

RESEARCH ARTICLE

Who Should Be Involved: Unravelling the Concept of 'Interest in Content Material' in the Establishment of Laws in Indonesia

Fathimah Azzahro^{1✉}, Riris Ardhanariswari², Muhammad Fauzan³, Enny Dwi Cahyani⁴, Tenang Haryanto⁵

¹²³⁴⁵ Faculty of Law, Jenderal Soedirman University, Indonesia

✉ fathimah.azzahro.10@unsoed.ac.id

ABSTRACT

Article 96 of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 on the Establishment of Legislation (hereinafter referred to as the Law 13/2022). requires the involvement of interested parties concerning the content matter without clear criteria, resulting in inconsistent selection and weighting of inputs. This study develops a framework of 'interest in content material' as a measure of participation quality as a novelty because no similar research has been conducted before. Given this urgency, this research aims to analyze the institutionalization of public participation and the regulation of stakeholder involvement in law-making in Indonesia, as well as to construct an ideal regulation of the phrase 'interest in content matter' regarding stakeholder involvement in the formulation of laws in Indonesia. This is a normative legal study that employs a conceptual approach, a statutory approach, and a comparative approach. The research results indicate that public participation, particularly the involvement of stakeholders in the formation of legislation, should guarantee the right to provide input at every stage; however, the mechanism is merely formal. Although Law 12/2011 explicitly guarantees space for stakeholders who have an interest in the substance of regulations, its implementation is hindered by three factors: difficulties in identifying groups with substantial interests, lack of transparency in the consultation process, and limited access and capacity of the public, resulting in participation often being symbolic.

Keywords: Public Participation, Interest in Content Material, Laws.

INTRODUCTION

Introduction should Public participation in the formation of legislation in Indonesia has become a crucial issue in the development of modern democracy.(Wardana et al., 2023) 'The concept of 'interest in the content material' emerges as a fundamental element that determines the quality of meaningful participation in the legislative process. This study starts from the hypothesis that public participation is often formalistic without considering the substance of the material regulated in the draft regulations.

The legal basis for public participation in Indonesia is explicitly regulated in Article 96 of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 on the Establishment of Legislation (*hereinafter referred to as* the Law 13/2022). Specifically in paragraph 3 it is stated that, 'the community as referred to in paragraph (1) consists of individuals or groups of people who are directly affected and/or have an interest in the content material of the draft legislation. This law formally guarantees the community's participation in all forms of the legislative formation process, which is a manifestation of the concept of popular sovereignty in the form of community participation.(Hanafi et al., 2024) This article requires state organizers to involve the public in the regulatory formation process, but it does not explain in detail the parameters of interest regarding the content material as a condition for meaningful participation, thus the practice of selecting participants and the input often varies inconsistently.(Argawati, 2025) Thus, there is no guarantee that the community groups participating are the ones affected or related to a specific draft law.(Wafa, 2023)

The theory of deliberative democracy emphasizes that public participation should involve the exchange of substantive arguments about regulatory matters, not just administrative procedures.(Zuhdi et al., 2025) In the context of Indonesia, this research will examine the extent to which this concept is implemented in national legislative practices, particularly concerning the ability of the public to influence the substance of regulatory content.

Historically, the development of public participation in the formation of regulations in Indonesia has experienced ups and downs, starting from the authoritarian era of the New Order to the post-Reformasi democracy of 1998.(Sofwan, 2022) The post-Reformasi phase is marked by an increasing demand from the public for substantive involvement in the legislative process, although its implementation still faces various structural obstacles.(Hermanto et al., 2024) The Constitutional Court's Decision Number 91/PUU-XVIII/2020 serves as a landmark jurisprudence that reinforces the public's rights to participate meaningfully in the formation of laws.(Pratama et al., 2025) This decision implicitly recognizes the concept of interests in the content material by stating that public participation must be able to influence the substance of regulations, not just the procedural form.(Pratama et al., 2025; Saputra et al., 2023) This study also analyzes the comparative practices of South Africa, which has developed more concrete content material-based public participation mechanisms. Learning from these other jurisdictions can provide new perspectives to strengthen the legal framework for legislative participation in Indonesia.

Related to the state of the art in the writing process of this research, the author reviews several previous studies that discuss public participation in the formation of laws. (1) Fahmi Ramadhan Firdaus, "*Public Participation in Law-Making Process: A Comparative Perspective of 5 (Five) Democratic Countries*" analyzing cross-country comparisons (Indonesia, United States, Philippines, South Africa, South Korea), as well as examining how the constitution and laws of each country regulate public participation.(Fahmi Ramadhan Firdaus, 2024) (2) Fiqih Rizki Artioko, "*The Adoption of Meaningful Community Participation in Law Number 13 Year 2022 Regarding Second Amendment to Law Number 12 Year 2011 Regarding Establishment of Statutory and Regulations*" analyzing meaningful participation after the amendment of Law 12/2011 and the Constitutional Court Decision No. 91/PUU XVIII/2020, as well as focusing on the issue of classifying the rights of community participation. The novelty of this research

not only analyzes community participation in various countries and how it is regulated after the amendment of Law 12/2011 and the Constitutional Court Decision, but also emphasizes the concept of 'interest in the content material' and how ideally this regulation should be in Indonesia. Thus, this research aims to fill the academic and practical gaps by developing a conceptual framework regarding the interests in the content material as one of the parameter in assessing the quality of public participation in the formation of legislation in Indonesia.

METHODS

This research is of a normative legal type and goes through a series of crucial steps. In analyzing the issues, this research applies a conceptual approach, a statutory approach, and a comparative approach as its methods.(Soekanto, 1986) This research is prescriptive in nature, aiming to provide suggestions or recommendations related to the legal issues being analyzed.(Ramadhan, 2021) The type of data used is sourced from secondary data, including primary legal materials such as regulations, secondary legal materials such as doctrines, journals, and legal literature, and tertiary legal materials in the form of other supporting reference sources.(Marzuki, 2013) Collection of legal materials through literature with an emphasis on searching and grouping relevant sources for analysis.(Kristiawanto, 2024) Classification and verification are conducted on the collected data to ensure that the information used is relevant and valid.(Irwansyah, 2020) The presentation of the research results is in the form of narrative text that comprehensively describes the juridical analysis, as well as a matrix table to systematically organize data and important findings.(Muhaimin, 2020)

RESULTS AND DISCUSSION

3.1 Meaningful Participation and Stakeholder Engagement Regulation in the Formation of Laws in Indonesia

The process of making laws refers to the Law 12/2011, which broadly consists of several stages: the planning process, drafting, discussion in the House of Representatives, approval by the President, and the promulgation process by the minister in charge of government affairs in the legal field. Each stage of formation must be based on the principle of openness, which is transparent and accessible, allowing the public the widest opportunity to provide input and aspirations in the formulation of legislative regulations.

Meaningful participation in the context of lawmaking in Indonesia refers to the active and substantive involvement of various stakeholders, including civil society, academics, and the private sector.(Putra et al., 2025) This concept is not merely a formality, but must encompass a deliberative process that allows for real contributions to policy.

The governance structure of Indonesia, both the constitutional obligations of the legislative body in law making and the right of citizens to participate, are elements contained in the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution). The legislative duty to make laws is reflected in Article 20 paragraph (1) of the 1945 Constitution, which states that, "*The People's Representative Council holds the power to make laws*", and in Article 22D of the 1945 Constitution, which discusses the tasks, authority, and functions of the Regional Representative Council, one of which pertains to legislative functions.

This is also reflected in Law 12/2011 as a product that implements the mandate of Article 22A of the 1945 Constitution. Meanwhile, the right of citizens to participate in the context of legislation can be traced back to Article 27 paragraph (1) of the 1945 Constitution, which guarantees the right to equality in government, Article 28C paragraph (2) of the 1945 Constitution, which guarantees the human rights of every citizen to advocate for their rights collectively to build society, nation, and state, as well as Article 96 Law 13/2022 which reinforces meaningful community involvement and participation.

Basically, Article 96 Law 13/2022 states that at every stage of the formation of legislation there is a right for the public to provide input, either collectively or individually, whether affected or having an interest in the content material the proposed legislation. Therefore, in addition to using formal legal rules in the form of legislation, public participation needs to be carried out meaningfully so that true public involvement and participation are realized.(Artioko, 2022) Although the essence of this legal framework is already very progressive, its implementation is still very unclear because there are no parameters for the concept of public participation. In fact, the implementation of participation in governance has important consequences for the public interest.(Quick & Bryson, 2016)

Then, to further emphasize the aspect of openness of information, the Law 12/2011 also stipulates that every regulation to be made, both laws and regional regulations, must have an academic manuscript, as stated in Article 19 Paragraph (3), Article 43 Paragraph (3), Article 48 Paragraph (1), and Article 53. A fundamental problem arises because in practice, public participation is carried out only to meet formal requirements, which has the potential to undermine the essence and purpose of public participation, resulting in many legal products being rejected, and even becoming a trigger for conflicts in society.(Ishomuddin, 2025)

Community participation in the formation of laws is important because laws that originate from the community are expected to have long-lasting effectiveness and utility, thus being able to solve the problems occurring in society.(Arkana & Firdaus, 2022) In a democratic system, the most important thing is how to ensure open participation space as widely as possible for every layer of society. However, this guarantee is also accompanied by various continuous efforts to encourage the growth of public awareness to get involved in the process of governance.(Tuhumena et al., 2021) In the Constitutional Court decision Number 91/PUU-XVII/2020, the more meaningful participation of the community is defined to at least meet three prerequisites, namely *right to be heard*, *right to be considered*, and *right to be explained*). In addition, according to the Constitutional Court, public participation is primarily intended for groups in society that are directly affected or have an interest in the draft legal products being discussed.(Rahmawan, 2023)

The DPR as a legislative body has a key role in ensuring meaningful participation through commissions that hold public hearings.(Novrizal, 2024) Thus, the political will of the DPR is a key factor in realizing participation in the legislative drafting process. If the DPR unlocks this participation, then citizen participation is not an impossible thing, so both the legislative and executive branches will benefit from it.(Riskiyono, 2015) On the other hand, the Constitutional Court has played an important role in overseeing public participation through decisions that affirm the community's right to be involved.

Digital technology has opened up new opportunities for meaningful participation. Various digital platforms can be used as media for aspirations and expressing opinions, however, challenges such as the digital divide and technology literacy still pose obstacles.(Martitah et al., 2023) Studies suggest the need for a hybrid approach that combines online and offline participation.(Fitriah, 2023) The evaluation of the existing participation mechanism shows that many processes are still top-down rather than collaborative.(Fitriah, 2023) For example, the process of drafting bills is often already established before public consultations take place. This reduces the potential for meaningful participation and needs to be addressed through procedural reforms.

The involvement of stakeholders in meaningful participation in the legislative process is a fundamental principle in a democratic country.(Wel et al., 2025) This aims to ensure that every piece of legislation formed can reflect the aspirations of the community, accommodate various relevant interests, and have a strong legitimacy in the eyes of the public. By involving various parties, it is hoped that the resulting laws will be more comprehensive, implementable, and sustainable. Without adequate public participation, a law risks facing rejection, material and/or formal judicial review, and may even be difficult to implement due to not aligning with the realities on the ground.(Nursetiawan & Ardhanariswari, 2023)

The legal framework of Indonesia provides a basis for stakeholder engagement through mechanisms such as public consultations and due diligence. However, its implementation often faces challenges, such as the lack of clear mechanisms to ensure that public input is truly considered.(Mokoagow, 2024) Presidential Regulation Number 87 of 2014 on the Implementation Regulation of Law Number 12 of 2011 on the Formation of Legislative Regulations and its amendments has not yet established clear criteria in determining parties with a vested interest in the material content of a draft law. This has led to unequal access for marginalized groups, such as rural communities including indigenous peoples, who are often underrepresented in the consultation process.(Merino, 2018) In addition, there is a tendency for input from stakeholders with greater resources, such as corporations, to be more dominant.

3.2 The Ideal Regulatory Construction of the Phrase 'Interest in Content Material' in the Involvement of Stakeholders in the Formation of Laws in Indonesia

The phrase "Interest in the Content Material" in Article 96 paragraph (3) of the Law 13/2022 is an effort to assert that every material contained in the draft law is not merely technical in nature, but must also reflect legitimate interests for the stakeholders.(Hanania,

2025) There are no further regulations regarding the meaning of the phrase 'interest' as provided in that article,(Hanania, 2025) Thus, this phrase often still appears abstract, what is meant by 'interest in the substance of the content' and how to identify it.

Stakeholder Engagement in South Africa

There are similarities and differences in community participation between Indonesia and South Africa in the process of law formation. In terms of state structure, form of government, and system of governance, both countries adopt a unitary state system with a republic form, where the President has a dual role as both head of state and head of government. Additionally, both have regulations that accommodate public participation in the drafting of legislation.(Hidayati, 2019)

Legislative power in South Africa is held by the National Assembly (NA) and the National Council of Provinces (NCOP). A bill can only be submitted in Parliament by the Minister, Deputy Minister, parliamentary committee, or Member of Parliament (MP), but the majority of bills are proposed by the executive.(Fahmi Ramadhan Firdaus, 2024) Furthermore, the provisions regarding the formation of laws in South Africa are governed by Articles 73-82 of the 1996 Constitution.(Fahmi Ramadhan Firdaus, 2024)

Public participation in the formation of laws in South Africa is an obligation of the legislative body as regulated by the South African Constitution of 1996 and the 9th Edition Rules of the National Assembly. The sections that are directly related to public participation in the formation of laws include a bill of rights; public participation in the legislature; institutions supporting democracy; and parliamentary committees.(Parliament of the Republic of South Africa, n.d.-a) There are various forms of community participation in South Africa, including the People's Assembly, the Taking Parliament to the People programme, the Women's Parliament and the Youth Parliament (sectoral parliaments), public hearings, outreach programmes, radio programmes and broadcasts, television broadcasts, business and educational publications, newsletters, promotional material, the website, Facebook, Twitter and YouTube.(Parliament of the Republic of South Africa, n.d.-b)

One of the methods that accommodates the interested public regarding the content in the process of absorbing aspirations on the bill in South Africa is public hearings. Public hearings are usually conducted in the preparation of Laws and Regional Regulations. The process typically requires notification, pre-hearing workshops with stakeholders, community mobilization, and submission during the public hearing, finalization of post-hearing submissions, and creating a list of bill materials for input. All Committees conduct public hearings and the process is open to the public.(Hidayati, 2019) The target participants of the public hearing based on the material discussed in the draft bill, for example, the Bill on Fisheries, are the fishing community and entrepreneurs. The target groups include stakeholders from limited communities, groups interested in specific issues, non-governmental organizations, political parties, entrepreneurs, and the general public. Communication is conducted through invitations, preliminary meetings, pre-hearings, announcements, radio, community institutions, constituent offices, and local government.(Hidayati, 2019) The form of participation in Indonesia as stated in Article 96 paragraph (6) of the Law 13/2022 is almost similar to that of South Africa, which generally includes public hearings, working visits, socialization, and/or seminars, workshops, and/or

discussions. The difference is that in South Africa, in practice, it is supplemented by petitions, committee proceedings and house sittings, and the use of constituency offices.(Hidayati, 2019)

South Africa implements a public participation framework in the drafting of laws through the 'Public Participation Framework for the South African Legislative Sector.' This framework serves as a foundation for legislative bodies to facilitate community engagement while conducting public education to create directed, transparent, accountable participation that aligns with the principles of democracy and social justice.(Fahmi Ramadhan Firdaus, 2024) Regarding the degree of adequate participation, it is important to look at how the Constitutional Court of South Africa developed the doctrine of 'meaningful participation test' in the case of *Doctors for Life*. This doctrine aims to see whether the legislative body has taken appropriate steps to provide the community with the opportunity to participate effectively in the legislative process. The 'meaningful participation test' can be conducted by examining the procedures provided by the legislature against two fundamental questions as follows:(Harijanti et al., 2020)

1. Is the obligation to open participation for the public in the formation of laws guaranteed normatively?
2. Have the legislative bodies taken adequate steps to ensure that the public has the opportunity or ability to utilize the provided participation mechanisms?

The two questions above aim to ensure that participation mechanisms are provided adequately so that the right to participate in the formation of laws can be effectively fulfilled. Suitable participation mechanisms can take the form of 'road shows', 'regional workshops', including publications through various media aimed at educating and informing the public about various ways that can be taken by the community to influence legislative decisions.(Harijanti et al., 2020) There are various basic principles for the realization of political participation in the administration of government. These basic principles are guaranteed access, equality, freedom to express opinions, the notion of public good, and the democratic ideal.(Saifudin, 2009)

The Construction of the Ideal Regulation of the Phrase 'Interest in Content Material' Regarding Stakeholder Involvement

In the practice of judicial review in Indonesia, although conducted on material testing, the Constitutional Court has developed a doctrine of participation that holds the same value as the doctrine of 'meaningful participation', namely in case Number 32/PUU-VIII/2010 regarding the testing of Law Number 4 of 2009 on Mineral and Coal Mining. In its decision, the Constitutional Court stated that participation or 'taking into account the opinions of the public' cannot be limited to merely fulfilling formal procedural requirements. The Court stated that the primary purpose of participation is to respect, protect, and fulfill the economic and social rights of citizens.(Putusan Mahkamah Konstitusi Nomor 32/PUU-VIII/2020 Tentang Pengujian Undang-Undnag Nomor 4 Tahun 2009 Tentang Pertambangan Mineral Dan Batubara, n.d.) Based on the decision above, fundamentally the

Constitutional Court wishes that participation should be conducted dialogically where citizens are given the right to be heard and to be considered.

Stakeholders are the community including individuals or groups of people representing certain interests.(Febriani & Wasti, 2023) Currently, the phrase 'interests in material content' is explicitly regulated in provisions that allow community involvement in the legislative process, as in the Law 13/2022. However, there are several challenges in its implementation, such as difficulties in determining which groups truly have substantive interests, lack of transparency in the consultation process, and limited access and capacity for the community to participate effectively.(Intania, 2024) This results in involvement that is sometimes still symbolic or limited to certain groups only.

Sherry R Arnstein divides the levels of community participation in government development programs into 8 levels of community participation based on the power given to the community:(Arnstein, 1969)

1. *Manipulation*, is the lowest level of participation, where the community is only used by name. Activities are undertaken to manipulate information to gain public support and promise a better state even though it will never happen.
2. *Therapy*, the holders of power provide reasons for proposals by pretending to involve the community. Although involved in activities, the goal is more about changing the mindset of the community rather than getting input from the community itself.
3. *Informing*, the authorities only provide information to the public regarding the activity proposals, the public is not empowered to influence the outcomes. The information can include rights, responsibilities, and various options, but there is no feedback or power for negotiation from the public. Information is given at the final stages of planning and the public has very little opportunity to influence the plans that have been prepared.
4. *Consultation*, the public is not only informed but also invited to share their opinions, although there is no guarantee that the opinions expressed will be considered in decision-making. The methods often used are surveys on the public's thoughts or community meetings and public hearings.
5. *Placation*, the government needs to appoint a number of people from the affected parts of society to become members of a public body, where they have certain access to the decision-making process. Although in practice the proposals from the community are still taken into account, due to their relatively low position and smaller numbers compared to members of the government, they are unable to make decisions.
6. *Partnership*, the community has the right to negotiate with decision-makers or the government, based on a mutual agreement to divide power between the community and the government. To that end, an agreement is reached to share responsibilities in planning, controlling decisions, formulating policies, and solving problems faced.

7. *Delegated power*, at this level, the community is given a surplus of authority to make decisions on specific plans. To resolve issues, the government must negotiate with the community, not with pressure from above; the community may have a level of control over government decisions.
8. *Citizen control*, the community can participate in and control the entire decision-making process. At this level, the community has the power to manage programs or institutions related to its interests. The community has the authority and can negotiate with outside parties that intend to make changes. This joint effort of the citizens is directly linked to the funding sources to obtain assistance without going through a third party.

Table 1. Involvement of Stakeholders in the Discussion Process

Regulation	Activities	Date	Non-Member House of Representative
Law of the Republic of Indonesia Number 4 Year 2024 regarding Maternal and Child Welfare in the First Thousand Days of Life Phase	Working Meeting Commission III the House of Representatives	28 November 2022	The Minister of Social Affairs, the Minister of Women's Empowerment and Child Protection, the Minister of Labour, the Minister of Law and Human Rights, the Minister of Home Affairs, and the Chairman of the Regional Representative Council of the Republic of Indonesia along with their staff.
	Internal Meeting of the Working Committee	12 January 2023	-
	Hearing Meeting of the Working Committee	16 January 2023	-
	Hearing Meeting of the Working Committee with the Indonesian Child Protection Commission and the National Population and Family Planning Agency	17 January 2023	The Chairman of the Indonesian Child Protection Commission along with his staff and the Head of the National Population

			and Family Planning Agency along with his staff
Internal Meeting of the Working Committee	29 March 2023	-	
Public Hearing Meeting of the Working Committee of Commission VIII of the Indonesian House of Representatives with APINDO-IWAPI	29 May 2023	1. Myra M. Hanartani (Chairman of the Regulatory Committee and Institutional Relations of APINDO); 2. Ratna Dwikora, S.H., M.H. (Deputy Chairman of Law and Human Rights IWAPI); 3. Yulia Kusumawardhani (Deputy Chairman of the UMKM IWAPI); 4. Emi Astuti (Executive Director of ASPPUK).	
Commission VIII of the Indonesian House of Representatives held a meeting of the Government Work Committee.	29 May 2023	-	
The Commission VIII of the Indonesian House of Representatives holds a Working Committee Meeting with the Government's Working Committee Team.	12 June 2023	Government Working Committee Team	

	Meeting of the Drafting Team and the Synchronization Team	20 September 2023	Government Working Committee Team
	Working Committee Meeting with the Government Working Committee Team	20 September 2023	Government Working Committee Team
	Meeting of the Drafting Team and the Synchronization Team	21 September 2023	Government Working Committee Team
	Meeting of the Drafting Team and the Synchronization Team Commission VIII House of Representatives	06 November 2023	Government Working Committee Team
	Meeting of Work Committee of Commission VIII House of Representatives	19 March 2024	The Ministry of Law and Human Rights, the State Secretariat, the Ministry of Women's Empowerment and Child Protection, the Ministry of Health, and the Ministry of Labour along with their staff.
	Meeting of Work Committee of Commission VIII House of Representatives with government	25 March 2024	Ministry of Women's Empowerment and Child Protection; Ministry of Law and Human Rights; Ministry of Home Affairs; Ministry of Health; Ministry of Manpower; Coordinating Ministry for Human Development and Culture.
Law Number 32 Year 2024 Regarding Amendment to Law Number 5	Public Hearing Meeting with Secretary General of the Ministry of Environment and Forestry, Secretary	06 April 2021	1. Dr. Ir. Bambang Hendroyono, M.M. (Secretary General of the Ministry of

Year 1990 Regarding Conservation of Biological Natural Resources and Their Ecosystems	General of the Ministry of Marine Affairs and Fisheries, Secretary General of the Ministry of Agriculture.	Environment and Forestry) with Staff; 2. Drs. Antam Novambar, S.H., M.Hum (Secretary General of the Ministry of Maritime Affairs and Fisheries) along with the Staff; 3. Dr. Ir. Momon Rusmono, M.S. (Secretary General of the Ministry of Agriculture).
	Coordination Meeting with the Head Secretariat General Indonesian House of Representatives	15 Juni 2021 -
	Internal Meeting of the Working Committee Commission IV Indonesian House of Representatives	15 Juni 2021 Closed Meeting
	Public Hearing Meeting of the Working Committee Commission IV Indonesian House of Representatives with Experts, Academics, and Conservation Practitioners	30 Juni 2021 1. Dr. Drs. Budi Riyanto, S.H., M.Si. 2. Satyawan Pudyatmoko (Faculty of Forestry UGM). 3. Ir. Siti Latifah, S.Hut., M.Si., PhD. IPU. (Universitas Sumatera Utara). 4. Prof. Jatna Supriatna, Ph.D. (Advisor of KOBİ and

			Lecturer of Biology at FMIPA UI.
		5.	Rinekso Soekmadi (DKSHE - Faculty of Forestry and Environment IPB).
		6.	Wahjudi Wardojo (Senior Advisor of YKAN).
Public Hearing of the Work Committee of Commission IV Indonesian House of Representatives with Non-Governmental Organizations in the field of conservation.	01 Juli 2021	1.	Samedi, Ph.D. (Biodiversity Foundation) is present virtually.
		2.	Purwanto (Coral Triangle Centre) is present virtually. Dr. Iman Santoso (Conservation International) present virtually.
		3.	Dr. Noviar Indayani (Wildlife Conservation Society) present virtually.
		4.	Aditya Bayunanda (World Wide Fund for Nature Indonesia) present virtually.
Public Hearing Meeting of the Working Committee	13 September 2021	1.	Toni Sumampau

Commission IV Indonesian House of Representatives with conservation activities practitioners	(Secretary General of the Indonesian Zoo Association).
	2. Erick Wiradinata (Chairman of the Indonesian Crocodile Breeders Association).
	3. Dirga Adhi Putra (Chairman of the Indonesian Association of Shellfish, Corals, and Ornamental Fish).
	4. H. Mashur M.A. (Chairman of the Indonesian Gaharu Association).
	5. Jamartin Sihite (Executive Director of the Borneo Orangutan Survival Foundation).
	6. Dr. Catrini Pratihari Kubontubuh (Sumatran Tiger Rehabilitation Center Dharmasraya).
Public Hearing Meeting of 15 September the Working Committee 2021 Commission IV Indonesian House of Representatives with Business Actors/Private	1. Purwadi Soeprihanto, S.Hut., M.E. (Executive Director of the Indonesian

Sector in the fields of forestry, plantations, and mining	Forestry Entrepreneurs Association).
	2. Dr. Ir. Delima Hasri Azhari, M.S. (Chairman of the Indonesian Plantation Entrepreneurs Association).
	3. Marjolijn Wajong (Executive Director of the Indonesian Petroleum Association).
	4. Erick Hartanto (Director of PT Adhiniaga Kreasinusa)
Public Hearing Meeting of the Working Committee Commission IV Indonesian House of Representatives with the Heads of Technical Implementation Units within the Directorate General Conservation of Natural Resources and Ecosystems of the Ministry of Environment and Forestry.	1. Suharyono, S.H., M.Si., M.Hum. (Head of the Riau Regional Conservation Agency).
	2. Ir. Jefry Susyafrianto, M.M. (Head of the Great Hall of Mount Leuser National Park).
	3. Kuswandono, S.Hut., M.P. (Head of the Way Kambas National Park).
	4. Dr. Ir. Ammy Nurwati, M.M. (Head of the West Java

- Natural
Resources
Conservation
Agency).
5. Ahmad
Munawir,
S.Hut., M.Si.
(Head of the
Gunung
Halimun Salak
National Park
Office).
 6. Maman
Surahman,
S.Hut., M.Si.
(Head of the
Meru Betiri
National Park
Authority).
 7. Ir. Arief
Mahmud, M.Si.
(Head of the
Regional
Conservation
Agency of East
Nusa
Tenggara).
 8. Lukita Awang
Nistyantara,
S.Hut., M.Si.
(Head of the
Komodo
National Park).
 9. Dedy Asriady,
S.Si, M.P. (Head
of Mount
Rinjani
National Park).
 10. Yunaidi S,Si,
M.Ap. (Head of
the Mount
Tambora
National Park
Office).
-

11. Wahyu Rudianto, S.Pi, M.Si. (Head of the Betung Kerihun National Park & Sentarum Lake Grand Hall).
 12. Nur Patria Kurniawan, S.Hut, M.Sc. (Head of Natural Resources Conservation Agency Office in Central Kalimantan).
 13. Murlan Dameria Pane, S.Hut, M.Si. (Head of Tanjung Puting National Park).
 14. Ir. Thomas Tandi Bua A. N., M.Sc. (Head of the South Sulawesi Conservation Area Center).
 15. Edward Sembiring, S. Hut, M.Si. (Head of the Papua Natural Resources Conservation Agency)
 16. T. Heri Wibowo, S.Hut., M.Eng. (Head of the Aketajawe
-

			Lolobata National Park).
Working Committee Consignment Commission IV Indonesian House of Representatives	16 September 2021	-	
Internal Meeting Working Committee of Commission IV Indonesian House of Representatives	22 November 2021	Closed Meeting	

Source: dpr.go.id, accessed on September 16, 2025, processed by the Author, 2025.

Based on the findings, both discussions of the law hold two types of meetings, namely internal and external. Internal meetings are only attended by the DPR and the Government, for example, working committee meetings, working committee deliberations, or other meetings labeled as 'internal'. Meanwhile, external meetings take the form of public hearings (RDPU) that involve parties outside the DPR and the Government.

In the stages of community participation, if using Sherry R. Arnstein's theory, Indonesia is at the consultation stage. The level of consultation is met as the DPR has held RDPU with various organizations, academics, and related parties. These meetings are two-way, based on the brief reports included in the record, and in the session, participants provide input and receive feedback. Thus, Indonesia is involving the community in the formation of laws, but the final decision remains in the hands of the legislative and executive. The community is not only informed but also invited to share their opinions, although there is no guarantee that the opinions expressed will be taken into account in the decision-making process.(Artioko, 2022)

Thus, there are several findings that are of concern for the levels of consultation and placement, namely: **(1)** There is still no certainty that all input submitted to the DPR and the Government will be included in the draft law being prepared. The absence of clear standards regarding the integration of public input facilitates 'elite or corporate capture.' Such ambiguous frameworks allow oligarchic and corporate entities, leveraging privileged access often secured through closed-door internal meetings to dominate the consultation process, while genuine public contributions are effectively marginalized; **(2)** Not all methods of receiving aspirations are clearly recorded in documents/records, so the public cannot access information about whether and how these aspirations are realized. The implication is a failure to realize green justice. When processes lack transparency and stakeholder input is not guaranteed, the most affected communities such as Indigenous Peoples or environmental defenders are systematically marginalized, and their voices are overshadowed by industrial interests; **(3)** Academic manuscript has not been maximally utilized as an important consideration in drafting and discussing the bill; **(4)** The draft of the bill is not published openly and in real-time, limiting the opportunities to gather public input. Kegagalan ini sekaligus menyoroti absennya digital justice. On the one hand, digital platforms are expected to broaden public engagement by providing transparent access to information regarding legislative bills. Conversely, in the absence of inclusive design, such

platforms risk exacerbating the digital divide and further marginalizing groups that lack digital access or literacy, thereby hindering their participation.

To build a national legislative process that is responsive to the social conditions of the community, and to create legislative products that align with the will of the people or living law, community participation must be further expanded. In relation to the level of participation in the discussion of the drafts of the two laws, a further analysis will then be conducted on several articles related to stakeholders in the formulation of the content of the relevant law.

Table 1. Involvement of Stakeholders in the Discussion Process

Regulation	Articles and Main Content	Stakeholder
Law of the Republic of Indonesia Number 4 Year 2024 regarding Maternal and Child Welfare in the First Thousand Days of Life Phase	Article 4 and Article 5 (Mother's Rights)	Mother (Main executor of care, monitoring growth and development, as well as reporting needs)
	Article 12 (Obligations of the Mother and Father)	Mother and Father (Primary caregivers, monitoring growth and development, and reporting needs)
	Article 11 (Child's Rights)	Child (The main subject of the program's benefits, their rights are guaranteed in every policy)
	Article 13 (Duties of the Central and Regional Government in the formulation, planning, funding, implementation, coordination, supervision, evaluation, cooperation, and community participation in the Welfare of Mothers and Children)	The Central Government and Local Government (Establish policies, allocate budgets, manage program implementation)
	Article 30 (Developing cooperation with the private sector)	Private Sector (Providing and facilitating the use of facilities, means, and infrastructure for Mothers and Children, including decent accommodation for mothers and children with disabilities)

Regulation	Articles and Main Content	Stakeholder
Law Number 32 Year 2024 Regarding Amendment to Law Number 5 Year 1990 Regarding Conservation of Biological Natural Resources and Their Ecosystems	Article 5A (Establishing the scope of conservation activities (nature reserves, natural preservation, marine conservation areas, coastal areas, small islands, and preservation zones))	The Central Government and Local Government (Formulating national and local policies)
	Article 37 (Regulating community participation and other parties in the implementation of conservation)	The community and Non-Governmental Organizations (The community as the main actors in carrying out conservation activities, monitoring, and reporting on environmental conditions, while NGOs provide advocacy, outreach, and technical support based on community needs)

Source: Processed by the Author, 2025.

Thus, the phrase 'interest in the content material' in the context of legislation formation in Indonesia refers to the substantive interests of the parties that have a direct relationship with the content or substance of a draft regulation. (Julranda et al., 2022) It means, those who are affected or have an interest in the content of the regulations, both from social, economic, legal, and public interest perspectives. (Syafri & Sjarif, 2023) In the context of legislation, this phrase is important to determine who is entitled to participate or provide input in the law-making process so that the outcome is of quality and responsive to the needs of the community.

In order for the phrase to serve as a gateway for fair and effective participation, the author provides an ideal setting construction that includes three main pillars:

1. Measurable and inclusive definition. 'Interest in the content material' must be clearly defined along with measurable parameters. Thus, it affirms that individuals or groups who may experience direct consequences, either positive or negative, from the contents of the regulation have the right to contribute.
2. Identification and registration mechanism. The government must provide a digital platform that makes it easy for individuals or organizations to register as stakeholders by outlining their specific relationship to the content. This system reinforces the principle of meaningful participation as stated in the Law 13/2022.
3. Transparent assessment criteria. During the drafting stage, evaluations should be conducted openly for every input, assessing relevance, data validity, and potential regulatory impact. This criteria should be published so that stakeholders understand

why certain inputs are accepted or rejected, preventing discriminatory practices that have previously led to disputes, as recorded in the Constitutional Court's decision regarding the material test of Article 96 paragraph (3) of the Law 13/2022.

Thus, the ideal arrangement of the phrase 'interest over the content material' in the legislative process in Indonesia must combine the basic principles of participatory democracy with concrete technical mechanisms so that stakeholder involvement runs effectively and has a real impact on the quality of the laws produced.

CONCLUSION

Meaningful participation in the formation of laws in Indonesia refers to the substantive and deliberative involvement of civil society, academics, and the private sector, which is not only formal but also contributes significantly to policies. The legal basis is found in Article 20 paragraph (1), 22D, 27 paragraph (1), and 28C paragraph (2) of the 1945 Constitution of the Republic of Indonesia and is elaborated in Article 96 paragraph (3) of the Law 13/2022 which guarantees the right of the public to provide input at every stage of the legislative formation process, from planning to enactment. Although mechanisms such as public consultations, hearings, and seminars have been regulated, in practice, they often become formalities without substance, resulting in legal products that are poorly accepted by the public and potentially becoming sources of conflict. Involvement of stakeholders comprehensively not only enhances the legitimacy, comprehensiveness, and implementability of laws, but also prevents legal rejection, material testing, and the failure of policy formation.

The interests in the content material are explicitly regulated in the Law on the Formation of Legislation to provide space for stakeholders, namely individuals or groups representing certain interests to participate in legislation. However, its implementation still faces three main constraints: (1) difficulty in identifying groups that truly have substantive interests; (2) lack of transparency in the consultation process; and (3) limited access and capacity of the community, resulting in participation often being symbolic or limited to certain segments. Sherry R. Arnstein's theoretical framework emphasizes a spectrum of eight levels of participation, ranging from the lowest manipulation to full citizen control, which illustrates the differences in the quality of engagement. Law Number 4 of 2024 concerning the Welfare of Mothers and Children during the First Thousand Days of Life, as well as Law Number 32 of 2024 concerning Amendments to Law Number 5 of 1990 on the Conservation of Biological Natural Resources and Their Ecosystems, indicate the existence of consultative mechanisms, but still highlight that participation is not yet fully meaningful because decisions remain dominated by the government and the House of Representatives, thus requiring a more inclusive, transparent, and capacity-based approach to substantively accommodate material interests.

ACKNOWLEDGMENT

The authors would like to express their sincerest gratitude to Jenderal Soedirman University for providing a conducive academic environment, thus making the writing of this manuscript possible

REFERENCES

- Argawati, U. (2025). *Partisipasi Publik dalam Proses Legislasi Dipertanyakan*. Mahkamah Konstitusi Republik Indonesia. <https://www.mkri.id/berita/-23064>
- Arkana, J., & Firdaus, S. U. (2022). Politik Hukum Partisipasi Masyarakat Dalam Perancangan Peraturan Perundang-Undangan di Indonesia. *Sovereignty: Jurnal Demokrasi Dan Ketahanan Nasional*, 1(3), 521–529. <https://doi.org/10.13057/souvereignty.v1i3.175>
- Arnstein, S. R. (1969). A Ladder Of Citizen Participation. *Journal of the American Planning Association*, 35(4), 218–223. <https://doi.org/10.1080/01944366908977225>
- Artioko, F. R. (2022). Pengadopsian Partisipasi Masyarakat yang Bermakna (Meaningful Participation) dalam Undang-Undang Nomor 13 Tahun 2022 tentang Perubahan Kedua Undang-Undang Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-Undangan. *Al-Qisth Law Review*, 6(1), 52–82. <https://doi.org/10.24853/al-qisth.6.1.52-83>
- Fahmi Ramadhan Firdaus. (2024). Partisipasi Publik dalam Pembentukan Undang-Undang: Perspektif Perbandingan 5 (Lima) Negara Demokratis. *Jurnal Konstitusi*, 21(2), 203–225. <https://doi.org/10.31078/jk2123>
- Febriani, N. A., & Wasti, R. M. (2023). Politik Hukum Pembentukan Peraturan Perundang-Undangan Pasca Perubahan Kedua Undang-Undang Nomor 12 Tahun 2011. *Ajudikasi : Jurnal Ilmu Hukum*, 7(1), 35–58. <https://doi.org/10.30656/ajudikasi.v7i1.6483>
- Fitriah, M. atun. (2023). Rekonstruksi Perencanaan Pembentukan Undang-Undang Dalam Akselerasi Partisipasi Masyarakat. *Jurnal Legislasi Indonesia*, 20(2), 74–98. <https://doi.org/10.54629/jli.v20i2.1056>
- Hanafi, M. I., Damayanti, L. D., & Nazulfa, I. (2024). Penerapan Partisipasi Masyarakat Dalam Pembentukan Peraturan Perundang-Undangan. *Constitution Journal*, 3(2), 193–210. <https://doi.org/10.35719/constitution.v3i2.113>
- Hanania, I. D. (2025). Analisis Hukum Partisipasi Masyarakat Dalam Proses Pembentukan Peraturan Perundang-Undangan. *Jurnal HAK: Kajian Hukum Administrasi Dan Komunikasi*, 2(1), 15–28. <https://doi.org/10.30656/jhak.v2.i1.10312>
- Harijanti, S. D., Sungkar, L., & Dramanda, W. (2020). *Laporan Hasil Penelitian Pengujian Formil Undang-Undang oleh Mahkamah Konstitusi: Urgensi dan Batu Uji*.
- Hermanto, B., Ibrahim Nur, A., & Subawa, M. (2024). Indonesia Parliamentary Reform and Legislation Quality Backsliding Phenomenon: Case of Indonesia Post Reformasi. *The Theory and Practice of Legislation*, 12(1), 73–99. <https://doi.org/10.1080/20508840.2024.2316507>

- 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>
- Intania, C. C. (2024). *Tingkat Partisipasi Masyarakat Dalam Pembentukan Undang-Undang*.
- Irwansyah. (2020). *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel*. Mirra Buana Media.
- Ishomuddin, M. (2025). Penyimpangan Undang-Undang Nomor 13 Tahun 2022 terkait Penerapan Partisipasi yang Bermakna. *Jurnal Ilmu Hukum Wijaya Putra*, 3(1), 54–64. <https://doi.org/10.38156/jihwp.v3i1.210>
- Julranda, R., Simanjuntak, P. M., & Effendi, S. F. (2022). Quo Vadis: Penerapan Asas Partisipasi Publik dalam Pembentukan Peraturan Perundang-Undangan di Indonesia. *Padjadjaran Law Review*, 10(2), 1–10. <https://doi.org/10.56895/plr.v10i2.1052>
- Kristiawanto. (2024). *Pengantar Mudah Memahami Metode Penelitian Hukum* (Pertama). PT Nas Media Indonesia.
- Martitah, M., Hidayat, A., Anitasari, R. F., Rahman, M. A. M., & Aini, T. R. (2023). Transformation of the Legislative System in Indonesia Based on the Principles of Good Legislation. *Journal of Indonesian Legal Studies*, 8(2), 545–594. <https://doi.org/10.15294/jils.v8i2.69262>
- Marzuki, P. M. (2013). *Penelitian Hukum (Edisi Revisi)*. Kencana Prenada Media Group.
- Merino, R. (2018). Re-Politicizing Participation or Reframing Environmental Governance? Beyond Indigenous' Prior Consultation and Citizen Participation. *World Development*, 111, 75–83. <https://doi.org/10.1016/j.worlddev.2018.06.025>
- Mokoagow, D. S. (2024). Abusive Law Making (Analisis Penurunan Partisipasi Publik dalam Proses Pembentukan Undang-Undang). *Journal of Innovation Research and Knowledge*, 4(7), 4733–4748.
- Muhaimin. (2020). *Metode Penelitian Hukum* (Pertama). Mataram University Press.
- Novrizal, M. (2024). *Strengthening Representation in Parliament by Enhancing Diversity Accommodation: A Comparative Study between the European Parliament and the Indonesian Dewan Perwakilan Rakyat* [Utrecht University]. <https://doi.org/10.33540/2356>
- Nursetiawan, E., & Ardhanariswari, R. (2023). Meaningful Participation in Legislative Drafting as a Manifestation of a Democratic Rule of Law. *Jambe Law Journal*, 5(2), 251–270. <https://doi.org/10.22437/jlj.5.2.251-270>
- Parliament of the Republic of South Africa. (n.d.-a). *How a Law is Made*.
- Parliament of the Republic of South Africa. (n.d.-b). *What Parliament Does*.
- Pratama, T. Y., Sudarsono, S., Suryokumoro, H., & Widiarto, A. E. (2025). Analyzing the Concept of Incompleteness and Ambiguity of Norms in Formal Testing of Laws at the Constitutional Court. *International Review of Social Sciences Research*, 5(1), 106–127. <https://doi.org/10.53378/irssr.353148>
- Putra, R. K., Nugroho, A. W., Saragih, G. M., Fatimah, S., & Nugraha, S. (2025). The Urgency of Meaningful Participation in the Law Making Process from the Perspective of Democratic Countries (Comparison of Indonesia, South Africa and the United States). *Pena Justisia: Media Komunikasi Dan Kajian Hukum*, 24(1), 2571–2586. <https://doi.org/10.31941/pj.v24i1.5270>
- Putusan Mahkamah Konstitusi Nomor 32/PUU-VIII/2020 Tentang Pengujian Undang-Undang Nomor 4 Tahun 2009 Tentang Pertambangan Mineral Dan Batubara.

- Quick, K., & Bryson, J. (2016). Theories of Public Participation in Governance. In J. Torbing & C. Ansell (Eds.), *Handbook of Theories of Governance* (p. 3). Edward Elgar Press.
- Rahmawan, T. indra. (2023). Mewujudkan Partisipasi yang Bermakna dalam Pembentukan Peraturan Desa. *Jurnal Legislasi Indonesia*, 20(3), 65–80. <https://doi.org/10.54629/jli.v20i3.1177>
- Ramadhan, M. C. (2021). *Metode Penelitian Hukum* (I. Muftaba (ed.); Pertama). CV Kaizen Sarana Edukasi.
- Riskiyono, J. (2015). Partisipasi Masyarakat dalam Pembentukan Perundang-Undangan untuk Mewujudkan Kesejahteraan. *Aspirasi: Jurnal Masalah-Masalah Sosial*, 6(2), 159–176. <https://doi.org/10.46807/aspirasi.v6i2.511>
- Saifudin. (2009). *Partisipasi Publik dalam Pembentukan Peraturan Perundang-Undangan*. FH UII Press.
- Saputra, R., Zaid, M., & Triasari, D. (2023). Executability of the Constitutional Court's formal testing decision: Indonesia's Omnibus Law review. *Journal of Law, Environmental and Justice*, 1(3), 244–258. <https://doi.org/10.62264/jlej.v1i3.18>
- Soekanto, S. (1986). *Pengantar Penelitian Hukum*. UI Press.
- Sofwan, S. (2022). Urgensi Partisipasi Publik Dalam Pembentukan Peraturan Daerah. *JATISWARA*, 37(1), 118–126. <https://doi.org/10.29303/jtsw.v37i1.364>
- Syafril, N. F. A., & Sjarif, F. A. (2023). Politik Hukum Pengaturan Partisipasi Publik dalam Pembentukan Undang-Undang di Indonesia dari Masa ke Masa. *Pakuan Law Review*, 9(2), 1–15.
- Tuhumena, C. J. R., Pietersz, J. J., & Sedubun, V. J. (2021). Partisipasi Masyarakat Dalam Pembentukan Undang-Undang. *Tatohi: Jurnal Ilmu Hukum*, 1(3), 248–256. <https://doi.org/10.47268/tatohi.v1i3.575>
- Wafa, M. K. (2023). Peran dan Partisipasi Masyarakat dalam Pembentukan Undang-undang. *Siyasah Jurnal Hukum Tatanegara*. <https://doi.org/10.32332/siyasah.v3i1.6883>
- Wardana, D. J., Sukardi, S., & Salman, R. (2023). Public Participation in the Law-Making Process in Indonesia. *Jurnal Media Hukum*, 30(1), 66–77. <https://doi.org/10.18196/jmh.v30i1.14813>
- Wel, K. van der, Mortel, M. van de, Grift, L. van de, & Akerboom, S. (2025). How to Make Stakeholder Participation Work? Constructing Legitimacy Inenvironmental Policymaking. *Journal of Environmental Policy & Planning*, 27(2), 166–181. <https://doi.org/0.1080/1523908X.2024.2443392>
- Zuhdi, A., Agustina, E. S., & Kamula, A. A. (2025). Strengthening Democracy through Meaningful Participation in the Legislative Process in Indonesia. *Dixi*, 27(2), 1–22. <https://doi.org/10.16925/2357-5891.2025.02.07>