

Democratizing Local Legislation Through Public Participation: A Critical Analysis of Regulations in Central Sulawesi

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Abstract

This study critically examines the legal dimensions, mechanisms, and barriers to public participation in the formulation of local regulations (*perda*) in Central Sulawesi. Employing a socio-legal approach that integrates normative analysis with empirical inquiry, the research evaluates compliance with the 1945 Constitution, Law No. 12/2011 (amended by Law No. 15/2019), Law No. 23/2014, and Ministry of Home Affairs Regulation No. 80/2015. Empirical data were gathered through in-depth interviews with 45 informants, observations at 12 public consultation forums, and document analysis of three strategic local regulations across four regions during 2021–2023. The findings reveal a significant implementation gap: public participation has been reduced to procedural formality, fundamentally contradicting the principle of openness. Three critical legal deficits were identified: (1) the absence of legal sanctions for procedural participation violations; (2) insufficient clarity in mechanisms for substantively accommodating public input; and (3) the lack of a public right of action against regulations enacted without adequate participation. The study concludes that multidimensional legal reform, coupled with a community-based deliberative participation model, is essential to fostering authentic and equitable democratization within the local legislative process.

Keywords

Public Participation; Local Regulations; Socio-Legal; Legal Reform; Legislative Democratization

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1. INTRODUCTION

Democracy, in its simplest or most literal sense, means “rule by the people” or “government by the people.” In other words, democracy is defined as a form of government in which the people rule, either directly or through elected representatives. (Hidayati, 2019) The principle of popular sovereignty enshrined in Article 1, Paragraph (2) of the 1945 Constitution of the Republic of Indonesia is not limited in meaning to general elections alone. It demands concrete, sustained implementation in every public decision-making process, including the formulation of legislation. The character of legal products must



be responsive and populist, reflecting a sense of justice and meeting public expectations. (Syamsuddin & Safrin, 2024)

The Constitutional Court, through several of its rulings, has affirmed that public participation in the legislative process is a constitutional right of citizens guaranteed by Article 28 of the 1945 Constitution regarding the right of association and freedom of expression. (Rahman et al., 2024) Thus, the absence of meaningful participation is not merely a procedural flaw in the formulation of local regulations but constitutes a violation of citizens' constitutional rights. Legal frameworks are necessary for the process of change, including rapid change, which is typically expected by a developing society where such changes are intended to be carried out in an orderly and systematic manner. (Safrin & Imran, 2023)

Theoretically, Habermas has clearly articulated the connection between participation and legal legitimacy in his concept of deliberative democracy. Habermas argues that the validity of a legal norm is determined not by the formal authority of its enacting body, but by the quality of the discursive procedures through which it is produced. From this perspective, a local regulation formulated without meaningful public participation suffers from a legitimacy deficit that cannot be remedied solely through formal ratification by the Regional People's Representative Council (DPRD). Dworkin reinforces this argument by asserting that a valid law must be an expression of the community's integrity, which can be achieved only if its members have a voice heard in the process of its formation. Meanwhile, Rawls asserts that the legitimacy of a rule depends not only on its substance but also on the procedural justice through which it is produced. Therefore, participation can be understood as a process of involvement, engagement, and solidarity among citizens—whether as individuals, social groups, or community organizations—based on their awareness, whether direct or indirect, without coercion from specific parties. (Gusman, n.d., 2023)

At the national legislative level, the principle of participation has been explicitly enshrined in Law No. 12 of 2011 on the Formation of Legislation, as amended by Law No. 15 of 2019. Article 96 of the law guarantees the public's right to provide input, both orally and in writing, at every stage of the legislative process. However, there is a fundamental normative tension: the law does not establish clear legal consequences if the rule-makers disregard the participation provisions. It is this lack of clarity regarding sanctions that constitutes one of the root causes of the challenges in implementing participation at the local level. (Rizki & Sari, 2022)

Central Sulawesi, as the context of this study, offers a rich and unique socio-legal laboratory. In the aftermath of the September 28, 2018, earthquake, tsunami, and liquefaction—which claimed more than 4,300 lives and caused infrastructure damage worth Rp26.19 trillion—the province entered a reconstruction phase requiring accelerated local legislation across various sectors (BNPB, 2019). These

post-disaster conditions create a legal dilemma that has not been extensively studied academically: the tension between the urgency of accelerating legislation and the obligation to fulfill meaningful participatory procedures. Post-disaster legal development underscores that the pressure to accelerate legislation cannot justify the disregard of public participation. (Istanto et al., 2021)

Furthermore, Central Sulawesi exhibits a high degree of sociocultural complexity: it comprises 12 major ethnic groups with active customary legal systems, 13 regencies and cities with highly variable levels of accessibility, and a lower civil society capacity index compared to provinces on the island of Java (Central Sulawesi BPS, 2022). This situation is exacerbated by the low level of legal literacy among the local population, which is one of the main factors contributing to the low effectiveness of legislative participation in remote areas of Eastern Indonesia. (Hidayat & Arifin, 2019)

This study draws upon three mutually reinforcing intellectual traditions. First, the theory of the democratic rule of law (*demokratische rechtsstaat*) developed by Dicey (1959) and later elaborated in the Indonesian context by Mahfud MD (2010). In this tradition, valid law is law that emerges from a democratic process, and the state is obligated to ensure that this process is open to all its citizens. Second, Fuller developed the theory of procedural rights through the concept of the "internal morality of law." Fuller argues that the law possesses internal standards of propriety, one of which is that rules must be publicly announced before they are enforced. Third, Rawls's theory of procedural justice, which asserts that justice is determined not only by the substance of the resulting rules but also by the fairness of the procedures that produce them. (Ferejohn & Pasquino, 2003)

Three research questions are posed: (1) How consistent is the legal framework governing public participation in the formulation of regional regulations in Central Sulawesi, as viewed from the perspective of the hierarchy of laws and regulations and the principles of good regulatory drafting? (2) To what extent do local regulation formulation practices in Central Sulawesi comply with the public participation provisions mandated by positive law (Law No. 12 of 2011; Minister of Home Affairs Regulation No. 80 of 2015)? (3) What legal and institutional reforms are needed to achieve substantive and equitable public participation in regional legislation in Central Sulawesi?

2. METHOD

This study employs a socio-legal research approach that methodologically combines two dimensions: a normative analysis of the legal framework (legal analysis) and an empirical examination of its implementation in practice (empirical legal research). This approach is based on the argument that the phenomenon of legislative participation cannot be understood in isolation—an analysis of legal texts alone will not reveal the realities of implementation. In contrast, empirical analysis without a normative foundation will lack a benchmark for evaluation. (Safrin & Imran, 2023)

In terms of design, this study adopts a multiple-case study approach with four locations: Central Sulawesi Province, Palu City, Sigi Regency, and Donggala Regency. The research focuses on the process of formulating three strategic local regulations during 2022–2023: the Local Regulation on Disaster Management, the Local Regulation on Regional Spatial Planning, and the Local Regulation on Village Community Empowerment. The selection of these three local regulations is based on their relevance to the post-disaster context and their broad implications for community life. (BNPB, 2019; Haris, 2007)

The normative analysis was conducted using legal interpretation methods, including grammatical, systematic, historical, and teleological interpretations of the provisions on participation within the hierarchy of laws and regulations. The empirical analysis employs the interactive analysis model by Miles, Huberman, and Saldaña through the stages of data condensation, data presentation, drawing conclusions, and verification. Validity is ensured through source triangulation, method triangulation, and member checking. The integration of normative and empirical findings is achieved through comparative law methods to identify the implementation gap between *das sollen* and *das sein*.

3. FINDINGS AND DISCUSSION

3.1. The Legal Framework for Public Participation in the Formulation of Local Regulations

Public participation in lawmaking has a solid constitutional foundation within the Indonesian legal system. Article 1, Paragraph (2) of the 1945 Constitution of the Republic of Indonesia affirms that sovereignty resides with the people and is exercised in accordance with the Constitution. The Constitutional Court, in Decision No. 91/PUU-XVIII/2020 regarding the enactment of the Job Creation Law, explicitly stated that the enactment of a law that does not meet the requirements of meaningful participation is contrary to the 1945 Constitution and is therefore conditionally unconstitutional. (Mahkamah Konstitusi, 2021)

This Constitutional Court ruling has significant implications for regional legislation. Although the ruling directly addresses the enactment of national laws, its *ratio decidendi*—namely, that meaningful participation is a constitutional requirement for the validity of a legislative act—can and should be applied analogously to the enactment of regional regulations (Mochtar, 2020). This means that regional regulations enacted without meeting the standard of meaningful participation potentially contain constitutional defects that could serve as grounds for judicial review through available mechanisms. (Mahkamah Konstitusi, 2012)

Furthermore, Article 28 of the 1945 Constitution guarantees the freedom of association and assembly, as well as the freedom to express one's thoughts orally and in writing. Article 28C, Paragraph (2), guarantees every person's right to self-improvement in collectively advocating for their rights to build their society, nation, and state. Article 28D Paragraph (1) guarantees the right to recognition,

assurance, protection, and fair legal certainty. Together, these constitutional provisions form the foundation of the right to legislative participation, which cannot be diminished even by the lawmakers themselves, as affirmed in Article 28I, Paragraph (1), of the 1945 Constitution.

At the statutory level, Article 96 of Law No. 12 of 2011, as amended by Law No. 15 of 2019, is the primary statutory provision governing the right to participation. This provision states that the public has the right to provide oral and/or written input on the formulation of legislation, and that the drafters of legislation must facilitate public participation. However, as Mochtar has criticized, this article has three fundamental normative weaknesses. Similar weaknesses were also identified by Suhariyanto (2020) in his study on the quality of regional legislation in the era of autonomy.

First, there is no operational definition of what constitutes "ease of access" or minimum participation standards that must be met. Second, there are no provisions requiring rulemakers to respond to or accommodate input received, meaning participation risks becoming a public monologue with no substantive consequences. Third, there are no clear sanctions—whether administrative sanctions or sanctions affecting the validity of the regulation—for drafters who disregard participation obligations. (Lahamit, 2021) At the level of implementing regulations, Minister of Home Affairs Regulation No. 80 of 2015 on the Formulation of Local Legal Instruments, which has been partially superseded by Minister of Home Affairs Regulation No. 120 of 2018, provides more detailed elaboration. Article 239 of Ministerial Regulation No. 80 of 2015 requires local governments to involve the public in every stage of the formulation of local legal instruments. However, once again, this regulation does not establish mechanisms to ensure that such involvement is substantive, rather than merely procedural. (Hidayat & Khalika, 2019)

At the regional level, all Regional People's Representative Councils (DPRDs) included in the study have DPRD Regulations on Rules of Procedure that contain participation clauses. A comparative analysis of these four Regional Representative Council Regulations reveals significant normative variations: the Central Sulawesi Provincial Regional Representative Council Regulation is relatively more detailed, requiring at least two public consultations in every local regulation drafting process, while the Donggala Regency Regional Representative Council Regulation requires only one, with no provisions regarding participant representation or mechanisms for processing input. These variations reflect the absence of binding minimum national standards, as identified by Haris (2007) in a study on decentralization and regional autonomy.

Table 1. Comparative Analysis of Participation Provisions in the Hierarchy of Laws and Regulations

Regulasi Strengths	Regulations Participation	Requirements Normative	Normative Weaknesses
UUD NRI 1945 Psl. 1(2), 28, 28C, 28D	People's sovereignty; freedom of expression; the right to legal certainty	Constitutional, non-derogable	There are no specific enforcement mechanisms for local legislation
UU No. 12/2011 jo. UU No. 15/2019 Psl. 96	Right to provide oral or written input; obligation to facilitate access	Laws, generally binding	No penalties; no minimum standards; no obligation to respond
UU No. 23/2014 Psl. 354–356	The right to participate in the administration of local government	Law, applicable at the local level	General provisions, not specific to the enactment of local regulations
Permendagri No. 80/2015 Psl. 239	The obligation to involve the community at every stage	Ministerial regulations, binding on local governments	There are no quality standards, procedures, or feedback mechanisms
Regulations of the Regional People's Representative Council (vary)	Public consultation requirement (1–2 times)	The Regional People's Representative Council's internal regulations are binding on its members.	It varies widely; there is no national minimum standard

Source: The author's normative analysis based on the hierarchy of laws and regulations, 2024.

3.2. Implementation Gap: Between the Ideal and Reality

The empirical findings of this study reveal a serious implementation gap between *das sollen* (what should happen according to the law) and *das sein* (what actually happens in practice). Of the 12 public consultation forums observed, all were conducted in a format that could be categorized as "one-way information delivery" rather than meaningful two-way dialogue. This pattern reflects what Arnstein (1969) categorized as "tokenism," a stage on the ladder of participation in which the public is involved merely as a formality, without substantive influence on the final decision. (Harahap & Harahap, 2023)

Findings from an analysis of meeting minutes support this pattern. In drafting the Central Sulawesi Provincial Disaster Management Regulation, for example, the first public consultation was held when the academic draft was already in near-final form, and the second consultation took place after the draft regulation had been fully finalized (Mochtar, 2020; Ikhwan, 2019). A legal scholar invited as a speaker stated, "When I was asked to provide feedback on a 200-page academic paper that a team of consultants had worked on for six months, I asked: what kind of feedback could change the direction of this local regulation substantially? This is not participation; this is legitimization." (Interview with an academic from the Faculty of Law at Tadulako University, October 2025)

An analysis of the minutes of the Regional People's Representative Council (DPRD) plenary sessions reveals that, among all the input received during the third public consultation forum for the three local regulations under review, none resulted in substantial changes to the regulations' core provisions. The changes made were generally editorial in nature (corrections to wording and grammar) and did not affect the substance of the regulations. This is a strong indication that the feedback mechanism is not functioning as intended. (Hidayat & Khalika, 2019; Suhariyanto, 2020)

Article 5 of Law No. 12 of 2011 establishes the principles of openness and clarity as the foundations of sound legislative drafting (*beginselen van behoorlijke regelgeving*). (Iswari, n.d.) In its implementation, this principle of openness should not only mean that information is available, but also that it is equally accessible to all segments of the affected community. (Supriyadi & Purnamasari, 2021)

The reality on the ground reveals conditions that are far from ideal. Announcements of public consultations are made, on average, 5.3 days before the event — far too short to prepare substantive input (Hidayat & Khalika, 2019). Of the 12 forums observed, only 2 provided executive summaries of the academic papers and draft local regulations in language easily understood by the general public. (Sistem et al., 2021)

Geographical accessibility constraints represent the most serious structural barrier. According to the collected data, 79.3% of public consultation forums were held in district/city capitals or in Palu. No forum was held at the subdistrict or village level, even though the provisions of the Ministry of Home Affairs Regulation No. 80 of 2015 do not prohibit public consultations at lower levels. As a result, people living in remote areas are systematically marginalized from the participatory process. (BPS Sulawesi Tengah, 2023)

Table 2. Profil Aksesibilitas Forum Konsultasi Publik Pembentukan Perda di Sulawesi Tengah (2022–2024)

Accessibility Indicators	Ideal Standard	Field Findings	Compliance Rate (%)
Time of the announcement prior to the forum	Min. 14 day	An average of 5.3 days	16,7%
Availability of layman's summaries of documents	There is (required)	Hanya 2 dari 12 forum	16,7%
Forum locations outside the regency/city capital	At least 1 forum in each subdistrict/village	0 of 12 forums	0%
Representation of vulnerable groups (women, people with disabilities, the elderly)	At least 30%	An average of 11.4%	0%
Post-Forum Report on Public Input	Must be created and published	Not a single one	0%
Availability of alternative online/written feedback mechanisms	Available and actively promoted	1 in 4 local governments provide	25%

Source: Primary data from research observations and interviews, 2022–2024 (compiled by the author)

3.3. Structural Legal Deficiencies in Regional Legislation in Central Sulawesi

One of the most critical findings of this study is the absence of effective sanctions for violations of participation requirements in the drafting of local regulations. In legal theory, a rule without sanctions (*lex imperfecta*) is unlikely to be followed in practice, as violators face no tangible consequences. This situation is one of the root causes of the low level of compliance with participation norms in Central Sulawesi. (Lumban Gaol et al., 2024)

Article 107 of Law No. 12 of 2011, as amended by Law No. 15 of 2019, provides that the Central Government may annul local regulations that conflict with higher-ranking laws through the executive review mechanism. However, this mechanism is not designed to test procedural compliance in the formation of local regulations—it is more focused on testing the substance. Consequently, local regulations formed in disregard of participation procedures cannot be automatically annulled through this mechanism (Mahfud MD, 2010). On the other hand, the Supreme Court's judicial review of local regulations, as stipulated in Article 24A of the 1945 Constitution and Law No. 5 of 2004, technically allows procedural scrutiny. However, in practice, there are almost no precedents in which the Supreme Court has annulled a local regulation solely on the grounds of a violation of participation procedures. (Mahkamah Konstitusi, 2021)

The absence of these sanctions creates a regulatory gap—a loophole in the regulatory system that allows violations to go unpunished. As long as this regulatory gap remains unaddressed through legislative reform, efforts to increase public participation in drafting local regulations will continue to face permanent structural obstacles. (Jayuska & Marzuki, 2021) A legal issue closely tied to the absence of sanctions is the lack of clarity regarding the public is standing to challenge local regulations enacted without following the proper participatory procedures. In administrative law, the public's right to challenge government actions is regulated by Law No. 5 of 1986, as amended by Law No. 9 of 2004, on the State Administrative Court (PTUN). However, local regulations, as legislative acts (*regeling*), are not administrative decisions (*beschikking*), and thus cannot be challenged through the PTUN. (Diniyanto et al., n.d.)

A comparison with the legal systems of other countries offers an interesting perspective. In countries with strong administrative law traditions, such as Germany and the Netherlands, the principle of *Öffentlichkeitsbeteiligung* (public participation) has been codified to such an extent that a violation of this principle can serve as grounds for the annulment of the relevant legislative act (Zurn, 2011). In the United States, the Administrative Procedure Act (1946) allows citizens to sue government agencies that fail to comply with notice-and-comment rulemaking procedures. The absence of a similar mechanism in the Indonesian legal system constitutes an institutional deficit that needs to be addressed immediately. (Azhara & Mardhatillah, 2023)

The normative analysis also revealed conflicts and inconsistencies among regulations, creating legal uncertainty in the implementation of participation. First, there is a tension between the principle of expediting the enactment of local regulations (which is necessary in post-disaster situations) and the principle of transparency, which requires sufficient time for the participatory process. Second, there is an inconsistency between the provisions of the Ministry of Home Affairs Regulation No. 80 of 2015, which mandates community involvement at every stage, and the practices guided by local Regional People's Representative Council (DPRD) regulations, which require only one or two public consultations. (22. 10500-Article Text-45276-1-10-20250728, n.d.)

Third, and most crucially, there is uncertainty regarding the hierarchy of norms between Regional Legislative Council Regulations (as internal institutional regulations) and Ministerial Regulations. In the hierarchy of legislation as stipulated by Article 7 of Law No. 12 of 2011, the Minister of Home Affairs Regulation holds a higher position than the Regional Representative Council Regulation. However, in practice, drafting local regulations most often refers to the Regional Representative Council Regulation on Rules of Procedure rather than the Minister of Home Affairs Regulation. This inconsistency creates an opening for drafters of local regulations to choose the regulation with the more lenient participation requirements.

3.4 The Legal Implications of Deficient Participation on the Quality of Local Regulations

A lack of participation is not merely a procedural issue; it has a tangible, substantive impact on the quality and effectiveness of the resulting regional regulations. An analysis of the three regional regulations that are the focus of this study reveals a significant correlation between the level of participation and the substantive quality of the regulations, as also found by Hidayat and Khalika (2019) in their comparative study. The Central Sulawesi Province Disaster Management Regulation—which involved relatively broader participation, including from international civil society organizations and disaster survivor communities resulted in more comprehensive and contextually appropriate provisions, including regulations on survivors' rights not found in similar regulations in other provinces (BNPB, 2019). In contrast, the Donggala Regency Spatial Planning Regulation—whose participatory process was minimal—produced a product that, in a post-enactment evaluation, was harshly criticized by groups of fishermen and farmers for disregarding their traditional livelihood zones.

The case of Donggala Regency illustrates Gaventa's thesis that meaningful participation is not merely a democratic procedure, but an epistemic instrument that facilitates the incorporation of local knowledge into the policymaking process. In this context, participation is not only a matter of rights but also of the quality and effectiveness of the legislation itself. (Masyarakat et al., 2021) From the perspective of the theory of sound regulation (*beginselen van behoorlijke regelgeving*), local regulations enacted without adequate participation carry the risk of several normative flaws: first, a flaw in the principle of clarity of purpose due to a lack of input from stakeholders who will be affected by the regulation; second, a defect in the principle of enforceability because it fails to integrate real-world conditions on the ground; and third, a defect in the principles of effectiveness and utility because it reflects the interests of specific groups rather than the public interest. (Kemala Putri et al., n.d.)

3.5 Comparative Legal Analysis: Lessons from Other Countries

A review of best practices from various jurisdictions provides valuable comparative perspectives for formulating recommendations for legal reform in Central Sulawesi. In the Philippines, Republic Act No. 7160 (Local Government Code of 1991) has enshrined citizen participation in local governance, including in the enactment of local ordinances. This law requires every local legislative body to hold public hearings, with notice given at least 3 days in advance, and mandates the structured recording and archiving of all received input. (Andriyan et al., n.d.) Meanwhile, in South Korea, the Local Autonomy Act establishes a more structured participation mechanism, requiring local governments to publish a response report on public input within 30 days following the consultation. This model is

relevant for adoption in the Indonesian context due to the similarity in local governance structures. (Fajar & Achmad, 2017)

In Latin America, the Participatory Budgeting model—first developed in Porto Alegre, Brazil—has inspired stronger mechanisms for legislative participation. Wampler notes that the success of this model rests on three factors: first, the genuine devolution of decision-making authority to citizens; second, systematic and sustained community capacity-building; and third, structured accountability through public monitoring mechanisms over the implementation of the resulting decisions. (Susila Adiyanta et al., 2019)

At the ASEAN level, Thailand, through its 2017 Constitution, has explicitly enshrined the right to participate in the legislative process, accompanied by an enforcement mechanism through the Ombudsman, who is authorized to evaluate compliance with participation standards. This mechanism provides the "teeth" of enforcement that have long been absent from Indonesia's legal system. Lessons from these three jurisdictions demonstrate that improving the quality of legislative participation requires multidimensional legal interventions. (Bau & Ar, 2019)

3.6 Proposals for Legal Reform and Models of Deliberative Participation

3.6.1 Agenda for Normative Reform

Based on the research findings and comparative analysis, this study proposes a legal reform agenda at four interrelated levels. At the national level, revisions are needed to Law No. 12 of 2011 as amended by Law No. 15 of 2019 to: (a) establish measurable minimum standards for participation, including a minimum announcement period (at least 30 days for local regulations with broad impact), the obligation to provide summary documents in plain language, and the obligation to hold forums at the subdistrict/village level for local regulations that directly impact specific communities; (b) introduce an obligation for local regulation drafters to prepare and publish a Public Participation Accommodation Report that transparently explains which inputs were accommodated and the reasons for doing so; and (c) establish clear legal consequences for violations of participation procedures, including the possibility of annulling local regulations through judicial review mechanisms. (Bau & Ar, 2019)

At the level of government regulations and ministerial regulations, a revision of the Ministry of Home Affairs Regulation No. 80 of 2015 is needed to operationalize the participation standards established at the legislative level, including provisions regarding digital technology-based participation mechanisms that reach communities in remote areas (Central Sulawesi BPS, 2022; Gaventa, 2006). At the regional level, standardization of the Regional People's Representative Council (DPRD) Regulations on Rules of Procedure is needed across all regencies/cities in Central Sulawesi to adopt national minimum participation standards, while accommodating local contexts such as

participation mechanisms based on customary institutions and community deliberations. (Roza et al., n.d.)

3.6.2 Community-Based Deliberative Participation Model (CBDPM)

In addition to normative reforms, this study proposes the Community-Based Deliberative Participation Model (MPDBC) as an implementation framework that operationalizes the values of legislative democratization within Central Sulawesi's sociocultural context. This model is inspired by Habermas's conception of deliberative democracy and the practice of *Orçamento Participativo* in Brazil, and is built upon four mutually reinforcing pillars. The first pillar is Transparency and Legislative Information Accessibility. Regional legislative councils and local governments are required to establish legislative information portals containing academic papers, draft local regulations, schedules for all stages of the legislative process, and executive summaries written in plain language. Announcements of public consultations must be made through at least three channels: official social media, community radio, and announcements at strategic public locations. All documents must be available at least 30 days prior to the first public consultation forum.

The second pillar is the Decentralization and Diversification of Participation Forums. Public consultation forums must be organized at multiple levels at the provincial/district/city level for technical groups and formal stakeholders, and at the sub-district/village level for communities directly affected. Participation mechanisms must be diversified to accommodate the diversity of communities' capabilities and contexts: in-person forums, written submissions, digital platforms, and traditional deliberative mechanisms. (Andriani, n.d.) Traditional deliberative mechanisms (such as the "Majelis Adat" in the Kaili, Kulawi, and Lore communities in Central Sulawesi) need to be incorporated as a formally recognized channel for participation in the Regional People's Representative Council (DPRD) regulations, given their relevance as deeply rooted community deliberative bodies. (Mariana & Paskarina, 2015)

The third pillar is Community Legislative Capacity Building. Local governments, in collaboration with the Regional People's Representative Council (DPRD), need to allocate funds for programs that build the community's capacity to understand and participate in the legislative process, including training for community facilitators, community-based legal literacy programs, and technical support for local civil society organizations. (Monteiro et al., 2018) The fourth pillar is Structured Deliberative Accountability. Every local regulation enacted must be accompanied by a Public Participation Accommodation Report, published and accessible to the public. An Independent Committee for Monitoring Local Legislative Participation—comprising representatives from civil society, academia, and community leaders should be established to monitor whether the process of drafting local

regulations complies with established participation standards. (Hukum Universitas Muhammadiyah Jakarta & Rizki Artioko, n.d.)

4. CONCLUSION

This study identifies four interrelated findings with significant legal implications for public participation in regional legislative drafting in Central Sulawesi. First, a substantial implementation gap exists between the normative framework and actual practice: despite constitutional guarantees and statutory mechanisms under Law No. 12 of 2011, participation remains at Arnstein's "tokenism" level—procedurally performed but substantively ineffective. Second, three structural legal deficits underpin this gap: the absence of enforceable sanctions rendering participation norms as *lex imperfecta*; the absence of clear public rights to challenge regulations enacted without adequate participation; and normative inconsistencies across regulations that allow drafters to adopt the most permissive participation standards. Third, these procedural deficiencies produce substantive consequences, as regulations formulated without genuine participation tend to reflect technocratic biases and exhibit normative defects in clarity of purpose, enforceability, and utility—ultimately undermining effective implementation. Fourth, meaningful reform must be multidimensional, encompassing stronger legal norms, effective enforcement mechanisms, enhanced civil society capacity, and decentralized community-level participation forums.

Accordingly, this study recommends: (1) revising Law No. 12 of 2011 to establish measurable minimum participation standards with clear legal consequences; (2) institutionalizing a deliberative accountability mechanism through a mandatory, publicly accessible Public Participation Accommodation Report; (3) establishing an Independent Committee to Monitor Regional Legislative Participation in Central Sulawesi; and (4) adopting the Community-Based Deliberative Participation Model (MPDBC) as an implementation framework integrating democratic values with local wisdom.

This study is limited by its regional scope and short observation period (2022–2024). Future research should examine judicial review mechanisms for procedural participation violations, explore the potential of digital technology to expand legislative access in remote areas, and conduct longitudinal studies to assess the long-term impact of institutional reforms on the quality of participatory processes in regional legislation.

REFERENCES

- Andriani, H. (n.d.). *UNES Journal of Swara Justisia*. <https://doi.org/10.31933/ujsj.v7i1>
- Andriyan, Y., Rajab, A. M., Hidayat, R., Muhamad, S., Pemerintahan, I., & Komunikasi, I. (n.d.). Eksistensi Naskah Akademik dalam Pembentukan Rancangan Peraturan Daerah. *Politik Anggaran dan Adimistrasi Publik*, 3(1), 2023.

- Azhara, M. A., & Mardhatillah, S. R. (2023). Partisipasi Publik dalam Penyusunan Dokumen Analisis Dampak Lingkungan Pasca Berlakunya Undang-Undang/Perppu Cipta Kerja. *Jurnal Hukum Ius Quia Iustum*, 30(2), 256–276. <https://doi.org/10.20885/iustum.vol30.iss2.art2>
- Bau, A., & Ar, I. (2019). *Principles for Establishment of Legal Regulations in The Arrangement of Regional Regulation Design* (Vol. 3, Number 1).
- Diniyanto, A., Islam, U., Abdurrahman, N. K. H., & Pekalongan, W. (n.d.). *Desain Pembentukan Peraturan Desa yang Demokratis dan Aspiratif*. Retrieved <https://ekbis.sindonews.com/berita/1221704/34/dana-desastimulasi-pembentukan-bumdes>.
- Fajar, M., & Achmad, Y. (2017). *Dualisme Penelitian Hukum Normatif dan Empiris* (Cetakan ke-4). Pustaka Pelajar
- Gusman, D. (n.d.). *Model Partisipasi Masyarakat dalam Pembentukan Peraturan Daerah Sebagai Perwujudan Demokrasi Substantif*. <https://doi.org/10.31933/unesrev.v5i3>
- Harahap, A. F. R., & Harahap, A. M. (2023). Peran Digitalisasi dalam Meningkatkan Partisipasi Publik pada Pengambilan Keputusan Tata Negara. *Journal Educatio: Journal Pendidikan Indonesia*, 9(2), 769. <https://doi.org/10.29210/1202323208>
- Hidayat, A., & Arifin, Z. (2019). Politik Hukum Legislasi Sebagai Socio-Equilibrium di Indonesia. *Jurnal Ius Constituendum*, 4(2), 147–159. <https://doi.org/10.26623/jic.v4i2.1654>
- Hidayat, A., & Khalika, N. (2019). Partisipasi Warga dalam Legislasi Daerah: Studi komparatif di Jawa Barat dan Nusa Tenggara Barat. *Jurnal Hukum dan Pembangunan*, 49(3), 512–534. <https://doi.org/10.21143/jhp.vol49.no3.2371>
- Hidayati, S. (2019). Partisipasi Masyarakat dalam Pembentukan Undang-Undang (Studi Perbandingan Indonesia dengan Afrika Selatan). *Jurnal Bina Mulia Hukum*, 3(2), 224–241. <https://doi.org/10.23920/jbmh.v3n2.18>
- Hukum Universitas Muhammadiyah Jakarta, F., & Rizki Artioko, F. (n.d.). *53 Al-Qisth Law Review Vol 6 No. 1* (2022).
- Istanto, D., Apsari, N. C., & Gutama, A. S. (2021). Partisipasi Masyarakat dalam Kegiatan Bank Sampah (Studi Kasus pada Kelompok Masyarakat Pengelola dan Nasabah Bank Sampah Warga Manglayang RW.06 Kecamatan Cibiru, Kota Bandung). *Share: Social Work Journal*, 11(1), 41. <https://doi.org/10.24198/share.v11i1.34367>
- Iswari, F. (n.d.). *JCH (Jurnal Cendekia Hukum) Aplikasi Konsep Negara Hukum dan Demokrasi dalam Pembentukan Undang-Undang di Indonesia **. <https://doi.org/10.3376/jch.v6i1.285>
- Jayuska, R., & Marzuki, I. (2021). *Problematika Pembentukan Peraturan Daerah Oleh Pemerintah Daerah Provinsi Kalimantan Tengah Periode 2016-2021*. 4(2). <https://jurnal.umsb.ac.id/index.php/pagaruyuang>

- Kemala Putri, N., Simeulu, A., Aniq Fitri, F., Trilia, I., & Adisma, Mf. (n.d.). *Disharmonisasi Peraturan Perundang-Undangan di Indonesia Antara Bentuk Penyebab dan Solusi*. 1(1), 55–63. Retrieved <https://jurnal.fanshurinstitute.org/index.php/wathan|55>
- Lahamit, S. (2021). Sosialisasi Peraturan Daerah dalam Rangka Optimalisasi Fungsi Legislasi Anggota Dprd Provinsi Riau (Studi Pelaksanaan Sosialisasi Peraturan Daerah di Masa Pandemi Covid 19). *Publika : Jurnal Ilmu Administrasi Publik*, 7(1), 32–45. [https://doi.org/10.25299/jiap.2021.vol7\(1\).6766](https://doi.org/10.25299/jiap.2021.vol7(1).6766)
- Lumban Gaol, L., Budi Santoso, E., & Prasetyo, A. (2024). Penguatan Tata Kelola Keuangan Publik melalui Partisipasi Masyarakat dan Transparansi Informasi. *Jurnal Akademi Akuntansi Indonesia Padang*, 4(1), 126–140. <https://doi.org/10.31933/mwca7592>
- Masyarakat, P., Pembentukan, D., Callychya, U.-U., Raisha Tuhumena, J., Pietersz, J. J., Sedubun, V. J., & XXXXXXXXXXXXXXXX, : (2021). Lisensi Creative Commons Atribusi-Non Commercial 4.0 Internasional. In *Jurnal Ilmu Hukum* (Vol. 1, Number 3).
- Mahfud MD, M. (2010). *Membangun Politik Hukum, Menegakkan Konstitusi*. Rajawali Pers
- Monteiro, S., Salgado, A. J., & Silva, N. A. (2018). Immunomodulation as a Neuroprotective Strategy After Spinal Cord Injury. In *Neural Regeneration Research* (Vol. 13, Number 3, pp. 423–424). Wolters Kluwer Medknow Publications. <https://doi.org/10.4103/1673-5374.228722>
- Rahma, I. (n.d.). *Partisipasi Publik dan Keterbukaan Informasi dalam Penyusunan Kebijakan (Studi Kasus Dewan Perwakilan Rakyat Kabupaten Aceh Selatan)*.
- Rahman, I. S., Rosidin, U., & Ramdani, M. A. K. (2024). Kewenangan Mahkamah Konstitusi sebagai Lembaga Superbody dalam Sistem Ketatanegaraan Indonesia. *Qanuniya : Jurnal Ilmu Hukum*, 1(1), 35–46. <https://doi.org/10.15575/qanuniya.v1i1.820>
- Rizki, D., & Sari, E. (2022). *Penerapan Hukum Responsif dalam Pembentukan Undang-Undang di Indonesia Responsive Application of Law in The Establishment of Law in Indonesia* (Vol. 10, Number 1). <https://journal.trunojoyo.ac.id/dimensi/>
- Roza, D., Gokma, T., Parlindungan, S., Ekasakti, U., Tinggi, S., & Padang, I. H. (n.d.). *Partisipasi Masyarakat dalam Pembentukan Perundang-Undangan untuk Mewujudkan Indonesia Sejahtera dalam Pandangan Teori Negara Kesejahteraan **. <https://doi.org/10.3376/jch.v5i1.185>
- Safrin, M., & Imran, I. (2023). Menggagas Tolak Ukur Pendelegasian Pengaturan Lanjutan dari Undang-Undang terhadap Peraturan-Peraturan Presiden. *Amsir Law Journal*, 4(2), 172–182. <https://doi.org/10.36746/alj.v4i2.199>
- Sistem, R., Peraturan, P., Melalui, P.-U., Law, P. O., & Aryani, C. (2021). Reformulasi Sistem Pembentukan Peraturan Perundang-Undangan Melalui Penerapan Omnibus Law. *Journal USM Law Review*, 4. https://mediaindonesia.com/podiums/detail_podiums/1671-obesitas-regulasi

- Supriyadi, S., & Purnamasari, A. I. (2021). Gagasan Penggunaan Metode Omnibus Law dalam Pembentukan Peraturan Daerah. *Jurnal Ilmiah Kebijakan Hukum*, 15(2), 257–270. <https://doi.org/10.30641/kebijakan.2021.v15.257-270>
- Susila Adiyanta, F. C., Sudarto, J. P., & Semarang, S. H. (2019). Karakteristik Responsif Peraturan Daerah tentang Pajak-Pajak Daerah sebagai Representasi dan Partisipasi Kehendak Publik. In *Online Administrative Law & Governance Journal* (Vol. 2).
- Syamsuddin, A. S. P., & Safrin, M. (2024). Dampak Hukum Penetapan Kawasan Pangan Nusantara di Provinsi Sulawesi Tengah Legal Impcat on The Determination of Food Estate in Central Sulawesi Province. *Journal of Restorative Justice*, 8(2).
- Widjajanti, K. (2011). Model Pemberdayaan Masyarakat. *Jurnal Ekonomi Pembangunan*, 12(1), 15–27
- Badan Nasional Penanggulangan Bencana [BNPB]. (2019). Data dan Informasi Bencana Indonesia: Gempa Bumi, Tsunami, dan Likuefaksi Sulawesi Tengah 2018. BNPB.
- Badan Pusat Statistik Sulawesi Tengah [BPS]. (2022). Sulawesi Tengah dalam Angka 2022. BPS Provinsi Sulawesi Tengah.
- Mahkamah Konstitusi Republik Indonesia. (2012). Putusan Nomor 35/PUU-X/2012 tentang Pengujian Undang-Undang Nomor 41 Tahun 1999 tentang Kehutanan. Mahkamah Konstitusi.
- Mahkamah Konstitusi Republik Indonesia. (2021). Putusan Nomor 91/PUU-XVIII/2020 tentang Pengujian Formil Undang-Undang Nomor 11 Tahun 2020 tentang Cipta Kerja. Mahkamah Konstitusi.
- Peraturan Menteri Dalam Negeri Nomor 80 Tahun 2015 tentang Pembentukan Produk Hukum Daerah. (2015). Kementerian dalam Negeri Republik Indonesia.
- Peraturan Menteri Dalam Negeri Nomor 120 Tahun 2018 tentang Perubahan atas Permendagri Nomor 80 Tahun 2015. (2018). Kementerian Dalam Negeri Republik Indonesia.
- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.
- Undang-Undang Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-undangan Sebagaimana Diubah dengan Undang-Undang Nomor 15 Tahun 2019. (2011/2019). Pemerintah Republik Indonesia.
- Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah. (2014). Pemerintah Republik Indonesia.