

An Examination of Shura Principles in the National Legislation System

Rahmad Lubis¹, Iqbal Subhan Nugraha², Ali Mutakin³, Nuranisah⁴, Heri Sulaiman⁵

¹ Sekolah Tinggi Keagamaan Islam Nurul Iman Bogor, Indonesia; lubisrahmad26@gmail.com

² Sekolah Tinggi Keagamaan Islam Nurul Iman Bogor, Indonesia; iqbalsubhan@gmail.com

³ Sekolah Tinggi Keagamaan Islam Nurul Iman Bogor, Indonesia; alimutakin@gmail.com

⁴ Sekolah Tinggi Keagamaan Islam Nurul Iman Bogor, Indonesia; nuranisah@gmail.com

⁵ Sekolah Tinggi Keagamaan Islam Nurul Iman Bogor, Indonesia; herisulaiman2511@gmail.com

Received: 16/01/2025

Revised: 30/02/2025

Accepted: 11/03/2025

Abstract

This study examines the application of the shura principle, a concept of deliberation, as one of the key foundations in Islamic governance, within the context of Indonesia's national legislative system. Using a qualitative-descriptive approach, this study aims to analyze the extent to which shura values can be integrated into the process of forming democratic and just laws and regulations. Data were collected through literature studies of Islamic legal sources, legislative documents, and relevant previous research results. The study's results demonstrate that the principle of shura aligns significantly with the principles underlying the formation of national laws and regulations, including those of openness, public participation, and social justice. In addition, the integration of shura principles can strengthen moral and ethical legitimacy in the legislation process, so that it is expected to produce legal products that are more aspirational and in accordance with plural Indonesian values. These findings suggest the need to strengthen the deliberative mechanism at various stages of legislation, including formulation, discussion, and evaluation of laws and regulations, to achieve a more inclusive and interest-oriented legislative system.

Keywords

Shura; National Legislation; Deliberation; Islamic Law; Democracy

Corresponding Author

Rahmad Lubis

Sekolah Tinggi Keagamaan Islam Nurul Iman Bogor, Indonesia; lubisrahmad26@gmail.com

1. INTRODUCTION

The national legislation system is one of the main pillars in the administration and development of the state of law in Indonesia. Ideal legislation not only contains positive legal norms but also embodies the values of justice, democracy, and local wisdom that are integral to society. In the context of pluralistic Indonesia, principles derived from religious traditions, such as shura or deliberation in Islamic teachings, can serve as an important source of inspiration to enrich the process of forming laws and regulations. (Juanda and Juanda 2023)

Shura, as a concept of deliberation, has been widely known in the history of Islamic civilization as a decision-making mechanism that emphasizes the value of participation, equality, and consideration



© 2025 by the authors. Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution 4.0 International License (CC BY) license (<https://creativecommons.org/licenses/by/4.0/>).

of common interests. This principle has high relevance to the democratic values of Pancasila, particularly in achieving a more transparent, inclusive, and equitable legislative system. Nevertheless, the implementation of the shura principle in the national legislative system still requires an in-depth study, both from a theoretical and practical perspective, to be integrated without compromising the basic principles of the universal rule of law. (Alikhani et al. 2021)

This research aims to explore further the potential and challenges of applying shura principles within the national legislative system. The main focus lies in how the principle of shura can strengthen public participation, improve the quality of legislation products, and deepen the legitimacy of the law in the eyes of the public. The approach employed is a qualitative study, utilizing a literature review of Islamic legal literature, national laws and regulations, and relevant previous research.

Thus, it is hoped that this research will make a scientific contribution by providing a more comprehensive understanding of the role of shura principles in national legislation. (Turbet et al. 2021) In addition, this research is also expected to inform policymakers and stakeholders about the importance of deliberation as an integral part of the legislative process, so that the resulting laws are not only formally valid but also grounded in substantial justice and the noble values of the nation's culture.

2. METHOD

This research employs normative legal research methods, incorporating both conceptual and legislative approaches. This method was chosen because the research focuses on studying the principles of shura as a concept in Islamic law and its relationship with the national legislative system, as regulated in laws and regulations. This research is also descriptive-analytical, aiming to describe and analyze how the principles of shura can be integrated into the process of forming laws and regulations in Indonesia.

3. FINDINGS AND DISCUSSION

3.1 Shura as the Foundation of Deliberation in Islam

Concept *Shura* in the political treasures of Islam is more than just a formal decision-making procedure; It is the moral and philosophical foundation that builds fair and participatory governance. The root of shura is clearly stated in the Qur'an, for example. Ash-Shura (42): 38, which affirms: "*And their affairs are (decided) by deliberation among them.*" This verse emphasizes deliberation as the primary principle, highlighting the importance of involving all interested parties, not just a few elites. (Ummu Awaliah and Santalia 2022) In the historical context, the reign of Khulafaur Rashid is a concrete example where shura was applied as a deliberative practice, from the formulation of fiscal policy to the establishment of defense strategies and the appointment of public officials. Caliph Umar bin Khattab,

for example, established a *Shura Council*, comprising prominent individuals, to collectively discuss the country's most significant issues.

This process is not only an instrument to achieve rational decisions, but also a form of concern for people's aspirations. From a theoretical perspective, the shura encompasses two important dimensions: first, a procedural dimension that emphasizes the importance of openness, dialogue, and the participation of various competent parties; second, a substantive dimension that prioritizes sincere intentions, honesty, and orientation towards *Maslahah*, or the common good. These two dimensions make shura not just a forum for discussion. However, a means of collective moral development is necessary to ensure that every policy is born from good intentions and just considerations. (Hayati and Edyar 2023)

In the modern context, shura values remain relevant in a democratic system of national legislation. The Indonesian Constitution, specifically the 1945 Constitution of the Republic of Indonesia (1945 Constitution), explicitly enshrines the values of deliberation and consensus as the fundamental principles guiding the nation's and state's life. (Ashidiq and Rohmah 2023) Article 1, paragraph (2) of the 1945 Constitution states that "*Sovereignty is in the hands of the people and is exercised according to the Constitution.*" In addition, Article 2 paragraph (1) emphasizes that the People's Consultative Assembly (MPR) consists of members of the House of Representatives and DPD who are elected through general elections. The presence of the MPR, DPR, and DPD itself reflects an institutional structure designed to realize the spirit of deliberation and public participation.

Furthermore, Law Number 12 of 2011 concerning the Formation of Laws and Regulations (as last amended by Law Number 13 of 2022) contains a provision that prioritizes community participation in the law-making process (see Article 96). (Ummu Awaliah and Santalia 2022) This aligns with the essence of shura, where policy formulation should not be dominated by the interests of a few parties, but must accommodate the public voice to achieve substantive justice. Through public participation, the legislative process is expected not only to meet the aspects of formal legality but also to align with collective moral values, such as honesty, openness, and social responsibility. (Patria and Kurniawan 2022)

Beyond the procedural aspect, what is no less important is how the value of shura can fill the ethical space in the formation of national law. In practice, the product of legislation is often criticized as only an instrument of momentary political interests or a certain group, far from the goal of bringing justice to all people. (March 2022) This is where shura, as a concept in Islamic political ethics, offers a normative approach to guide the legislative process, ensuring it remains oriented towards *Maslahah* and substantive justice. By upholding the values of honesty, goodwill, and openness, the shura can help create a law that is not only procedurally valid but also morally acceptable to the public. In a global

context, this approach can strengthen the legitimacy of the national legal system and build public trust in legislative institutions. Therefore, the application of the spirit of shura in the modern legislative system is not only a bridge between Islamic tradition and constitutional principles, but also a concrete effort to present a just, humane, and beneficial law, in line with the goals of the state as enshrined in the Preamble to the 1945 Constitution, namely *"protect the entire Indonesian nation and all Indonesian bloodshed, as well as to advance the general welfare."* (Karimullah 2022)

Shura, as an Islamic political concept, contains a philosophical foundation that extends beyond a mere collective decision-making mechanism. Textually, this principle is affirmed in QS—Ash-Shura (42): 38, which directs the ummah to settle common affairs through deliberation. However, shura is not just a method of horizontal deliberation as it is known in modern democracy, but contains spiritual values that place the process of deliberation within the framework of vertical accountability to God. In this framework, deliberation is understood not only as a social contract between humans but also as a form of political engagement that requires sincerity of intention, honesty in expressing opinions, and orientation towards the common good.

This is the dimension that distinguishes shura from the concept of secular deliberation. Deliberation in the Pancasila tradition, as enshrined in the fourth precept "Democracy led by wisdom in deliberation/representation," does emphasize consensus and togetherness. However, the normative framework remains based on political rationality without reaching the transcendental realm. Shura is present to add value by affirming that the resulting decisions must not only be legally valid, but also morally sound, and just according to divine measures. Thus, shura can be seen as a deliberative mechanism that has spiritual depth and can fill the ethical void that often arises in modern political practice.

If traced in contemporary political practice, this distinction is increasingly relevant. Modern democracy, both within the framework of Pancasila and Western deliberative democratic theory, is often stuck in procedural formalities. Deliberation in legislative sessions, for example, is often limited to a transactional arena that divides political interests, while the substance of justice and impartiality towards the people is often overlooked. This phenomenon creates a gap between legality and legitimacy, between legitimate procedures and true justice. This is where the shura makes a corrective offer.

By emphasizing the ethical and spiritual aspects, the shura demands that deliberation be carried out in an atmosphere of sincerity and trust, where each participant recognizes that their decisions will be held accountable not only to the public, but also to God. This dimension provides additional normative power that the concept of secular deliberation lacks. This means that shura is not just a forum for reaching political compromises, but a sacred space for formulating decisions that promote the

greater good, or *maslahah*. In this perspective, legislators and public officials cannot rely solely on rhetorical skills or political strategies; they must also prioritize moral integrity and sincerity in carrying out their representation function. Consequently, the shura not only assesses the outcome of the deliberation, but also assesses the underlying process and intention.

When compared to the theory of deliberative democracy developed by Jürgen Habermas, for example, the shura occupies a unique position. Deliberative democracy emphasizes communicative rationality as the basis for the legitimacy of political decisions. According to Habermas, a decision is considered valid if it is obtained through a communication process that is free from domination and manipulation, and involves arguments that are rationally acceptable to all parties. However, shura offers a broader dimension. In addition to emphasizing rationality and openness, shura also requires a moral orientation that is embedded in the hearts of the deliberation participants.

This means that the Shura introduces an aspect of metaphysical accountability, in which the validity of a decision is measured not only by collective rational agreement but also by its conformity to the principles of divine justice. In other words, shura combines the rational and spiritual dimensions within a single deliberative framework. This uniqueness confirms that although deliberative democracy can create an inclusive forum for discussion, the shura has an ethical advantage in preventing the birth of policies that may be procedurally legitimate but morally unfair. Therefore, shura can be considered a more comprehensive deliberative paradigm, as it is based not only on human consensus but also on moral values derived from revelation.

The relevance of shura in the context of the Indonesian constitution can be found in the spirit of the constitution, which places deliberation as the basic principle of democracy. The 1945 Constitution, through Article 1 paragraph (2), affirms the sovereignty of the people, while Article 2 paragraph (1) and Article 3 paragraph (1) give an important role to the MPR as a forum for deliberation. Furthermore, Law Number 12 of 2011 concerning the Establishment of Laws and Regulations, which was later amended by Law Number 13 of 2022, stipulates that community participation is an important element in the legislation process (Article 96).

Normatively, this rule reflects the value of shura in a procedural sense, namely, the community's involvement in the process of forming laws. However, the practice is still far from ideal. Public participation is often formal, limited to invitations to hearings, and leaves little room for the substance of the people's aspirations to influence the content of the law. In such conditions, shura can serve as a normative inspiration to enhance the quality of legislation. By emphasizing the aspects of sincerity, honesty, and responsibility, the shura encourages legislators not only to fulfill procedural obligations but also to ensure that the legal products that emerge are truly fair and in the best interests of the wider

public. Thus, shura not only complements the value of Pancasila deliberation but also revives the moral spirit that is often overlooked in the practice of constitutional democracy.

The integration of shura values within the framework of Pancasila deliberation is also a crucial strategy for establishing dignified governance. In the era of globalization, politics is often constrained by utilitarian logic, where everything is measured in terms of practical advantages or electoral calculations. This results in politics losing its ethical orientation, so that the resulting decisions, although legally valid, do not necessarily reflect substantive justice. Shura offers a way out by emphasizing that politics is a mandate, not just a power struggle. Leaders and legislators, from the perspective of shura, are not only accountable to the people, but also to God, who will judge the intentions, processes, and outcomes of every political decision. This perspective offers a robust moral foundation for combating transactional political practices, corruption, and abuse of power.

Thus, the application of shura values in Pancasila deliberations not only strengthens Indonesian democracy but also reinforces the nation's character, upholding the value of spirituality in state life. This integration can even be Indonesia's distinctive contribution to the global conversation about democracy, by demonstrating that political deliberation does not have to be limited to secular rationality. However, it can instead be synergized with transcendental values to achieve more substantial justice.

3.2 National Legislation: Chambers of Deliberation and Public Participation

In the context of Indonesia's constitutional system, the process of forming laws and regulations is one of the important pillars that reflects Pancasila democracy, which rests on the principle of deliberation for consensus. Law Number 12 of 2011 concerning the Formation of Laws and Regulations (as last amended through Law Number 13 of 2022) explicitly affirms the principle of openness as one of the principles of law formation (see Article 5 letter g). (Rastgar, Davoudi, et al. 2023) This openness means that all stages of drafting and discussing the draft law must allow for active public participation, both through the submission of oral and written input, as well as public hearings and wider public consultations.

In addition, Article 96 of Law 12/2011 stipulates that every draft law and regulation must be socialized to the public to obtain responses and suggestions, as a tangible manifestation of the *Open Government principle* in a legislative context. The presence of these deliberation spaces is not only a formality, but should also serve as a deliberative mechanism that allows the public voice to influence the substance of the policy, ensuring that the policies that emerge are not only procedurally valid but also fair and responsive to the community's needs. (Rastgar, Maghdid, et al. 2023)

Although regulations have provided space for public participation, in practice, the deliberation space is often still purely symbolic or procedural. Public discussions, hearings, or consultations organized by the House of Representatives and the government are often limited to a short time frame, formalistic methods, and participants who are homogeneous or already have close access to policymakers. (Shihan, Amanullah, and Ali Zaroum 2023) This condition gives rise to inequality of participation, where the voices of marginalized groups such as indigenous peoples, smallholders, or civil society organizations in remote areas are not adequately accommodated. In contrast, groups with stronger economic resources and political access often have greater influence in influencing the substance of laws.

This phenomenon has been widely criticized as "elitist participation" or "*pseudo-participation*" because instead of being an inclusive forum, deliberation has the potential to be co-opted by certain political and economic interests. In fact, if we look back at the spirit of shura in the Islamic tradition and the value of consensus deliberation in Pancasila, both emphasize the need to listen to all parties, especially those directly affected, to ensure that policies are in favor of substantive justice, not just the majority of votes or the interests of the elite. (Alfian et al. 2023)

Therefore, the biggest challenge ahead is not only to provide public participation procedures, but to strengthen their quality so that they are truly substantive. One of the important steps is to expand public consultation methods and channels, such as utilizing digital technology to reach marginalized groups, and ensuring that the results of deliberations are documented and used as real considerations in academic texts and bills. In line with the principles of *Shura*, the deliberation process should ideally be a forum for the exchange of rational arguments, not just an administrative formality to meet the requirements of legal compliance. (Jassam Al-Rawi 2023)

In the context of the constitution, this is also in accordance with the mandate of Article 28C paragraph (2) of the 1945 Constitution, which states: "*Everyone has the right to advance themselves in fighting for their rights to build their society, nation, and country collectively.*" This means that public involvement in legislation is not just a right, but also a substantive democratic instrument to ensure that the law reflects the needs and aspirations of the people. Thus, deliberation in the national legislation process is not only a formal requirement, but also a spirit that animates the law as a means of achieving social justice and common good, as mandated in the Preamble to the 1945 Constitution and the noble values of Pancasila. (Pawelec 2024)

3.3 The Relevance of Shura Principles to Pancasila Democracy

Pancasila democracy, as enshrined in the Preamble to the Constitution of the Republic of Indonesia in 1945, embodies the spirit of deliberation and consensus as one of its primary characteristics. This

principle is not only a slogan, but also a moral and philosophical foundation for organizing a government that upholds social justice and the general welfare of its citizens. (Sci. 2023) Interestingly, the spirit of deliberation inherent in Pancasila democracy is closely aligned with the concept of *Shura* in the Islamic political tradition. Deep *Shura*, decision-making is not solely a matter of procedural technicality, but a deliberation process based on honesty, goodwill, and orientation towards *Maslahah*, or the collective benefit. Thus, both Pancasila and Shura democracy strive to present public policies that are both legally valid and substantively fair. Both emphasized the importance of participation from all elements of society, non-hasty decision-making, and the awareness that the resulting policies affect the interests of many people and have a long-term impact. (Muhammad Bennani 2023)

Within the framework of national legislation, the relevance of the shura principle can strengthen the practice of deliberation to be more inclusive and non-elitist. As stipulated in Law Number 12 of 2011 concerning the Establishment of Laws and Regulations (last amended by Law Number 13 of 2022), the legislative process does open up space for public participation through consultations and hearing meetings (see Article 96). However, a major challenge arises when such participation is carried out symbolically, limited to meeting administrative requirements, without actually affecting the substance of the policy.

The application of the shura principle reminds us of the importance of expanding the space for participation to all community groups, including those who have been marginalized, such as indigenous peoples, people with disabilities, smallholders, and communities in remote areas. In this way, the resulting law not only reflects short-term political interests, but is completely in line with the aspirations of the people and the long-term national development goals as stated in Article 28C paragraph (2) of the 1945 Constitution, which guarantees the right of everyone to fight for the rights and interests of the collective for the sake of common progress. (Nasda 2023)

Furthermore, the application of the shura principle also emphasizes that the legislative process should ideally be directed toward reaching a consensus, rather than being solely dominated by votes or a majority vote. Voting is indeed recognized as a legitimate mechanism of modern democracy. However, in the tradition of shura and the spirit of Pancasila deliberation, voting should be the last resort when consensus efforts are really not achieved. (Enim 2025) This approach emphasizes the importance of prioritizing dialogue, listening to diverse opinions, and finding common ground for the greater good. This value is the foundation of Pancasila democracy as reflected in the fourth precept (*The people are led by wisdom in deliberation/representation*). (Juanda and Juanda 2023)

Thus, the shura and Pancasila democracies are not only complementary but can also strengthen each other: both are based on respect for human dignity, recognition of diverse aspirations, and a sincere desire to formulate policies that are fair to all parties. This is a deeper form of substantive democracy,

not just procedural democracy, which is expected to present a more just and beneficial national law for all Indonesian people.

In Indonesian constitutional practice, the main problem in legislation is not only a matter of procedural openness, but also of the quality of the deliberations that take place behind the process. Public involvement is often viewed as a formality, thereby diminishing the critical impact of public participation on the substance of the law. This condition illustrates what in the political literature is known as *the deliberative deficit*, which refers to the gap between the ideal of participatory democracy and the reality of political practice, which tends to be exclusive. If this deficit continues to be left unchecked, the implications are far more serious than simply the weak quality of the law. It has the potential to erode the political legitimacy of legislative institutions, reduce public trust in the legal system, and even widen the distance between the state and citizens. In the long run, such a situation can give rise to collective discontent that triggers democratic stagnation or even *democratic backsliding*—a phenomenon in which democratic institutions slowly lose their substance due to the co-optation of oligarchic interests.

The phenomenon of *elitist participation* that emerges in the Indonesian context reflects structural inequalities in political access. Groups with social, financial, and political network proximity are often the dominant actors in public consultation forums and hearings. Meanwhile, indigenous peoples, smallholder communities, migrant workers, or other marginalized groups are often marginalized, either due to limited access to technology, low legal literacy, and a lack of political representation. As a result, policies developed through the legislative process tend to reflect dominant interests rather than collective aspirations. This criticism aligns with the findings of political scientists, who argue that without a clear institutional design to ensure inclusion, public participation is vulnerable to being overshadowed by symbolism. In this context, procedural democracy, which should provide equal space, can actually be an instrument of legitimizing power, while the substance of public justice is neglected.

The criticism of the above conditions is even sharper when it is associated with the value of shura in the Islamic tradition and the principle of consensus deliberation in Pancasila. These two principles emphasize the need to hear the voices of all parties, including those who are structurally weak or marginalized, to ensure that policies are in the best interest of the common good. However, the practice of legislation in Indonesia often deviates from these basic values. Deliberative deliberations become transactional forums, where public votes are exchanged for short-term political gains. This indicates a moral gap between the philosophical foundation of Pancasila democracy and the reality of pragmatic political practice. If this condition is not corrected, deliberation will no longer function as an instrument

to find substantive common ground, but rather merely a procedure to justify policies predetermined by the political elite.

In addition, the consequences of weak public participation extend not only to the normative aspect but also to the practical aspect. Laws drafted without substantive deliberation often face social resistance, lawsuits, and even annulment by the Constitutional Court. Some controversial cases, such as the revision of the KPK Law and the Job Creation Law, demonstrate how limited public participation has led to a crisis of legitimacy, resulting in a wave of national protests. This situation demonstrates that deliberative exclusion not only weakens democracy but also incurs significant political and social costs. On the contrary, strengthening substantive deliberation spaces will suppress potential conflicts, strengthen legal legitimacy, and foster public trust in state institutions. In other words, the quality of legislation is determined not only by adherence to formal procedures but also by the extent to which the substance of policy is born from an inclusive deliberation process.

From a comparative perspective, legislative practices in certain countries demonstrate that quality public participation can be achieved through proper institutional design. For example, in Canada, the drafting process often involves *the publication of publicly available consultation papers*, followed by online and offline dialogue forums that facilitate wider participation. In Finland, *open government partnerships* have become the basis for systematically involving citizens in the legislative process, so that public input is documented and has weight in the final text of the law. This experience shows that public participation does not have to stop at symbolism, but can be designed as a concrete deliberative mechanism. This type of lesson is particularly relevant for the Indonesian context, where digitalization can be leveraged to expand access to participation, provided it is accompanied by a supervisory mechanism that prevents co-optation by elite groups alone.

Thus, the analysis of public participation in national legislation should not stop at the normative narrative of openness, but should address the issue of the quality of deliberation and the potential co-optation of interests. The biggest challenge is how to transform deliberation from a formalistic procedure into a deliberative forum that is truly substantive, inclusive, and oriented towards the common good. The principles of shura and Pancasila democracy can serve as a moral framework to address these deliberative deficits, provided they are translated into concrete institutional practices. Without it, Indonesian democracy risks being trapped in fragile procedural formalism, vulnerable to losing legitimacy, and failing to deliver a just law. By strengthening substantive deliberation, Indonesia can not only revive the original spirit of Pancasila democracy but also make an important contribution to the global debate on how to build a more inclusive democracy amid the complexities of the contemporary world.

3.4 Obstacles and Challenges of Shura Integration into National Legislation

Although the principles of shura have a strong conceptual relevance to the deliberative values that underpin the spirit of Pancasila democracy, integrating them into the national legislative system is inseparable from complex structural and cultural challenges. One of the most fundamental obstacles lies in the reality of the transactional political culture that has been rooted in the process of forming laws and regulations. In practice, the legislative process is often co-opted by the interests of dominant political parties or interest groups that possess extensive economic resources and political networks. (Aprita, Mutiara Paramitha, and Fira Rahmawati 2022)

This phenomenon has implications for a reduced space for substantive deliberation, where legislative decisions are more often influenced by political or commercial considerations than by the collective aspirations of society. In fact, theoretically, the shura demands openness in the process, honesty in the decision-making, and a singular orientation to the *Maslahah* or the common good. When sectoral interests dominate, the shura principle loses its substantial meaning, so that public participation, which should be at the heart of the legislative process, turns into an administrative procedure with little real impact on the substance of the policy. (Full 2025)

In addition, low public literacy regarding the mechanisms of legislation and their constitutional right to participate also reinforces these challenges. Law Number 12 of 2011 concerning the Establishment of Laws and Regulations (last amended through Law Number 13 of 2022) has regulated the principles of openness and public participation (Article 5, letter g, and Article 96). However, without adequate knowledge on how to channel aspirations, many community groups, especially those who are marginalized, such as indigenous peoples, rural women, or people with disabilities, remain excluded from the substantive deliberation process. (Anshari, Fajrin, and Nawa 2023)

This low legal literacy has an impact on the weak quality of arguments that emerge from the public, so policymakers tend to prioritize the opinions of actors who are considered more "educated" or have close ties to the legislative institution. (Anwar and Rezaldy 2022) The absence of technical regulations that establish minimum standards for public participation, such as Government Regulations or House of Representatives Regulations, renders the implementation of participation articles discretionary and dependent solely on political will. From the perspective of public deliberation theory, this creates a *deliberative deficit*, namely the gap between the ideal of inclusive participation and the reality of elitist participation. (Putra et al. 2023)

The time pressure arising from the demand for the rapid completion of the draft law (especially in priority Prolegnas) has become a significant additional challenge. Legislation that is processed within a limited timeframe often leaves little room for in-depth discussion, which is the essence of substantive deliberation. (Selly 2023) In fact, the shura and the principle of consensus deliberation in Pancasila both

require a patient, in-depth decision-making process based on the exchange of rational arguments, not just quantitative considerations of majority votes. (Safitri Anggita Tunjung Sari et al. 2023) To address these challenges, multi-level reforms are necessary: at the regulatory level, through the development of measurable standards for public participation; at the institutional level, through strengthening the capacity of the House of Representatives and ministries to conduct inclusive public consultations; and at the level of political culture, through continuous public education. (Distribution Policies In The" 1, no. 1 (2025): 25–36.

This effort is in line with the mandate of the constitution, especially Article 28C paragraph (2) of the 1945 Constitution, which guarantees the right of every citizen to participate in national development actively. (BASIR 2023) Thus, the integration of the principle of shura into national legislation not only adds a historical and normative dimension but also offers a more humanistic, inclusive, and substantive justice-oriented model of legislation. This noble ideal is very relevant for the strengthening of democracy in Indonesia. (Hadith and Harijanti 2023)

3.5 Prospects and Contributions of Shura Principles to National Legislation

The application of shura principles in Indonesia's national legislative system presents a significant opportunity to enhance the quality of substantive democracy, an Islamic political concept. Shura views deliberation not as a formal forum, but as a moral space that upholds the values of honesty, openness, and the pursuit of the common good. This concept can serve as an answer to the criticism often directed at modern legislative practices, which often emphasize procedures while lacking genuine public participation. (Putra et al. 2023)

Normatively, Law Number 12 of 2011, as last amended by Law Number 13 of 2022, has recognized the principles of participation and transparency, as exemplified in Article 5, paragraph g, and Article 96. Yet these formal arrangements often stop at a symbolic level, without ensuring that the voice of the people actually becomes an integral part of the legislative process. It is at this point that the shura offers a differentiating offer: equal discussion, honest exchange of ideas, and respect for groups that have been marginalized. Thus, shura can be presented as a correction to the pattern of legislation that is vulnerable to being controlled by the interests of the political elite and the majority group. (Qustulani 2025)

Furthermore, within the framework of deliberative democracy, the shura serves to enrich the substantive justice dimension of each legal product. The principle of deliberation in the shura emphasizes the achievement of agreement through the exchange of arguments based on rationality and empathy, not just a vote or pragmatic compromise. (Ilham Bastanta Panjaitan et al. 2024) Thus, the shura demands that the voices of indigenous groups, informal workers, people with low incomes, and people with disabilities are not only "heard" in hearings but also truly internalized into legal norms. This

ensures that legislative products are more representative and sustainable because they are developed through an inclusive process. This perspective is also in line with the mandate of the constitution, especially Article 28C paragraph (2) of the 1945 Constitution, which affirms the right of every citizen to fight for his or her interests within a collective framework. If the principle of shura is implemented, then the discussion of the bill does not stop at bureaucratic formalities, but becomes a joint forum to seek fair benefits. (Marsudi and Rohmah 2023)

Another benefit that can be drawn from strengthening shura in the legislative process is the increase in social legitimacy of the law itself. When the public witnesses that every draft law is developed through open dialogue, accountability, and prioritization of the principle of substantive justice, the sense of belonging to the law also grows stronger. Law is no longer seen as an elite product separate from the reality of citizens, but rather the result of collective work that reflects shared values. Sociologically, this situation can enhance social cohesion, mitigate community resistance to law enforcement, and foster a healthy legal culture.

More broadly, the application of shura demonstrates that religious values can coexist harmoniously with the modern democratic system without negating the plurality and identity of Pancasila. (Syam, Syahrul, and Ameliyah 2023) In other words, shura does not merely present a normative discourse between religion and the state, but also offers a practical formula that can strengthen social integration. Therefore, the prospect of implementing shura in national legislation needs to be viewed not only as a moral ideal but also as an opportunity for concrete, inclusive, and relevant reform to enhance Indonesia's legal system in the future. (Gusman and Syofyan 2023)

a. Institutional Mechanisms

The strengthening of the shura principle in the national legislation system will not be effective without institutions that ensure that the deliberative process takes place according to ethical and substantive standards. One model that can be considered is the establishment of an ethics committee or an independent institution within the House of Representatives that specifically oversees the quality of deliberations. This committee not only functions as a formal supervisor but also as a guardian of values, ensuring that every process of discussing the bill truly respects openness, honesty, and balance in channeling public aspirations. The authority of this institution can be established within the framework of strengthening Article 20A, paragraph (3), of the 1945 Constitution, which affirms the principle of accountability of the DPR, thereby ensuring its constitutional legitimacy. (Kusbari 2024)

The duties of this committee do not have to be repressive. Instead, it can be designed as a preventive and corrective mechanism, for example, by compiling deliberation evaluation indicators, publishing periodic assessments of the quality of deliberations during bill discussions, and providing recommendations for improving procedures. That way, this institution can serve as a moral and

technical reference for the House of Representatives to improve legislative procedures. Although there may be resistance from political circles because it is considered to add a layer of supervision, this kind of mechanism is actually in line with the practice in various modern democracies. The United Kingdom, for example, has the *Committee on Standards in Public Life*, which oversees the integrity of public officials. In some Scandinavian countries, some institutions routinely assess the openness of public consultation in the preparation of regulations. (Riyanto 2023)

If a deliberative supervisory institution can be established in Indonesia, the quality of legislation will be pushed towards a more participatory and inclusive direction. Not only does the House of Representatives have full control, but the wider community also has a channel of control over the deliberation process. This is what makes the principle of shura not stop at idealism, but rather present as a concrete, systematic, and measurable institutional framework.

b. Procedural Mechanism

In addition to institutional strengthening, the shura also requires a procedural foundation that ensures public involvement does not stop at ceremonial formalities. One relevant idea is to require the House of Representatives to draft a *Public Aspiration Consideration Report* after discussing each bill. This report is not just a list of opinions compiled. However, it should contain a systematic analysis of the proposals of the community, interest groups, and academics, along with the reasons why an input was accepted or rejected. Thus, the legislative process becomes more transparent, accountable, and subject to scientific and political scrutiny. (Shalihah and Khoyyinah 2024)

This mechanism will close the loophole that has made public participation appear only as an administrative obligation. Not infrequently, the hearing takes place as a mere formality without having a real impact on the content of the law. In fact, Shura demands a serious internalization of the public vote. With the official consideration report, the public can assess the extent to which the House of Representatives really absorbs the aspirations of the community. In addition, this obligation will also improve the quality of legislators' arguments, as they are required to respond rationally to every proposal that comes their way. (Fikri, Zurkarnen, and Damanik 2024)

Similar practices have been in place in several countries. The UK, Canada, and Australia, for example, require governments to publish a *Consultation paper* and a *Government Response Report* after the public consultation period is over. There, the public can clearly see how their comments are received, as well as how the final policy is formed. Indonesia can adopt a similar model, of course, with adjustments to the national legal system. Suppose this procedure is institutionalized, either through the Rules of Procedure of the House of Representatives or the revision of the Law on the Formation of Laws and Regulations. In that case, the principle of shura will obtain a real channel in the legislative process. (Khairunnisa 2023)

With this mechanism, public participation is no longer viewed as a formal obligation, but rather as a substantive dialogue that enhances the quality of the law. The resulting law is not just a political consensus, but a mirror of collective deliberation in accordance with the spirit of shur.

c. Budget Mechanism and Time Allocation

True deliberation cannot be realized if it is limited by budget availability and time pressures. So far, one of the criticisms of the legislative process in Indonesia is the tendency to rush through bill discussions to meet the Prolegnas target. As a result, the space for public consultation becomes narrow, participation by vulnerable groups is hindered, and the substance of the law is vulnerable to being dominated by short-term political compromises. The principle of shura requires deep and inclusive deliberation, which certainly requires the support of sufficient financial resources and time. (Rohmatillah, Moh. Sa'diyin, and Ahmad Afan Zaini 2023)

Therefore, a special policy is needed that allocates separate funds to support public participation. This budget can be used to organize deliberative forums in the regions, provide access facilities for marginalized groups, and fund the publication of transparent information about the legislative process. Furthermore, legislative planning must be designed with a realistic schedule. Every bill needs to be provided with adequate time for deliberation, so that public consultation is not reduced to a short formality. This can be regulated in the revision of the Rules of Procedure of the House of Representatives, and it is even possible to be explicitly included in the revision of the Law on the Establishment of Laws and Regulations.

The experience of other countries can be comparative. In Germany, for example, every draft law is required to undergo an *öffentliches Anhörungsverfahren* (public hearing) with a clear time frame, and the government must demonstrate that the public consultation has actually taken place. With a similar pattern, Indonesia can ensure that the principle of shura is not just rhetoric, but is realized in a measurable legislative draft. (Jauhari and Al-hikmah 2024)

Through adequate budget and time management, the legislation process will be more open, inclusive, and not just pursued by quantitative targets. This demonstrates that shura can serve as a practical framework to ensure meaningful public deliberation, thereby resulting in a legal product with stronger social legitimacy and greater durability. (Faisal 2023)

4. CONCLUSION

Building on the overall analysis, it is worth emphasizing that the shura principle has fundamental relevance in enhancing the quality of Indonesia's national legislation, not only at the normative level, but also in terms of its practical operational design. Shura presents an ethical, inclusive, and transcendental deliberation paradigm, in line with Pancasila democracy and the constitutional mandate.

However, to avoid stopping at symbolism, strengthening the culture of deliberation requires sharpening three main instruments: institutional, procedural, and adequate budget and time support.

The presence of an independent deliberative ethics committee will ensure the standard of openness and honesty in the discussion of the bill; The obligation of the House of Representatives to prepare *a Report on the Consideration of Public Aspirations* will ensure substantive accountability and transparency, while realistic budget allocations and scheduling of deliberations will open up space for meaningful public participation, including for vulnerable groups. With this implementation, the shura can transform from a mere normative concept to a measurable framework of legislative reform, so that the law that is born is not only formally valid, but also just, aspirational, and has strong social legitimacy — realizing a substantive democracy rooted in the noble values of the nation as well as universal standards.

REFERENCES

- Alfian, Endang Larasati, Kismartini, and Triyuningsih. 2023. "Islamic Bureaucracy in Public Administration Philosophy." *Journal of Namibian Studies: History, Politics, Culture* 33:1501–13. doi:10.59670/jns.v33i.576.
- Alikhani, Pouriya, Nicolas Brunner, Claude Crépeau, Sébastien Designolle, Raphaël Houlmann, Weixu Shi, Nan Yang, and Hugo Zbinden. 2021. "Experimental Relativistic Zero-Knowledge Proofs." *Nature* 599(7883):47–50. doi:10.1038/s41586-021-03998-y.
- Anshari, Anshari, M. Fajrin, and Paskalia Nawa. 2023. "Criminal Case Settlement through the Suruk Dayak Traditional Assembly in Nanga Tubuk Village, Kapuas Hulu Regency." *Indonesian Journal of Criminal Law and Criminology (IJCLC)*, 4(2), 69–83. doi:10.18196/ijclc.v4i2.19300.
- Anwar, Ahmad Syaifudin, and Chelvin Deafanny Rezaldy. 2022. "The Urgency of Implementing Pancasila Values in the Formulation of Vaccine Policies as a Condition for Public Service Administration to Achieve the Goals of the Indonesian State." *IN RIGHT: Journal of Religion and Human Rights* 11(2):251. doi:10.14421/inright.v11i2.2873.
- Aprita, Serlika, Mutiara Paramitha, and Fira Rahmawati. 2022. "Harmonization of Pancasila Values in the Development of Justice Law Reviewed from the Perspective of Law and Human Rights." *The Juris* 6(2):262–64. doi:10.56301/juris.v6i2.587.
- Ashidiq, Rasyid, and Siti Ngainnur Rohmah. 2023. "Implementation of the Concept of Shura in the Institution of the People's Consultative Assembly of the Republic of Indonesia." *Journal of Syar-I Social and Cultural*, 10(2), 457–70. doi:10.15408/sjsbs.v10i2.31970.
- BASIR, Miss. 2023. "Sharia Principles in the Material Law of the National Banking Legal System." *International Journal of Environmental, Sustainability, and Social Science* 4(3):842–46.

- doi:10.38142/ijesss.v4i3.571.
- Enim, D. I. Muara. 2025. "SABILUNA: Journal of Islamic Studies." 1(1):48–67.
- Faisal, Ahmad. 2023. "The Intersection of Islamic Law and Nationhood in Contemporary Indonesia." *European Journal of Humanities and Social Sciences* 3(2):141–47. doi:10.24018/ejsocial.2023.3.2.441.
- Fikri, Muhammad Farhan, Zurkarnen Zurkarnen, and Nurliana' Damanik. 2024. "Islamic Political Thought of M. Quraish Shihab in Indonesia: An Analysis." *Islam & Contemporary Issues* 4(1):1–7. doi:10.57251/ici.v4i1.1289.
- Gusman, Delfina, and Yunita Syofyan. 2023. "Public Participation In Legislation (Legal Comparison Studies In Indonesia, South Africa, And United States)." *Nagari Law Review* 6(2):133. doi:10.25077/nalrev.v.6.i.2.p.133-145.2023.
- Hadita, Cynthia, and Susi Dwi Harijanti. 2023. "The Urgency of The Principle of Deliberation Towards Regional Institutions in the Perspective of The State of Pancasila Law." *Veteran Law Review* 6(1):1–13. doi:10.35586/velrev.v6i1.4881.
- Hayati, Ilda, and Busman Edyar. 2023. "Analysis of Islamic Law Accommodation in National Law during the Era of Democratic Transition Government 2001-2004." *Al-Istinbath: Journal of Islamic Law* 8(1):173–94. doi:10.29240/jhi.v8i1.5657.
- Ilham Bastanta Panjaitan, Ilma Aulia, Mitha Ratu Aprilian, and Asep Abdul Muhyi. 2024. "Islam and Democracy from the Perspective of the Qur'an: An Analysis of the Tafsir of Maudhu'i." *AlMaheer: Journal of Islamic Education* 2(01):61–75. doi:10.63018/jpi.v2i01.31.
- Jassam Al-Rawi, Qutaiba Fawzi. 2023. "The Qur'anic Approach to Enjoining Good and Forbidding Evil, and Its Role in Building Society." *KnE Social Sciences* 2023:644–64. doi:10.18502/kss.v8i6.13135.
- Jauhari, Muhammad Sofwan, and Stiu Dirosat Islamiyah Al-hikmah. 2024. "THE APPLICATION OF THE PRINCIPLES OF MAQASHID SYARIAH IN LEGISLATION IN INDONESIA." 4(1):1–14.
- Juanda, Ogiandhafiz, and Juanda. 2023. "The Ideal Law State Concept in Indonesia: The Reality and The Solution." *Journal of Law, Politics and Humanities* 3(2):251–62. doi:10.38035/jlph.v3i2.172.
- Karimullah, Suud Sarim. 2022. "Pursuing Legal Harmony: Indonesianization of Islamic Law Concept and Its Impact on National Law." *Mazahib Journal of Islamic Legal Thought* 21(2):213–44. doi:10.21093/mj.v21i2.4800.
- Justice, Theory, John Rawls, D. A. N. Relevance, and In Formulation. 2025. "COMMON PROPERTY DISTRIBUTION POLICIES IN THE CONTEMPORARY ERA JOHN RAWLS'S THEORY OF JUSTICE AND ITS RELEVANCE IN THE FORMULATION OF COMMON PROPERTY DISTRIBUTION POLICIES IN THE * Herisulaiman2511@gmail.Com (Corresponding Author) INTRODUCTION in Hu Discourse." 1(1):25–36.
- Khairunnisa, Brilliant Windy. 2023. "Islamic Democracy or Secular? Some aspects of democracy are

- practiced in Indonesia." *Athens: Journal of Social, Culture and Society* 1(4):200–205. doi:10.58905/athena.v1i4.108.
- Kusbari, Gimma. 2024. "Participation of the Acehese Indigenous People in the Formation of Legislation." *JISIP (Journal of Social Sciences and Education)* 8(1):769. doi:10.58258/jisip.v8i1.6088.
- Marsudi, Marsudi, and Siti Ngainnur Rohmah. 2023. "The Role of Opposition Parties in the Conventional and Islamic Constitutional System." *SALAM: Journal of Shar-I Social and Cultural* 10(2):485–96. doi:10.15408/sjsbs.v10i2.31971.
- Masyhuri, Ahmad Ari. 2022. "The Concept of Political Ideology in the Qur'an." *Alwatzikhoebillah Journal: Islamic Studies, Education, Economics, Humanities* 8(2):119–41. doi:10.37567/alwatzikhoebillah.v8i2.1516.
- Muhammad Bennani, Abdel Karim. 2023. "The Contribution of Morality in Building the Purposes of Legal Rulings." *Multidisciplinary Studies: Journal of Islamic Studies* 10(1):13–24. doi:10.24952/multidisciplinary.v10i1.7771.
- Nasda, Irhamdi. 2023. "Comparison of the Concepts of Democratic and Shura Systems of Government." *MILRev: Metro Islamic Law Review* 2(1):52. doi:10.32332/milrev.v2i1.6862.
- Patria, Vincentius, and Itok dwi Kurniawan. 2022. "Correlation and Implementation of Philosophy of Pancasila in Indonesian Criminal System." *Global Citizen Journal: Scientific Journal of Civic Education Studies* 11(2):75–81. doi:10.33061/jgz.v11i2.7676.
- Pawelec, Kazimierz J. 2024. "Zakazy Dowodowe, Tajemnice Zawodowe i Inne Oraz próby ich omijania podczas czynności operacyjno-rozpoznawczych i Procesowych." *Cybersecurity and Law* 11(2):246–59. doi:10.35467/cal/188574.
- Purnama, Desi. 2025. "THE RIGHT TO A JUST LIFE: AN ANALYSIS OF THE PHILOSOPHY OF THE FIFTH." 1(1):25–44.
- Putra, Marsudi Dedi, Tunggul Anshari Setia Negara, Aan Eko Widiarto, and Indah Dwi Qurbani. 2023. "Democratic Omnibus Law in Indonesia." *International Journal of Social Science Research and Review* 6(6):244–57. doi:10.47814/ijssrr.v6i6.1148.
- Qustulani, Muhammad. 2025. "Synonym of Democracy in the Quran and the Debate of Its Interpretation." *An-Nuha: Journal of Social & Humanities* 1(1):18–30. doi:10.63005/annuha.v1i1.2.1.
- Rastgar, Abbas Ali, Seyed Mehdi Mousavi Davoudi, H. Susilo Surahman, and Ammar Abdel Amir Al-Salami. 2023. "Following Islamic Teachings in the Governance of Islamic Society with an Emphasis on Transparency." *HTS Theological Studies* 79 (1):1–7. doi:10.4102/hts.v79i1.8032.
- Rastgar, Abbas Ali, Rekurd Sarhang Maghdid, Iskandar Muda, and Seyed Mehdi Mousavi Davoudi. 2023. "Transparent Government Based on Nahj Al-Balagha and Social Trust among Muslim Citizens." *HTS Theological Studies* 79 (1):1–7. doi:10.4102/hts.v79i1.8052.

- Riyanto, Agus Raras. 2023. "Optimizing Civil Society Involvement in Legislative Drafting." *Law and Dynamics of Society* 21(2):98. doi:10.56444/hdm.v21i2.4456.
- Rohmatillah, Arman Rohmatillah, Moh. Sa'diyin and Ahmad Afan Zaini. 2023. "Challenges and Prospects: Implementation of Democratic Principles in Indonesian Constitutional Law." *JOSH: Journal of Sharia* 2(02):90–100. doi:10.55352/josh.v2i2.540.
- Safitri Anggita Tunjung Sari, Misnawati Misnawati, Rusdiansyah Rusdiansyah, Lutfi Aji Taufandy, Sri Maya, and Riwi Nitiya. 2023. "Pancasila as an Entity and Identity of the Indonesian Nation and Its Manifestation at SMAN 5 Palangka Raya." *Horizon: Journal of Global Community Service* 2(1):152–70. doi:10.30640/horizon.v2i1.634.
- Selly, Gress. 2023. "Sharia Integration in Indonesian Regional Regulations: A Dialectic of Prophetic Islamic Legal Philosophy and Thomas Kuhn's Paradigm." *Constitution Journal* 2(1):1–16. doi:10.35719/constitution.v2i1.43.
- Shalihah, Aini, and Khoyyinah. 2024. "Contextualization of the 1945 Constitution of the Republic of Indonesia in an Islamic Perspective." *Journal of Law and Administrative Science* 2(1):53–69. doi:10.33478/jlas.v2i1.19.
- Shihan, Mohammad, Muhammad Amanullah, and Abdulhamid Mohamed Ali Zaroum. 2023. "The Examination of the Social Dimension of Shari'ah from the Viewpoint of Maqasid Al-Shari'ah: A Case Study of the Preservation of Intellect." *International Journal of Social Science and Human Research* 06(02):1038–46. doi:10.47191/ijsshr/v6-i2-36.
- "Come on, Parid. 2023. "As-Syar ' I: Journal of Family Guidance & Counseling Normative Approach as a Research Methodology of Islamic Law As-Syar ' I: Journal of Family Guidance & Counseling." 5:1010–22. doi:10.47476/assyari.v6i1.3843.
- Syam, Syafruddin, Syahrul Syahrul, and Siti Ameliyah. 2023. "The Political Development of Islamic Law in the New Order, Reform and Post-Reform Periods." *Al Qalam: Scientific Journal of Religion and Society* 17(2):327. doi:10.35931/aq.v17i2.1992.
- Turbet, Martin, Emeline Bolmont, Guillaume Chaverot, David Ehrenreich, Jérémy Leconte, and Emmanuel Marcq. 2021. "Day–Night Cloud Asymmetry Prevents Early Oceans on Venus but Not on Earth." *Nature* 598(7880):276–80. doi:10.1038/s41586-021-03873-w.
- Ummu Awaliah and Indo Santalia. 2022. "Islamic Legal Thought at the Time of Khulafaur Rashidin." *Comparativa: Comparative Scientific Journal of Schools and Law* 3(1):25–49. doi:10.24239/comparativa.v3i1.24.

