

# MEANINGFUL PARTICIPATION IN LEGISLATION RETURNING SOVEREIGNTY IN THE HANDS OF THE PEOPLE

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## **Abstract**

The Constitutional Court's Decision Number 91/PUU-XVIII/2020 has been accommodated through Law Number 13 of 2022, which requires the implementation of meaningful participation in the parliamentary legislation system. Meaningful participation is the ideal principle of the law-making system that restores sovereignty in the hands of the people so that the Right to be Heard, the Right to be Considered, and the Right to be Explained can be implemented in the legislative system. The research questions are: first, whether the principles of meaningful public participation have been effectively implemented following the Constitutional Court Decision Number 91/PUU-XVIII/2020, which has implications for the enactment of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011? What steps can be taken to ensure the Government and the House of Representatives comply with the principles of meaningful participation? This research employs normative juridical research methods with a legal and comparative approach. It reveals that meaningful participation has been successfully regulated in the law but has not been effectively implemented during its drafting. the implementation of the principle of meaningful participation should be carried out through all stages of the drafting of the Law, namely *the pre-legislative stage, the legislative stage, and the post-legislative stage*. Failure to carry out meaningful participation is like hijacking sovereignty from the hands of the people and forming a dictatorship of Legislation.

**Keywords:** Meaningful Participation, Drafting of Laws, Dictatorship of Legislation.

## **I. INTRODUCTION**

### **A. Background**

The Law is the highest legal product in the hierarchical system of laws and regulations under the Constitution. Laws can thus also be referred to as "intermediate regulations" that link the basic norms of the state with the operational needs of the regulation in the administration of the Government. Therefore, the Law becomes a strategic legal product in the system of laws and regulations because it connects the highest state policy in the Constitution and operational rules at the Central and Regional levels.



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The strategic position of the Law determines the flow of values within the state of Law, as outlined in the Constitution and operational rules, which directly serve the people's needs through government public services. Failure to draft the Law will have an impact on the failure of the basic functions of government administration sourced from the Law. Thus, it can also be said with a symbolic expression that: "The Law becomes the visible face of constitutional values" ("Lex est imago visibilis valorum in constitutione"). So, it is fitting that no less than forty-five Constitutional Courts around the world are mandated by the Constitution of each country of origin to test the constitutionality of the Law because, in essence, the Law is the basis for the legality of the enactment of various laws and regulations under it.

The Constitutional Court of the Republic of Indonesia made a decision that can be said to be strategic and monumental in affirming the importance of the full participation of the community and stakeholders in the drafting of the Law. The Constitutional Court (MK) Decision Number 91/PUU-XVIII/2020 emphasizes the need for meaningful public participation in the formation of the Law. This participation is realized through the fulfillment of the public's Right to be heard, considered, and given an explanation for the opinions given during the legislation process, which is then further regulated in Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011.

The Constitutional Court affirmed the principles of meaningful community participation, which include: first, the Right to be Heard, namely, the public has the Right to express opinions and input in the law-making process. Second, the Right to be Considered, namely the views and inputs provided by the community, must really be considered in the drafting of laws. Third, the Right to be Explained requires the Government or lawmakers to offer explanations or responses to public input. This study discusses the application of the principle of meaningful participation after the Constitutional Mahakamah Decision Number 91/PUU-XVIII/2020 and Law Number 13 of 2022, which accommodates and requires the implementation of the principle of meaningful participation in the drafting of laws by Parliament. The novelty of this study is the result of an in-depth evaluation of the application of meaningful involvement in the legislative system by sampling two laws whose substance is sensitive because they directly refer to the constitutional norms in the 1945 Constitution of the Republic of Indonesia, and ideologically are considered to be direct derivatives of Article 33 of the Constitution of the Republic of Indonesia.

## **B. Research Questions**

There needs to be empirical verification after the birth of the Constitutional Court Decision Number 91/PUU-XVIII/2020, whether the principles of meaningful public participation have really been implemented after the birth of the Constitutional Court Decision Number 91/PUU-XVIII/2020, which has implications for the birth of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011? What steps can be taken to ensure the Government and the House of Representatives comply with the principles of meaningful participation?

### C. Research Methods

This research employs a normative legal research method, utilizing a legislative approach to ensure the implementation of the principle of meaningful community participation in Indonesia's legislative system. It also examines the steps necessary to realize these principles within the legislative framework.

Several examples of legal products in the form of laws are used as examples to verify (in)consistency in the implementation of the principles of participation that prevail in the legislative system after the Decision of the Constitutional Court of the Republic of Indonesia 91/PUU-XVIII/2020 which had an impact on the birth of Law Number 13 of 2022 concerning Amendments to Law Number 12 of 2011 concerning the Establishment of Laws and Regulations.

The analysis material in this study was chosen from Law No. 1 of 2025 and Law No. 3 of 2025, considering that both laws have substantive issues explicitly regulated in the 1945 Constitution of the Republic of Indonesia, particularly Article 33. However, for Law No. 1 of 2025, which governs the previous Law in the field of state finance, it was systematically interpreted in conjunction with Article 23 of the State Constitution of the Republic of Indonesia in 1945. The research was carried out by empirically tracing the process of drafting the two Laws to verify the implementation of the principle of meaningful participation empirically.

This study also uses a comparative legal approach, conducted by comparing it with research that has been conducted by other researchers after the birth of the Constitutional Court Decision Number 91/PUU-XVIII/2020 and Law No. 13 of 2022, to compare the similarities in the design of the drafting of the Law referring to the principle of meaningful participation.

## II. DISCUSSION

### A. The Implementation of the Principles of Meaningful Public Participation after the Birth of the Constitutional Court Decision Number 91/PUU-XVIII/2020, Which Has Implications for the Birth of Law Number 13 of 2022 Concerning the Second Amendment to Law Number 12 of 2011

The Implications of the Constitutional Court Decision on the Legislative System in Indonesia, namely the Constitutional Court Decision encourages the birth of a Law that regulates more detail public participation in the formation of laws, especially in Article 96 of Law No. 13 of 2022; Second, the process of Legislation is improved, the presence of the concept of meaningful participation aims to ensure that the laws made are not only formally valid but also substantial, and can be accepted by the wider community; Third, avoiding formal defects in the legislative process, the formation of laws that do not go through meaningful participation will be considered to have formal defects and can lead to the cancellation of the Law, as happened with the Job Creation Law. Akerboom et al.'s research states that public participation is a central aspect of policy. The Law must allow public participation in policies drafted by the

Government. Public collaboration and public empowerment are needed to strengthen public participation in policies.<sup>1</sup>

The establishment of a law that requires the implementation of the principle of meaningful participation by the public which is commonly known in the Administrative Law is intended to fulfill the "inspraakrecht" or the Right for the public to speak to influence the policies taken by the Government in the Right to participate in addition to the Right to provide advice to the Government (advieseringsrecht) which is one of the foundations of the principle of the rule of Law in addition to the principle of democracy in procedures and The role of representative institutions to represent the community. Kamarudin, in his writing, stated that community participation in law formation and regulation has an impact on the creation of quality legal products. On the other hand, if legal products are produced without public participation by quoting the writings of Erni Setyowati, et al. there are four adverse impacts that can occur: first, it is not effective in achieving the expected goals; Second, the regulation has failed from an early age because it is not implementable, because the regulation is not responsive from the design to the promulgation stage; and fourth, instead of being able to solve problems, they can actually create new difficulties (Erni Setyowati et al., DRAFT I: Concept of Civil Society Coalition Paper for Participatory Policies, in [www.parlemen.net](http://www.parlemen.net), accessed on March 27, 2012). Dondokambey, in his research, believes that the participation of the people in the drafting of laws and regulations is a prerequisite for the realization of a democratic government. A government that relies solely on mobilization without participation cannot achieve democracy in its administration. A good government needs to strive to improve the flow of information, provide accountability, protect the public, and give a voice to the parties most affected by public policy.<sup>2</sup>

As described in the research method, in this study, two examples of post-birth laws were used: the Constitutional Court Decision of the Republic of Indonesia Number 91/PUU-XVIII/2020 and Law Number 13 of 2022. The two laws under study are Law Number 1 of 2025 concerning the Third Amendment to Law Number 19 of 2023 concerning State-Owned Enterprises and Law No. 2 of 2025 concerning the Fourth Amendment to Law Number 4 of 2009 concerning Mining. Although the characteristics of the two types of laws that are studied are only Amendment Laws, in this study, we want to examine the process of their formation, public involvement in the discussion of the content of the Law, and the use of the Right to material test by the relevant community against the two Laws. Wicipto Setiadi, et al. argue that participation in the legislative system provides valuable input and perspective from the people and can improve the quality of parliamentary legislation products. Moreover, with the involvement of stakeholders affected by the enactment of the Law,

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<sup>1</sup> Sanne Akerboom and Robin Kundis Craig, "How Law Structures Public Participation in Environmental Decision Making: A Comparative Law Approach," *Environmental Policy and Governance* 32, no. 3 (2022): 232–46, <https://doi.org/10.1002/eet.1986>.

<sup>2</sup> Sarah Malena Andrea Dondokambey, "Penerapan Prinsip Partisipasi Masyarakat Bermakna (Meaningful Participation) Dalam Pembentukan Peraturan Daerah," *Lex Privatum* Volume XI, no. 2 (2023): 5, <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/46626>.

the drafters can gain insight into the needs, viewpoints, and appreciation of the affected parties, which can be formulated into a concept as the basis for the formation of the Law. Therefore, the formation of laws and regulations requires community involvement, including supervising, controlling, and influencing, from planning to evaluating the implementation of regulations.<sup>3</sup>

The following table describes the research on the two types of Laws.

**Table 1**  
**Analysis of Meaningful Participation in the Drafting of Law Number 1 of 2025 and Law Number 2 of 2025**

Indicators	Law Number 1 of 2025	Law Number 2 of 2025
<b>Regulated substances</b>	Strategic transformation in the ownership and governance structure of SOEs, including the establishment of the Investment Management Agency (Daya Anagata Nusantara), which will become a legal entity owned by the Government to manage and optimize SOE investments.	First, the adjustment of several provisions in this Law as the implementation of the Constitutional Court Decision; Second, Regulations related to the determination of Mining Business Permit Areas (WIUP) for Mineral Metals or Coal which are given in a priority manner to cooperatives, small and medium business entities, and business entities owned by religious community organizations that carry out economic functions for the improvement of the regional economy; Third, the granting of Mining Business Permit Areas (WIUP) for Metal Minerals, Coal Mining Business Permit Areas (WIUP), or Special Mining Business Permit Areas (WIUPK) in a priority manner for the benefit of universities to State-Owned Enterprises (SOEs), regional-owned enterprises, or private business entities by considering the area of WIUP Metal Minerals, Coal WIUP, or WIUPK, university accreditation, and to improve access and educational services for the community; and fourth, arrangements related to non-tax state revenues obtained in the implementation of Mineral and Coal

<sup>3</sup> Anni Alvionita Simanjuntako Wicipto Setiadi; Diani Sadiawati; Beniharmoni Harefa; "The Urgency of Implementing Meaningful Participation in Forming Laws in Indonesia," *International Journal of Social Science and Human Research* 07, no. 03 (2024): 1710–16, <https://doi.org/10.47191/ijsshr/v7-i03-27>.

		Mining business activities managed by the Minister.
<b>Formation process</b>	The Petitioners of Case Number 52/PUU-XXIII/2025, namely Abu Rizal Biladina and Bima Surya, who are fourth-semester students of the Faculty of Law, University of Indonesia, assessed that the House of Representatives did not comply with the applicable Law in further regulations regarding the formation of laws and rules embodied in Article 22A of the Constitution of the Republic of Indonesia (Constitution of the Republic of Indonesia) 1945 thus violating the constitutional rights of the Petitioners as stated in Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia and resulting in Law 1/2025 concerning SOEs being invalid because it did not go through the procedure of establishing appropriate laws and regulations.	The ratification of the Mineral and Mineral Law revision was completed in a remarkably short period, from early January to mid-February 2025, which made public participation inadequate. The discussion process lacks transparency, making it difficult for the public to access the information and drafts discussed. In-depth studies related to the social, environmental, and economic impacts of the new Mineral and Mineral Law are very minimal.
<b>Public involvement in the drafting</b>	Participation in the drafting of Law Number 1 of 2025, which is an amendment to Law Number 19 of 2003 concerning State-	Community participation in the preparation of amendments to the Mining Law is crucial. However, during the revision process, this participation is often minimal and considered a formality due to

	Owned Enterprises (SOEs), has not been carried out in accordance with the principle of meaningful public participation, so it is the object of a lawsuit at the Constitutional Court. Several applicant organizations considered that they had never been involved in the process of forming the Law, as mandated by the 1945 Constitution.	inadequate access to information and mechanisms that enable the community to voice their aspirations effectively.
<b>Application for a formal/material test of the Law</b>	Ihsan Firmansyah Siska Dwi Perdita Sari Rivana Thesalonika Taroreh Christianto, SE Beckham Jufian Podung Christfael Noverio Sulung Muhammad Gufron Rum	Stepanus Febyan Babaro

**Source: author, analyzed from various sources, 2025**

Looking at Table 1 above, it can be concluded that there are still inconsistencies in the implementation of the Constitutional Court Decision Number 91/PUU-XVIII/2020 and Law Number 13 of 2022 in the preparation of Law Number 1 of 2025 and Law Number 2 of 2025. In fact, the drafting of Law Number 1 of 2025 which at the time of its drafting was still in force Law Number 17 of 2003 concerning State Finance which was strengthened by two Constitutional Court Decisions, namely the Constitutional Court Decision Number 48/PUU-XI/2013 and the Constitutional Court Decision Number 62 of 2013 which in essence both decisions affirm the state financial status that is separated from State-Owned Enterprises is state finance, The House of Representatives and the Government do not involve the Regional Representative Council and the Financial Audit Board, which is one of the issues in the formal examination application for Law Number 2 of 2025, let alone the need to involve the violated public in the drafting of the Law. Nursetiawan et al., in their research, recommended the importance of public participation in drafting laws, as this is a manifestation of a democratic state of Law. Public participation can also be

interpreted as a form of checks and balances directly from the people. Meaningful participation is an implication of the Constitutional Court Decision Number 91/PUU-XVIII/2020.<sup>4</sup> By comparison, in Thailand, a meaningful public participation role is needed when it comes to controversial issues. Public participation is even attached as an indicator of the success of various strategic policies that require increasing the capacity of the community to participate in strategic policies.<sup>5</sup>

The lack of public and relevant stakeholder involvement in the drafting of the two Laws is a strong indication that the drafters of the Laws (House of Representatives and the Government) failed to comply with several indicators for implementing the principle of meaningful participation for the people in the drafting of the Laws. Several indicators were violated, including the Right to be Heard, which grants the public the Right to express opinions and input in the law-making process. Second, the Right to be Considered, namely the views and inputs provided by the community, must really be considered in the drafting of laws. Third, the Right to be Explained. Mukuna's research examines the significant role of the Constitution in Kenya, particularly in creating a constitutional space under the 2010 Constitution that enables direct public participation in law-making and governance. In fact, the Constitution also allows participation by emphasizing the central role of the people in Government and the drafting of laws.<sup>6</sup>

The non-compliance with the principle of meaningful participation is strong evidence that first, the Lawmaker has violated the Law that he made himself as a follow-up to the Constitutional Court Decision Number 91/PUU-XVIII/2020, namely Law Number 13 of 2022. Second, the degree of authoritarianism of Legislation is increasingly strengthened and practiced in a legislative system that ignores the rights of the people in the formation of laws. Third, the lack of public participation in the drafting of the Law is also an indication of the low public legitimacy of the legislation policies outlined in the form of a Law, with reference to the two Laws being studied. Fourth, from the perspective of Administrative Law, there is a violation of the principle of the state of Law, especially the principle of democracy in procedures and the Right to participate in the community (Right of *inspraak*). Fifth, categorically, it is even difficult to avoid accusations that the Government acted unconstitutionally in the drafting of the Law with reference to the two laws under review. From a slightly different perspective, Hall et al.,<sup>7</sup> based on their research, noted that public participation in environmental policy has been recognized in international Law.

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<sup>4</sup> Eko Nursetiawan and Riris Ardhanariswari, "Meaningful Participation in Legislative Drafting as a Manifestation of a Democratic Rule of Law," *Jambe Law Journal* 5, no. 2 (2022): 251–70, <https://doi.org/10.22437/jlj.5.2.251-270>.

<sup>5</sup> Chutarat Chompunth, "Public Participation Practicewithin the Environmental and Health Impact Assessment System in Thailand," *International Journal of GEOMATE* 19, no. 72 (2020): 137–44, <https://doi.org/10.21660/2020.72.4608>.

<sup>6</sup> John Mukuna and Melvin L.M. Mbaao, "Popular Participation in Legislative Law-Making under the New Democratic Dispensation in Kenya," *Mediterranean Journal of Social Sciences* 5, no. 20 (2014): 438–46, <https://doi.org/10.5901/mjss.2014.v5n20p438>.

<sup>7</sup> Jenny Hall and Peter J. Lukey, "Public Participation as an Essential Requirement of the Environmental Rule of Law: Reflections on South Africa's Approach in Policy and Practice," *African Human Rights Law Journal* 23, no. 2 (2023): 303–32, <https://doi.org/10.17159/1996-2096/2023/v23n2a4>.

Public participation can encourage the production of better and more credible decisions. Public involvement in Legislation in a democratic system requires full and strong participation, but in South Africa, it is also not uncommon to face obstacles precisely from the legislature. At that time, the judiciary must ensure the community's Right to participate vigorously in the legislative system.

#### **B. The Steps Can Be Taken To Ensure The Government And The House Of Representatives Comply With The Principles Of Meaningful Participation**

The non-implementation of the principle of meaningful participation by the lawmakers (the House of Representatives and the Government) is a sign of democratic involution and the failure of constitutionalism in the administration of Government. Suppose the Constitutional Court is designated as the guardian of the Constitution by the Constitution of the Republic of Indonesia in 1945. However, the decision produced as an official interpretation by the only state institution that interprets the Constitution is often ignored or not implemented due to various political tactics. In that case, it is a signal that this country has begun to fail as a state. The House of Representatives no longer has the capacity to represent the people, and the Government no longer carries out its executive functions as proclaimed by the Constitution of the Republic of Indonesia in 1945.

Public participation in the legislative system has become a characteristic of the legislative system in various constitutional democratic countries. The flow of participatory law drafting in Indonesia follows five stages of law formation, namely planning, drafting, discussion, ratification, and promulgation, by involving public participation at each stage through mechanisms such as public hearing meetings, socialization, and oral/written talks, as stipulated in Law Number 12 of 2011 concerning the Formation of Laws and Regulations as last amended through Law Number 13 of 2022. This participation must be open and transparent so that the public can supervise and be involved in the process of forming the Law. Community participation must be more meaningful, meaning that the results of public input are really considered and accommodated in the process of forming laws. All stages of the law-making process must be based on the principle of openness, including transparency in information and participation mechanisms. Nurul Fajri's criticism in her research<sup>8</sup> is that public participation in the formation of laws is only carried out at a formal level and not substantively. Community participation serves as a tool for validating academic perspectives, but it is not an aspirational aspect within the framework of public legitimacy. Community participation is often limited to the opening of formal spaces for participation, without being provided with the necessary resources or shelter to facilitate decision-making.

The flow of community participation in the drafting of the Law should include the following five stages. First, at the Planning stage, the community has the Right to provide input and proposals to be included in the National Legislation Program (Prolegnas). In addition, the public also has the Right to access information about the

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<sup>8</sup> M Nurul Fajri, "Participation in Law Making Procees.Pdf," *Jurnal Konstitusi* 20 (1) (2023): 124–43, <https://doi.org/https://doi.org/10.31078/jk2017>.

draft law to be formed. Second, at the Drafting stage, after the Bill enters the Prolegnas, the public can provide oral or written input. Participation can be through various forums such as Public Hearing Meetings, working visits, socialization, seminars, workshops, or public discussions. Third, at the discussion stage, the public is again given space to provide input to the debate of the Bill, both oral and written. Information about the Bill under discussion must be publicly available. The results of public input will be considered in the debate on the Bill by the House of Representatives and the Government. Third, at the ratification stage, the public can continue to monitor and follow the process of discussion and ratification of the Bill until it becomes Law. Participation at this stage is more of a supervision and monitoring of the ongoing process. Sixth, once the Invitation Stage is passed, the public can access the newly passed Law. Participation at this stage also includes monitoring and reviewing the implementation of existing laws.

Meaningful community participation can be realized through the fulfillment of the community's Right to provide input orally and/or in writing in every stage of the Formation of Laws and Regulations. Submission of input can be done online and/or offline. Therefore, individuals or groups directly affected and/or with an interest in the content material are given easy access to academic papers and/or draft laws and regulations.

The initiator of the Legislation can carry out public consultation activities as stipulated in Article 96 paragraph (6) of Law Number 13 of 2022 through:

1. public hearings;
2. working visits;
3. seminars, workshops, discussions, and/or
4. other public consultation activities.

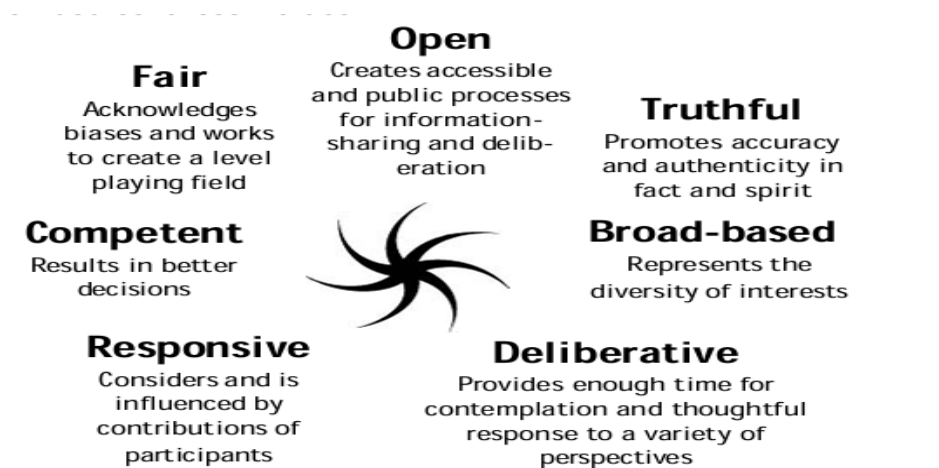
The results of these public consultation activities can later be considered in the planning, drafting, and discussion of the Draft Laws and Regulations. The regulation of meaningful participation cannot be separated from the growing urgency to use it as an indicator to measure good, legitimate, and effective legal products that are accepted by the community and can be practiced for a long time. Public participation that is only laid down as a formal requirement in the legislative process loses the essence of the involvement.<sup>9</sup> Estrada et al., in their book, offer the values that must be embodied in public participation, especially in the drafting of the Law<sup>10</sup>:

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<sup>9</sup> Nur Aji Pratama, "Meaningful Participation Sebagai Upaya Kompromi Idee Des Recht Pasca Putusan Mk No. 91/Puu-Xviii/2020," *Crepido* 4, no. 2 (2022): 137–47, <https://doi.org/10.14710/crepido.4.2.137-147>.

<sup>10</sup> Leonor Rodriguez-Estrada, *'Meaningful' Participation, Technological Innovations in Participatory Health Research with Adolescents*, 2025, <https://doi.org/10.1017/9781009450485.011>.

**Figure 1**  
**Values in Meaningful Participation**



**Source: Rodriguez-Estrada, et al., 2025: 15**

The system of drafting laws based on the principle of meaningful participation must provide the most expansive possible space for the public to give suggestions, inputs, alternative views, and even rejections of the drafting of academic manuscripts and draft laws from Parliament. Meaningful participation must be based on the values of open, fair, truthful, competent, responsive, broad-based, and deliberative. Some countries impose meaningful participation through the Constitution, its interpretation, and relevant laws. Indonesia uses the understanding of the Constitution and laws to promote the implementation of the principle of meaningful participation. Prastyo's research revealed the limits of meaningful participation in law formation, specifically that affected parties provide opinions or inputs, either directly or indirectly, with special attention to their needs. In addition, the substance of participation and acceptance of opinions or inputs is assessed by the "goal" of the law to be formed. The participation media as well as the explanation and answers of participation are delivered conventionally and virtually with certain intelligence adjustments to the information technology used.<sup>11</sup>

Research by the Indonesian Institute<sup>12</sup> found that public participation in law-making is still limited and tends to be tokenistic, at the level of consultation and placement. Although there is room for input from civil society, there is no guarantee that such input will be accommodated in the Bill. Aspects of inclusion, such as Human Rights, impact analysis, gender mainstreaming, and youth inclusion, have not been fully addressed in the law-making process. As a result, meaningful participation that allows the community to participate in determining policies has not yet been achieved. The study recommends several steps to increase public participation in the law-making process, such as increasing the transparency of the law-making process,

<sup>11</sup> Angga Prastyo, "Limitation of Meaningful Participation Requirements in the Indonesian Law-Making Process," *Jurnal Hukum Dan Peradilan* 11, no. 3 (2022): 405, <https://doi.org/10.25216/jhp.11.3.2022.405-436>.

<sup>12</sup> Christina Clarissa Intania, "Tingkat Partisipasi Masyarakat Dalam Pembentukan Ringkasan Eksekutif," *The Indonesian Institute*, 2024, 1–42.

involving more academics and civil society in the drafting of laws, and improving the frequency and quality of interactions between policymakers and the public. The research conducted by The Indonesian Institute was carried out on the establishment of Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions, Law Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2014 concerning Villages, Law Number 4 of 2024 concerning the Welfare of Mothers and Children in the First Thousand Days of Life, and Law Number 32 of 2024 concerning Amendments to the Law on the Conservation of Biological Natural Resources and Their Ecosystems. The research conducted strengthens the findings in this study regarding the ineffective implementation of the principle of meaningful participation.<sup>13</sup>

Estrada et al. said that meaningful participation requires good communication, and there are two types of communication, namely information sharing and deliberation. The two have differences. The purpose of information sharing is to receive or exchange data, such as information about science, laws, regulations, positions, and interests. Information sharing can be done through face-to-face or through other media. In contrast to information sharing, deliberation aims to bring together stakeholders and decision-makers in a conversation directed at making a decision. One way to conduct deliberation is through dialogue to develop mutual understanding and find commonalities. Deliberation can be done directly, or nowadays deliberation can also be done through the internet.<sup>14</sup> Estrada et al., in their book, also list the categories of ways to conduct information sharing and deliberation in the following table:

**Table 2**  
**Categories: Ways to Share Information and Deliberation**

	<b>Information Sharing</b>	<b>Deliberation</b>
Public hearings	<input checked="" type="checkbox"/>	
Surveys and polls	<input checked="" type="checkbox"/>	
Focus groups	<input checked="" type="checkbox"/>	
Advisory forums	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Task forces	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
One-on-one conversation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
House meetings	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Open houses	<input checked="" type="checkbox"/>	
Search conferences	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Lobbying	<input checked="" type="checkbox"/>	
Newsletters, brochures	<input checked="" type="checkbox"/>	
Web sites	<input checked="" type="checkbox"/>	
Internet discussions	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Study circles	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Estrada, et al, 2025: 29

<sup>13</sup> Intania.

<sup>14</sup> Rodriguez-Estrada, 'Meaningful' Participation.

Fiko, et al.,<sup>15</sup> in their research, explained that the process of forming laws can be divided into three stages: *the pre-legislative stage, the legislative stage, and the post legislative stage*. In these three stages, the community can participate by providing input according to their wishes. The public can participate in all stages of the law-making process or choose only one of the stages. However, this form of community participation differs, despite similarities between one stage and another. The form of community participation in the pre-legislative stage is undoubtedly different from the form of community participation at the legislative stage and after the legislative stage. So, the form of community participation in the process of forming laws is adjusted to the stages that are being carried out. Public involvement in all stages of legislation is the essence of meaningful participation, because the concept of "participation" has become a keyword in the current administration of government. Meaningful participation also ensures that the idea of democracy, where everyone's voice is heard, is promoted by public officials as an essential element of various public initiatives and projects, and is expressed in policy documents at the local, regional, and national levels.<sup>16</sup>

Konsep "partisipasi" telah menjadi kata kunci dalam model tata kelola partisipatif saat ini yang merangkul sektor publik (Calderon, 2013; Clifford Simplican, 2019; Osborne dan Strokosch, 2022). Berdasarkan gagasan cita-cita demokratis di mana suara setiap orang didengar, partisipasi dipromosikan oleh pejabat publik sebagai elemen penting dari berbagai inisiatif dan proyek publik, dan diekspresikan dalam dokumen kebijakan di tingkat lokal, regional, dan nasional (Castell, 2016)

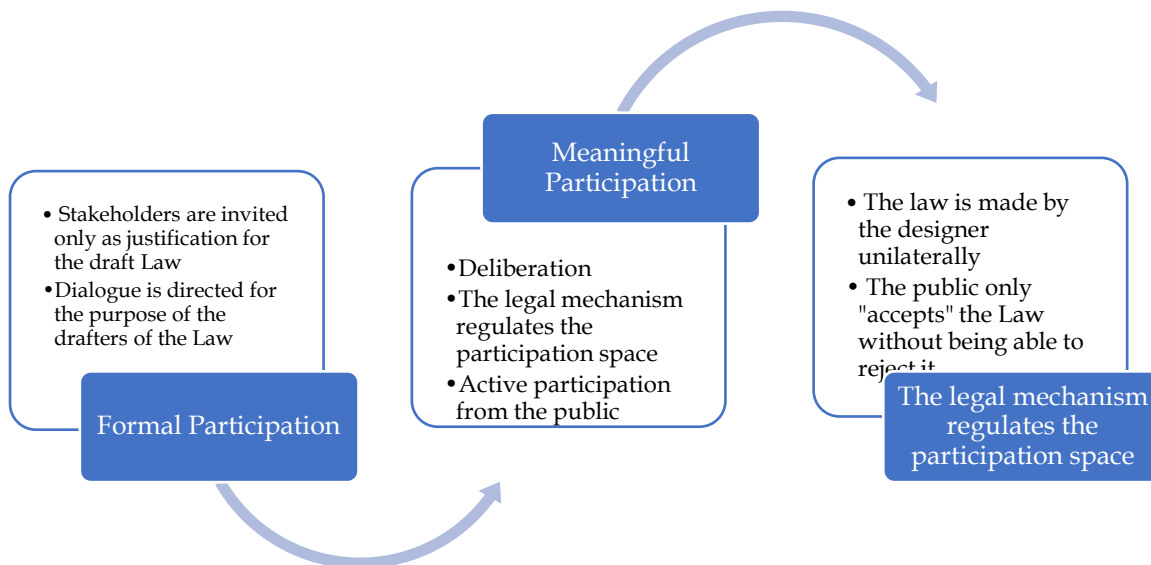
Based on the discussion above, a process scheme can be produced that distinguishes meaningful participation from the following types of participation in the preparation of a good law:

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<sup>15</sup> Siti Halilah Fiko M, "PEMBENTUKAN UNDANG-UNDANG DALAM RANGKA PEMBAHARUAN HUKUM NASIONAL DI ERA DEMOKRASI M Fiko Alvino, Siti Halilah Mahasiswa Dan Dosen Studi Hukum Tata Negara Sekolah Tinggi Agama Islam An-Nadwah Kuala Tungkal" 6, no. Juli (2023): 76–90, [www.ejournal.an-nadwah.ac.id](http://www.ejournal.an-nadwah.ac.id).

<sup>16</sup> Lisa Källström and Elin Smith, "Participation Unpacked: Participants' Perceptions of Its Meaning and Scope," *Baltic Journal of Management* 19, no. 6 (2023): 1–19, <https://doi.org/10.1108/BJM-10-2022-0365>.

**Figure 2**  
**Differences in Participation Types**

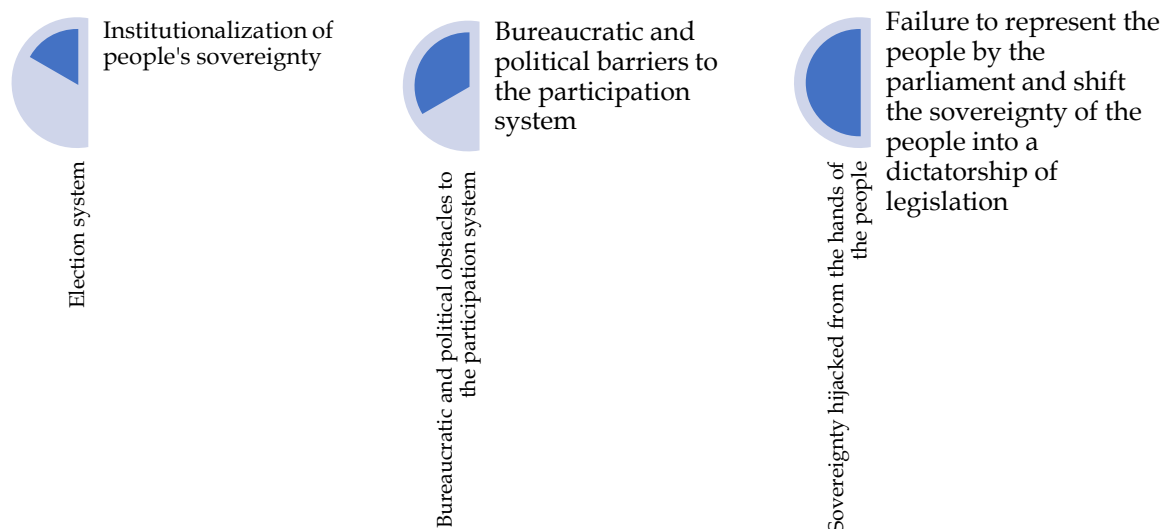


**Source: Author, analyzed from various sources, 2025**

Figure 2 above explains that meaningful participation is the highest peak in the legislative participatory system and improves formal participation methods that tend to be unilateral in the stakeholder involvement system. In a formal participation system, stakeholders are rarely heard; instead, they are unilaterally directed by the drafters of the Act to justify the proposed draft law. If the mechanism of formal participation is not improved, it can deteriorate and evolve into a legislative dictatorship, where the public is only a passive party, accepting laws made by Parliament without the capacity to reject the Bill. Meaningful participation can only be achieved if the drafters of the Law create a space for deliberation, clearly regulate participation procedures in the legislative system, and provide full opportunities for the public to contribute to the Law's drafting actively. Elvandri et al's research found that the current application of the principles and doctrines of meaningful participation is considered not to meet the needs of the community. This is evident in the dissatisfaction of several parties attempting to apply for a Judicial Review. The doctrine of meaningful participation requires legislators to consider and respond to input or suggestions submitted by the public as a constitutional right of citizens as mandated in the 1945 Constitution, Article 27, paragraph (1), and Article 28C, paragraph (2). The idea of meaningful participation exists to emphasize that in the process of forming legal regulations, community participation is the main thing and is the validity of legal products. Thus, public participation in the formation of laws needs to be carried out in order to create real public participation and engagement.<sup>17</sup>

<sup>17</sup> Elvandri, Muhammad Taufiq, and Norrafika Safitri, "Constitutional Rights in the Formation of Laws And" 9, no. 1 (2024): 125–51.

**Figure 3**  
**Failure to Implement Meaningful Participation, Hijacking Sovereignty from the Hands of the People**



**Source: Author, analyzed from various sources, 2025**

Figure 3 illustrates the process of institutionalizing people's sovereignty through the electoral system, which aims to fill Parliament with representatives who can provide meaningful participation in actual Legislation. However, this process is hindered by bureaucratic and political obstacles. Failure to implement the principle of meaningful participation means that the people's sovereignty has been hijacked from their hands, and means that there has been a failure of Parliament to represent the people, which has turned it into a dictatorship of Legislation.

### III. CONCLUSION

The discussion above reveals that the principle of meaningful participation is not implemented in the preparation of the Law under review. In fact, there are efforts to close public access to participate in the drafting of the Law through the drafting process in a closed manner, with minimal public participation and the lack of openness and transparency in all stages of drafting the Law.

Second, the implementation of the principle of meaningful participation should be carried out through all stages of the drafting of the Law, namely *the pre-legislative stage*, *the legislative stage*, and *the post-legislative stage*. In these three main stages, the drafting of the Law must be carried out by involving community participation.

The failure to implement the principle of meaningful participation has taken sovereignty out of the hands of the people and strengthened the authoritarianism of the legislative system that denies the doctrine of people's sovereignty in the 1945 Constitution of the Republic of Indonesia. This kind of pattern not only undermines

the social legitimacy of the Law produced, but also renders it elitist and susceptible to becoming a tool of power interests.

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