the government.

Sherry Arnstein (1969) in the ladder of participation theory, divides levels of community participation into 8 ladders or levels with different characteristics of participation in each ladder ehe 8 stairs are:

Table: Degree of Citizen Partispation

No	Tangga	Ladder	Definition	Indicator
1	Manipulation	Non Partipation	There is relatively no communication between the government and the community	Information on the Process of Forming Regional Regulations
2	Therapy		Communication is still very limited or initiatives only come from the government (still one way)	Invitation to Establish Regional Regulations
3	Informating	Tokenism	Communication between government and society is no longer limited but it is still one-way	Schedule socialization Formation of Regional Regulations to society
4	Consultation		Communication already two-way between government and society	The public can provide program suggestions directly
5	Placation		There is a process communication accompanied by a negotiation process between the government and the community	Discussion of community proposals in deliberation forums and opinion hearings
6	Pathership	Citizen Control	Conditions exist communication between government and society parallel partner position	Can supervise regional policies
7	Delegation		The government has giving authority to the community to take care of their own needs and interests in terms of public services	Trust from the Bandung City Government to the community in planning regional policies

Implementation of Community Participation in the Process for Forming Responsive Regional Regulations in Bandung City

8	Citizen Control	Society can actively Involved in the formulation, implementation, evaluation and control of every public policy made	vailability of facilities for the community in terms of monitoring regional policies
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Source: Sherry Arnstein, 1969, processed 2024

Furthermore, the level of manipulation and therapy is categorized as the non-participation stage. The level of conveying information, consultation, and reducing anger is categorized as the tokenism stage. And finally, the level of partnership, delegation of power, and community supervision is categorized as the stage of community power.

To measure the degree of participation of the people of Bandung City in the Formation of Regional Regulations in the City of Bandung using the degree of participation from Sherry R. Arnstein (1969), a questionnaire was prepared based on three stages of the theory of the degree of community participation. This questionnaire was then distributed to 65 respondents from social institutions from 30 sub-districts throughout Bandung City who were users of Bandung City Regional Regulation number 2 of 2013 concerning Village Community Institutions. The following is a recapitulation of respondents' answers to indicators of the degree of community participation.

Table: Recapitulation of Respondents' Answers to Indicators Society participation

No	Indicator	Answer
1	There is information about plans to form regional regulations	29,23 %
2	There is information about plans to form regional regulations	10,77%
3	Socialization to the community of plans to establish Regional	4,62%
4	RegulationsThe public can provide suggestions directly	6,15%
5	Dialogue with society	1,54%
6	The community can actively supervise the implementation of the formation of Regional Regulations	1,54%
7	The level of trust of the Bandung City Government in the community to involve the community	4,62%
8	Availability of complete facilities and infrastructure for the community to monitor policies	4,62%

Source: Data Processing Results, 2024

Based on the recapitulation of the answers from respondents using 8 indicators of degree of participation, it can be seen that all the indicators asked to the 65 selected respondents received low scores. This means that all indicators regarding the level of community participation in the city of Bandung have not been met. This condition illustrates that the participation of the people of Bandung City in the formation of Regional Regulations which is a constitutional mandate as stated in Law No. 12 of 2011 concerning Guidelines for the Formation of Legislative Regulations and Law 23 of 2014 concerning Regional Government has not yet run optimally in the City of Bandung and the community as stakeholders in the formation of Regional Regulations have not been fully given access to participate. The conditions in the city of Bandung are in accordance with Arnstein's explanation of the first degree in the theory of degrees of participation, namely non-participation which consists of the steps of manipulation and therapy. The first ladder, namely manipulation or abuse, and the second ladder, therapy (repair), are not included in the context of actual participation. In this case, the community is involved in the formation of Regional Regulations, but in fact their involvement is not based on a mental, psychological impulse, and is accompanied by consequences for their participation which contributes to the formation of these Regional Regulations. The community in this position is only an object in the formation of Regional Regulations and is only used as a requirement (justification) that the aspirations and demands of the community have been fulfilled by the Bandung City Government. The results of field research on 65 respondents strengthen this position, where there are still quite a lot of community members who are not yet fully aware of the urgency of forming Regional Regulations that will enable the development of partnership conditions between the community and the Bandung City Government. Issues surrounding the formation of Regional Regulations are still controlled by only a handful of people and there has not been any massive effort from the Bandung City Government to encourage the community to be more participatory.

Implementation of Community Participation in the Process for Forming Responsive Regional Regulations in Bandung City

The low level of public participation in the formation of Regional Legal Products is also due to the stigma that the formation of Regional Regulations is only the responsibility of the regional government. Thus, the concept of regional autonomy which allows for higher community involvement has not been properly conveyed. Community participation, especially in the process of forming Regional Regulations, is often ignored by justifying the existence of community "representatives" as complete representatives of the entire community. To be able to increase the level of community participation in an even better direction, hard work is needed from various related parties, starting from the executive and regional legislatures. This is because the increasing involvement of the community in the administration of government and accompanied by an open attitude from the government itself will certainly be a direction for the realization of socio-political trust, thereby enabling the implementation of a democratic government process. Apart from that, with community participation, especially in the formation of Regional Regulations, it will further empower communities autonomously to be able to organize themselves and their environment.

The Process of Forming Participatory and Responsive Regional Regulations in the City of Bandung

A. Formation of Participatory Regional Regulations

Regional government is a major means of the state in strengthening national development with various positive activities. Of course, regional government participation in strengthening national development from various sectors can be realized well if regional governments are able to direct progressive and integrative policies. Apart from that, the implementation of a decentralization system which is a sub-theme of democracy must be implied in strengthening the role of regions constructively to empower local communities for the collective strength of the state. In this way, decentralization is able to form healthy competition between regions in advancing the nation. The granting of the authority to draft regional regulations to regional governments is a symbol of the independence of regional governments in regulating and managing the various potentials they have. Regional Regulations are a strategic instrument in achieving decentralization goals. Moreover, in the context of regional autonomy, the existence of Regional Regulations in principle plays a role in encouraging maximum decentralization.⁸

Article 1 (41) of Law 23/2014 concerning regional government explains that community participation is the role of community members to channel their aspirations, thoughts and interests in the administration of government. The article above provides broad space for the community to participate in government administration. However, this article does not explain in detail how and within what scope the community can participate in channeling their aspirations, thoughts and interests to the regional government. In reality, in interpreting community participation, the Regional Government is obliged to do three things, namely: 1) convey information about government administration, 2) carry out consultations with community groups/organizations to provide an active role in two major tasks, namely government administration and community strengthening, 3) provide material support in the form of money and/or facilities for community organizations to strengthen participation. Participation can be interpreted as taking part, taking part in an activity, from planning to evaluation. Community participation in the process of making regional regulations can be categorized as political participation. By Huntington and Nelson. Political participation is defined as the activities of private citizens whose aim is to influence decision making by the government.

The role of community participation in the formation of statutory regulations, including in the formation of Regional Regulations, has been juridically normative in Article 96 of Law 12/2011 which regulates community participation in the formation of statutory regulations:

- 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. public hearings;
 - b. work visit;
 - c. socialization; and/or
 - b. seminars, workshops, and/or discussions.
- II. The public as intended in paragraph (1) is an individual or group of people who have an interest in the substance of the Draft Legislative Regulations.
- III. To make it easier for the public to provide oral and/or written input as intended in paragraph (1), every Draft Legislative Regulation must be easily accessible to the public.

⁸ Reny Rawasita, et.al. "Assessing the Social Responsibility of Regional Regulations". Jakarta: Center for Indonesian Law and Policy Studies, 2009. Pg. 60

Implementation of Community Participation in the Process for Forming Responsive Regional Regulations in Bandung City

Government Regulation Number 45 of 2017 concerning Community Participation in the Implementation of Regional Government is based on Article 5 paragraph (2) of the 1945 Constitution of the Republic of Indonesia and Law Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia of 2014 Number 244 , Supplement to the State Gazette of the Republic of Indonesia Number 5587) as amended several times, most recently by Law Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement to the State Gazette Republic of Indonesia Number 5679).

Government Regulation Number 45 of 2017 concerning Community Participation in the Implementation of Regional Government provides an understanding of general provisions regarding:

- 1) Community Participation in the Implementation of Regional Government, hereinafter referred to as Community Participation, is the role of the Community in channeling their aspirations, thoughts and interests in the implementation of regional government.
- 2) Communities are individual Indonesian citizens, community groups, and/or Community Organizations.
- 3) Community Organization is a community organization as intended in the laws and regulations governing Community Organizations.

Community participation in the administration of regional government has an important function, including as a means for the community, both individuals, community groups and community organizations, to express their needs and interests so that the process of forming regional policies is more responsive to the needs and interests of the community. Community participation is also important in realizing community awareness and support for successful development in the region. In accordance with the provisions of Article 354 paragraph (7) of Law Number 23 of 2014 concerning Regional Government, this Government Regulation is a guideline for Regional Governments in forming Regional Regulations regarding procedures for Community Participation.

B. Responsive Regional Regulation Formation Process

The formation of laws is the most important and modern legal formation. In it, an abstract behavioral model is created, which in the future is expected to be able and can be used to solve social problems that occur and/or that may occur in the future.⁹ Laws in the Indonesian context have 2 (two) functions, namely an expressive function and an instrumental function. Expressive function, namely expressing or expressing views on life, cultural values and justice. Meanwhile, the instrumental function is a means of creating and maintaining order, stability and predictability, a means of preserving cultural values and realizing justice, a means of educating and civilizing society, a means of realizing prosperity and welfare of society, and a means of renewing society (encouraging, channeling and directing societal change).¹⁰

The authority to form Regional Regulations is a form of regional independence in regulating regional household affairs or regional government affairs. Regional Regulations are a strategic instrument as a means of achieving decentralization goals. In the context of regional autonomy, the existence of Regional Regulations in principle plays a role in encouraging maximum decentralization. From the perspective of political empowerment, the goal of decentralization can be seen from two sides, namely regional government and central government. The aim of decentralization from the regional government side is to realize political equality, local accountability and local responsiveness. Meanwhile, the aim of decentralization from the central government side is to realize political education, provide training in political leadership and create political stability¹¹.

The birth of a Regional Regulation (Regional Regulation) must contain regulations that can be obeyed by the community, and to support this it is very necessary to understand the desires and social conditions of the community so that they can be implemented over a long period of time. Therefore, philosophical considerations must be clear about where society will be taken. To achieve responsive Regional Regulations in supporting Regional Autonomy, designers should pay attention to the principles of forming Regional Regulations as a frame of reference such as clarity of objectives, appropriate institutions or forming organs, suitability between content type and material and so on.

⁹ Bernard Arief Sidharta (Translator), *Meuwissen About Legal Development, Legal Science, Legal Theory and Legal Philosophy*. Refika Aditama, Bandung, 2008, p. 10.

¹⁰ Bernard Arief Sidharta, *Indonesian Legal Science: Efforts to Develop Systematic Legal Science that is Responsive to Changes in Society*. Genta Publishing, Yogyakarta, 2013, p. 104. Then see also Bernard Arief Sidharta, *Reflections on the Structure of Legal Science: A Research on the Philosophical Foundations and Scientific Nature of Legal Science as a Foundation for the Development of Indonesian National Legal Science*, Mandar Maju, Bandung, 2000.

¹¹ Syarif Hidayat, *Decentralization for Regional Development, Jentera: Regional Regulations*. 14th Year IV Edition, October-December 2006.

Implementation of Community Participation in the Process for Forming Responsive Regional Regulations in Bandung City

In the idea of responsive law put forward by Philippe Nonet and Philip Selznik, it is stated that regulations need to depend on or be adapted to appropriate historical conditions so that they can be relevant and have vitality. When the environment changes, the rules must be reorganized. This is done not only to meet policy requirements, but also to protect the authority of the regulations themselves and their integrity when applied. Whether or not a law is responsive to societal developments depends greatly on the politics of the law and the legal principles adopted.¹² Related to legislative politics, Bagir Manan stated that in general the legal politics of a country consists of permanent legal politics and temporary legal politics. Permanent legal politics is legal politics related to legal attitudes which will always be the basis for policies for establishing and enforcing laws.¹³ According to Bagir Manan, permanent legal politics for Indonesia are as follows: 1. The existence of a unified Indonesian legal system; 2. The national legal system is built based on and to strengthen the foundations of Pancasila and the 1945 Constitution; 3. There is no law that grants special rights to certain citizens based on ethnicity, race or religion. Even if there are differences, they are solely based on national interests within the framework of national unity and unity; 4. Legal formation takes into account the pluralism of society; 5. Customary law and other unwritten laws are recognized as subsystems of national law as long as they are clearly alive and maintained in society; 6. Legal formation is completely based on community participation; 7. Laws are formed and enforced for the sake of general welfare (social justice for all people), the realization of a democratic and independent Indonesian society and the implementation of a state based on law and a constitution.¹⁴

Permanent legal politics and temporary legal politics are the guiding principles in the formation of laws. This implies that permanent legal politics and temporary legal politics are guidelines that can be used in forming laws that are responsive to societal developments. According to Mahfud MD, there are three indicators that can be used as a measure to determine whether a legal product is responsive, namely: 1. The process of making it is participatory, that is, inviting as much public participation as possible through social groups and individuals in society; 2. The content is aspirational, that is, it contains material that is generally in accordance with the aspirations or wishes of the community being served, so that the legal product can be seen as the crystallization of the community's will; 3. Responsive legal products usually provide little opportunity for the government to make its own interpretation through various implementing regulations, and this limited opportunity only applies to matters of a technical nature.¹⁴

These three indicators are interrelated, the content material is aspirational and the detailed content is limitative depending on whether the production process is participatory or not. The politics of legislation adopted by Law Number 12 of 2011 mandates that every formation of statutory regulations must be participatory. This is contained in the provisions of 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. Public hearings; b. Work visit; c. Socialization; and/or d. Seminars, workshops and/or discussions. (3) The public as intended in paragraph (1) is an individual or group of people who have an interest in the substance of the Draft Legislative Regulations. (4) To make it easier for the public to provide oral and/or written input as intended in paragraph (1), every Draft Legislative Regulation must be easily accessible to the public.

Based on the provisions of Article 96 of Law Number 12 of 2011, public participation is a must in every law formation. However, the extent to which community involvement is realized depends on the wishes of the legislators. Therefore, legislators should not only look at community involvement from a purely procedural perspective, but must look at community involvement from a substantive perspective.

Community involvement in producing a law that has a responsive character must be seen from the quality of community involvement itself. This means that the higher the quality of community involvement, the stronger the birth of a responsive law will be. Improving the quality of community involvement can at least minimize the crystallization of the interests of certain groups that do not side with the interests of society in general. What needs to be paid attention to in the future is how to make as much effort as possible to improve the quality of community involvement.

So far, the formation of laws has not had a responsive character. Community involvement in the formation of laws has not been grounded and is based on the interests of the community itself. The formation of responsive laws must involve complete

¹² Philipus M. Hadjon, *The Idea of a Rule of Law in the Indonesian Constitutional System*. In Bagir Manan (Ed), *People's Sovereignty, Human Rights and the Rule of Law*, Collection of Essays in Honor of Sri Soemantri Martosoewignjo, Gaya Media Pratama, Jakarta, 1996, p. 82

¹³ Bagir Manan, *Legal Politics of Autonomy Throughout Regional Government Legislation*. In Martin H. Hutabarat, et.all (Editor), *Indonesian Law and Politics: Analytical Review of Presidential Decrees and Regional Autonomy*, Pustaka Sinar Harapan, Jakarta, 1996, p. 14. ¹⁴ Ibid.

¹⁴ Moh. Mahfud MD, *Legal Politics in Indonesia*, RajaGrafindo Persada, Jakarta, 2014, p. 35.

Implementation of Community Participation in the Process for Forming Responsive Regional Regulations in Bandung City

community participation, because this complete involvement will affect the quality of the content contained in the law. The higher the quality of community involvement, the stronger the birth of a responsive law will be.

Forming responsive regional regulations is a necessity in order to regulate and implement regional autonomy. The implementation of regional autonomy requires the participation of society as a whole so that regional development efforts can be carried out well. Efforts to form responsive regional regulations will be achieved if they are implemented through good planning stages, a harmonization process that is carried out carefully and meticulously, and involving the community to capture community aspirations in accordance with the laws they desire. Regional regulations are autonomous laws that are oriented towards monitoring repressive power. Autonomous law focuses its attention on social conditions and realities in society. Autonomous law also has an emphasis on legal rules as the main effort to monitor official and private power. The responsive nature of regional regulations can be interpreted as serving the social needs and interests experienced and discovered, not by officials but by the people.

As has been stated by responsive legal theory, responsive law accommodates social values that support needs and justice contained in laws and regulations and policies issued by the authorities. In terms of the formation of responsive Regional Regulations, it can be interpreted that these Regional Regulations must accommodate the social needs and interests of the community, and are not a reflection of political will or the will of the authorities, but rather the people. The responsive nature implies that responsive law is useful for society. According to A. Mukhtie Fadjar, the responsive legal type has two prominent characteristics, namely: a) a shift in emphasis from rules to principles and objectives; and b) the importance of popular (populist) character, both as a legal goal and a way to achieve it.¹⁵ Regional governments must strictly avoid repressive regional regulations. A government power is said to be repressive if that power does not pay attention to the interests of the people being governed, that is, when a power is exercised not in the interests of those being governed, or denies their legitimacy.¹⁶

In the event that the Regional Regulations are desired to meet the needs of the community, then the above opinion can be used as a reference that must be taken into account when designing and drafting Regional Regulations. Of course, it is not easy to do, because after all Regional Regulations are the product of political compromise which cannot be separated from various influencing factors, even the majority of power in parliament will really determine which direction the Regional Regulation leads to. Regional legal products must be able to show that they are taking sides with the community without causing burdensome pressure on the community.

IV. CONCLUSION

The conclusions that the author can draw from the various problems contained in this article are:

1. Implementation of community participation in the formation of regional regulations can improve the quality of regional regulations because the community is the object of the regional regulations that are made and it is the community that will implement the regional regulations that are made. Making regional regulations that involve community participation means that the regional regulations that are made are truly born from the interests of the community. The basic aim of community participation is to produce input and perceptions that are useful for citizens and interested communities, in order to improve the quality of decision making, because by involving communities affected by policies and interest groups, decision makers can capture their views and needs. and appreciation from the community and groups, to then pour it into one concept, and with community involvement, the implementation of regional regulations will run more optimally;
2. The process of forming regional regulations in the City of Bandung is less participatory and not responsive, so that the resulting decisions are not of high quality and are not in accordance with the needs and expectations of the community, apart from that, public unrest or dissatisfaction cannot be minimized and in the end the implementation of regional regulations does not run properly;
3. The causes of the lack of quality of community participation in the formation of regional regulations in Bandung City are: (a) lack of public understanding of the process of forming regional regulations, (b) lack of firm efforts from the regional government to capture community aspirations, (c) regional regulations are not made based on community interests and the publication and dissemination of regional regulations have not run optimally, and (d) the community is not involved enough. The solutions needed to increase the effectiveness of community participation in Bandung City include: (a) a commitment from regional law makers, in this case the regional head and the Regional People's Representative Council to involve the community in every discussion of

¹⁵ W. RiawanTjandra and Kresno Budi Darsono, *Legislative Drafting*, Atma Jaya, Yogyakarta, 2009, p. 63

¹⁶ Philippe Nonet and Philip Selznick, *Responsive Law*, Nusamedia, Bandung 2010, p. 33

Implementation of Community Participation in the Process for Forming Responsive Regional Regulations in Bandung City

regional regulations, (b) the need to conducting strict and transparent socialization and enforcement of regional regulations, (c) more accurate research on the problems faced by the community, and (d) involving all elements of society.

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