

# IMPLEMENTATION OF PUBLIC PARTICIPATION IN THE ESTABLISHMENT OF RULES OF LAWS AND REGULATIONS IN LEGISLATURE THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA DURING THE COVID 19 PANDEMIC

Ikhwanudin<sup>a)</sup>, Retnowati WD Tuti<sup>a\*)</sup>

<sup>a)</sup>*Universitas Muhammadiyah Jakarta, Jakarta, Indonesia*

<sup>\*)</sup>*Corresponding Author: retnowatiwdtuti@umj.ac.id*

*Article history: received 04 May 2021; revised 18 May 2021; accepted 06 June 2021*

**Abstract.** In the preamble to the Constitution of the Republic of Indonesia, it is stated that one of the objectives of the establishment of the Government of the State of Indonesia is to educate the life of the nation. Educating the nation's life through the education of people's sovereignty is one of the demands of a state of law. Realizing people's sovereignty in the Indonesian constitutional system is implemented through the branches of state power regulated in the Constitution of the Republic of Indonesia. The House Of Representatives (DPR), the Regional Representative Board (DPD), and the President hold the sovereign power of the people respectively. The DPR has the power to make laws. As a branch of state power that has the power to form laws, the DPR must pay attention to the sovereignty of the people which is reflected in the participation of the community or the public in forming laws and regulations, under any conditions, including during the Covid-19 pandemic. The involvement of public participation in legislation is intended so that the legislative products formed by the DPR are in accordance with the principles of people's sovereignty, aspirations and legal needs of the people and carry out the constitutional mandate, namely to educate the life of the nation. The implementation of public participation is not only carried out in the formation of laws and regulations, but also to the supervision of laws, as part of public political education efforts. Thus, one of the objectives of the formation of laws and regulations is to maintain the sovereignty of the people by educating the nation's life, even during the Covid 19 pandemic. This study aims to describe the implementation and objectives of public participation in the formation of legislation in the future. Covid-19 pandemic..

**Keywords:** implementation; public participation; legislation; covid 19 pandemic

## I. INTRODUCTION

After the entry of the reformation era, growing demands for realignment of various aspects of life, including political, economic, social, cultural, and defense and security aspects. One form of this arrangement is the arrangement of political institutions so that it is hoped that state institutions will play an optimal role. In the context of the relationship between state institutions, especially the relationship between the legislative and executive institutions in the life of the state administration in Indonesia, a system of checks and balances is always strived to be created. The institutional arrangement and strengthening of the House of Representatives (DPR) as a state institution has so far been quite good. The structuring of relations between state institutions began after the political decision of the People's Consultative Assembly to amend the 1945 Constitution of the Republic of Indonesia, an unprecedented decision. The amendments to the 1945 Constitution in 1999 included limiting the authority of the President and empowering the DPR. There was a shift in power to form laws from what was previously executive power to legislative power. The authority to make laws has also shifted. The powers that previously belonged to the President, after the amendment to the 1945 Constitution, belonged to the DPR.

As a state institution that has the power to make laws, the DPR is required to implement its constitutional duties in order to strengthen a country based on law (*rechtstaat*). A modern state based on law includes the need for the protection of human rights and equality of law in its position. Therefore, the DPR in carrying out its legislative function must be based on the aspirations and legal needs of the people, under any circumstances, such as the Covid-19 pandemic that has lasted more than a year. To carry out the task of the state to educate the nation's life, it is necessary to implement the formation of legislation based on public participation.

More specifically, the dimensions studied are: First, participatory democracy, which requires public involvement in various formulations and decisions that involve the need for public law. Second, the implementation of public participation in legislation, which requires an understanding of public participation in the formation of legislation. Normatively, the regulation of public involvement is regulated in Article 96 paragraph (1) of Law no. 12 of 2011 concerning the Formation of Legislation, which states: the public has the right to provide input orally and/or in writing in the Formation of Legislation. The public has the right to provide input orally or in writing in the context of preparing or discussing draft laws. Although several models of

community participation have been regulated in paragraph (2) of Article 96 of the Law, their implementation is still considered not optimal and is still based on the provisions of normal conditions, not under abnormal conditions such as the Covid 19 pandemic that entered Indonesia since March 2020. The law mandates government administrators in this case the DPR to accommodate the right of public participation to be involved in the formation of laws and regulations. The problem raised is, although the public participation model has been regulated in Article 96 paragraph (2) of the Law, however:

1) Have these arrangements and mechanisms been considered effective in order to encourage public participation in the formation of laws and regulations during the Covid 19 pandemic and how to implement these mechanisms when entering the Covid 19 pandemic period from March 2020-until now in order to truly guarantee services? public information in accordance with No. 14 of 2008 concerning Openness of Public Information on the process of forming laws and regulations?

2) In this context, a study was then conducted to determine the answer and at the same time encourage what recommendations need to be submitted to the Legislative Body of the DPR to continue to improve the quality of its public participation, even during the Covid 19 pandemic?

Based on the problems that have been formulated, the purpose of this study is to find out about how to implement public participation in the formation of legislation in the Legislative Council of the DPR during the Covid 19 pandemic and the recommendations made in this study to provide more guarantees for public participation in the process. establishment of legislation in the Legislative Body of the DPR.

Is a text study by seeking information on research problems or supporting data from this research problem through reading texts or references that have the same accuracy as this research. Forms of text or official documents such as Law no. 12 of 2011 concerning the Establishment of Legislation, Law No. 17 of 2014 concerning the MPR, DPR, DPD and DPRD along with their revisions and Law no. 14 of 2008 concerning Public Information Disclosure. Where the law and other related reference books become secondary data in this research and are based on proper and correct groupings. The primary data is in the form of interviews with several relevant sources / informants both in the Legislative Body of the DPR RI and other relevant informants by adjusting the existing conditions during the Covid 19 pandemic.

After the 1998 reform, public participation has become a necessity, not the state's obligation to protect it. Public participation is a necessity for the state and state managers to formulate various public policies, whether state managers are in the executive, legislative or judicial branches. In the legislature, for example, that public participation has started from the implementation of its functions, namely legislation, budgeting and supervision. For the implementation of the legislative function, the DPR

must really pay attention to the aspirations and participation of the public.

Participation is a condition in which all members in a community are involved in determining the actions or policies to be taken regarding their interests. Participation is the active involvement of group members in a process in the group (Henk Adding [1]). Thus, participation is a condition that must even exist in a country that adheres to the notion of popular sovereignty. Community participation is defined as community participation, both individually and in groups, actively in determining public policies or laws and regulations. As a concept that developed in the modern political system, participation is a space for the community to negotiate in the policy formulation process, especially those that have a direct impact on people's lives. In this regard, Robert B. Gibson [2] stated: "The demand for public participation was once the exclusive preserve of radically challenging centralized and arbitrary power. Many radical critics continue to believe that the resolution of present problems requires the active participation of all individuals in making the decisions which affect their lives".

In line with Robert B. Gibson's [2] view, Mas Achmad Santosa [3] added, participatory public decision-making is useful so that the decision truly reflects the needs, interests and desires of the wider community (Mas Ahmad Santosa [3]). Related to the notion of community participation, Samuel P. Huntington and Joan M. Nelson in "No Easy Choice: Political Participation in Developing Countries", define it as activity by private citizens designed to influence government decision-making (Yuliandri [4]). In line with that, Lothar Gundling, 1980 stated that community participation has an important meaning as an effort to democratize decision-making.

Furthermore, Dahl [5] considered, democracy can only be built with participation, where all citizens have the same opportunity to participate in discussing/discussing problems and making decisions (Robert A Dahl [5]). Therefore, how can a country claim to be democratic if the decision-making process regarding their interests is carried out without the involvement of its citizens. In the discipline of political science, such participation is known as political participation, namely the participation of ordinary citizens in determining all decisions concerning/affecting their lives (Ramlan Surbakti [6]).

Juridically, public participation in the formation of laws and regulations is accommodated by the adoption of the principle of openness in Law No. 12/2011 concerning the Establishment of Legislations (PPP). In this case, the Elucidation of Article 96 of Law No. 12/2011 paragraph (1) and paragraph (3) states that the public has the right to provide oral and/or written input in the Formation of Legislation. The paragraph (3) states that what is meant by the community in paragraph (1) is an individual or group of people who have an interest in the substance of the Draft Legislation. This is in accordance with the principle of openness in the formation of laws and regulations as regulated in Article 5 letter h and its explanation is that what is meant by the principle of openness is that in the formation

of laws and regulations starting from planning, drafting, discussing, ratifying, or establishing and enacting legislation. transparent and open. Thus, all levels of society have the widest opportunity to provide input in the formation of legislation.

Community participation as a form of awareness of society, nation and state in the context of democracy and a legal state that upholds constitutionalism in the life of the state, will be useful as input in the formation of legislation (Saifudin [7]). Through various inputs from the public, the legislature will gain diverse perspectives in the process. Legislative institutions in this case what is meant by the DPR must open themselves as wide as possible for public space to produce responsive law products. The DPR does not only absorb, accommodate, and fight for the aspirations of individuals or groups that belong to the same party, but must really open up the space for public participation, because this is a necessity in a democratic country.

Legislative power plays an important role in creating a democratic state and good governance. One of the instruments needed to strengthen the governance movement is the existence of a legal framework that will encourage the legislature and executive to recognize the existence of citizen groups and encourage their involvement in the process of political education and public maturation (Hetifah, [8]). The legal framework to encourage public participation in governance is carried out at the central and local levels. To optimize public participation and participation in both the legislative and executive branches, for example, in Bolivia, there is The Bolivian Law of Popular Participation (LPP) which is progressive enough to encourage the creation of effective governance through the active involvement of Community Based Organizations (CBOs) in decision making. decisions at the local level. Similarly, this practice also occurs in the Philippines, California, and India.

With the involvement of the public in preparing any public policy plans, then of course this provides direction on public participation techniques, provides political education as part of efforts to educate the nation's life in accordance with the preamble to the Constitution of the Republic of Indonesia and provides benefits to the public for involvement or participation in the public policy process through the politics of the formation of laws and regulations in the legislature [9].

With the role of the power of the legislative body in encouraging public participation efforts, the state benefits from creating a dynamic legal community life order through the formation of its laws and regulations. The legislature as a state organ that functions to make laws, has an important role in creating political education through the formation of laws and regulations as an effort to contribute to the intellectual life of the nation as mandated by the opening of the 1945 Constitution of the Republic of Indonesia. Therefore, the legislative body holds a key position in promoting the environment and modern, transparent and accountable life of the nation, state and society (Eko Prasjojo, [9]). Legislative institutions that are democratically elected by the public represent the broad public interest and are the

most likely place to submit complaints, requests and hopes or what is commonly called aspirations.

On the other hand, the legislative body is also a place for discussions about public preferences which later become public programs and policies. The articulation of public interests and preferences is usually stated in legislation products that become national policies on a common problem. With this function, the legislative body is a very important state power in a political system in shaping a national civilization of a legal state through its democratic legislative products (Badriyah Khaled [10]). On the other hand, it turns out that the legislative body can also become a stumbling block for constitutional democracy if there is an abuse of authority in its legislative functions. Compared to executive and judicial powers, legislative power is the branch of state power that is closest to the public.

Indonesia is a country that adheres to the concept of a rule of law. The concept of the rule of law in Indonesia is the concept of a state of law that has been neutralized, which according to the 1945 Constitution before the amendment, was explained in its explanation that Indonesia is a state of law (*rechtsstaat*). However, after the amendment was made, the provisions contained in the explanation were included in Article 1 paragraph (3) and read "The State of Indonesia is a state of law" without being called *rechtsstaat* or rule of law. Therefore, Indonesia as a state of law is in the form of combining good elements from various different concepts into one unified concept whose implementation is adjusted to the demands of development (Nalle [11]). In this case, for example, the concept of the Indonesian state accepts the principle of legal certainty in the *rechtsstaat* as well as accepts the principle of a sense of justice in the rule of law.

Therefore, Indonesia continues to enforce laws and regulations as a form of legal certainty and also applies the principle of justice both in its formation and implementation. As according to article 28 D which reads: "Everyone has the right to recognition, guarantees of protection, and fair legal certainty and equal treatment before the law." Everyone has the right to legal certainty and justice, which guarantees the protection of everyone from arbitrariness by the government itself. So that in the process of forming legislation, it must be done by guaranteeing everyone who is entitled to recognition, guarantees of protection and fair legal certainty (Widodo, [12]).

In a democratic atmosphere, it is only natural that the formation of laws and regulations should be carried out democratically by taking into account the aspirations of the people, from all groups, especially from the weak, marginalized, or even minority groups in an area where the legislation will be applied (Nukila [13]). This is of course in line with the demands of the rule of law which were originally intended to limit the power of the state so as not to carry out arbitrary actions and protect the rights of the people.

Legislation is formed and implemented in the community so that it becomes important too, a legislation has strong social roots, whether the legislation is intended as social engineering or a form of accommodating people's

aspirations in the form of public administration through law (Suryadi [14]). The right of every person to obtain guarantees and protection as well as fair legal certainty as stated in Article 28D of the 1945 Constitution of the Republic of Indonesia, has the consequence that the formation of laws and regulations must be carried out not secretly and not done fraudulently and accommodate the interests of the community. This paper is a normative legal research, with a conceptual approach as well as an approach to legislation to find answers to existing problems. The research sources used are primary legal materials and secondary legal materials as an explanation of primary legal materials.

The implementation of community participation as a community right in the formation of laws and regulations must also be interpreted as an obligation on the other side, namely the government. When the community and citizens are given rights based on laws and regulations, it becomes an obligation for the state to support and guarantee the implementation of these rights. Because without the support and guarantees from the state to carry out the obligations for the implementation and protection of the rights of the community, the rights of the community in this particular case is that the community's participation in the formation of laws and regulations will be in vain. Openness is important in the current era, especially when it comes to information disclosure from the government which will have an impact on the interests of the wider community (Mahfud [15]). Building the law through the formation of laws and regulations, nothing is done "cat and mouse" or secretly so that the public at large knows and can provide input on the existing process, if there is something that the public thinks is something that is not right.

The existence of transparency or open social control in the formation of laws and regulations as a form of law development and law enforcement, so that the weaknesses and shortcomings contained in the official institutional mechanism can be complemented by direct community participation in order to ensure justice. The existence of community participation in the formation of laws and regulations is important because the people's representative system can never be relied on as the only channel for people's aspirations. Therefore, the principle of representation in ideas is distinguished from representation in presence, because physical representation alone does not necessarily reflect the representation of ideas or aspirations (Jimly Asshiddiqie [16]).

The condition of a modern country with such a large number of people and sometimes even with the geographical conditions of an archipelagic country, such as Indonesia, makes the implementation of democracy not narrowly interpreted only in the form of general elections to elect the President and Vice President and to fill the Representative Institution. But also one of them is how the community, which in terms of the implementation or implementation of laws and regulations, has an interest and is affected by the implementation or implementation of laws and regulations, can provide their aspirations and have access to the

formation of laws and regulations that are supported by transparency. Openness or transparency will provide opportunities for the wider community to channel their aspirations as a form of control over the steps that will be taken by the government in the formation of laws and regulations. This community control is important so that the government is careful in the formation of laws and regulations that will be addressed to the wider community (Saifudin [7]).

Based on Article 5 letter g of Law Number 12 of 2011 concerning the Formation of Legislations, it is explained that the formation of laws and regulations must be carried out based on the principles of establishing good laws and regulations, one of which is stated in letter g is the principle of openness. In his explanation it was explained that in the formation of laws and regulations starting from planning, drafting, discussing, ratifying or stipulating and enacting transparent and open legislation. Thus, all levels of society have the widest opportunity to contribute in the formation of legislation (Baleg DPR [17]). The form of openness in the formation of laws and regulations is carried out in every process, namely planning, preparation, discussion, ratification or determination and promulgation. Transparency is manifested in the accessibility of information at every stage in the formation of the legislation, starting with the National Legislation Program (Prolegnas), even during the Covid 19 pandemic which has lasted almost two years.

The form of openness in the formation of laws and regulations is carried out in every process, namely planning, preparation, discussion, ratification or determination and promulgation. Transparency is manifested in the accessibility of information at every stage in the formation of these laws and regulations. The National Legislation Program (Prolegnas) as an instrument for planning programs for the formation of laws is part of the elaboration of legal politics to achieve state goals within a certain period and also as an effort to provide public services in the field of law and legislation (Alfisyahrin [18]). Prolegnas and Propemperda are portraits of the content or political substance of national and regional laws that are part of national law, to achieve state goals within a certain period of time, either in making new laws or in revoking or replacing old laws. So that the public has an interest in knowing the future legal politics by looking at Prolegnas in the national legal order and Propemperda in the regional legal order. In addition, as part of the process of forming laws and regulations, draft laws and regulations must also be easily accessed by the public until the laws and regulations have been enacted and promulgated. This is important, as already mentioned, to open up opportunities for the community to provide ideas or ideas in the formation of laws and regulations.

According to Jurgen Habermas, the public sphere can function politically. The political public sphere is the conditions of communication, not an institution nor an organization with certain memberships and binding rules. So that the public space has an informal and inclusive



characteristic, because the term public space or in German *Offentlichkeit* means a state that is accessible to everyone and refers to the open and inclusive characteristics of this space (Budi F Hardiman [19]). Legitimacy of law or public policy is achieved not based on the majority vote obtained, but by gaining the majority vote. The point is that public legitimacy is achieved by the mechanism of achieving a majority vote or a fair and unanimous vote. For Habermas, a legitimate law is a law created from a fair and just procedure. All laws, regulations and public policies must first be tested in public discussion. So what is meant by Habermas as deliberative democracy is a process of achieving legitimacy through a discursive process in the political public sphere (Wattimena [20]).

The condition of a pluralistic society becomes a very rich resource for the development of the social life of the community. However, before the very rich resources, the plurality that is manifested in the differences in opinions, views, ideas or ideas must be communicated rationally first. Political communication that is free from domination is a fundamental requirement to maintain the social integration order of the wider community. So that the existence of a public space with fair and fair conditions must be protected by the state as stated in the constitution. Because legitimate laws or regulations are born from a public trial process or a process that is open to public participation and becomes a free discussion in the public sphere. And not the other way around, which is born from a process that is "hidden" by making laws or regulations with the public, even during the Covid 19 pandemic, which rarely meets face-to-face, but through zoom meeting technology.

## II. RESEARCH METHODS

This research uses constructivism paradigm approach. This paradigm provides the basis for research to make observations and objectivity so as to obtain reality or knowledge. This paradigm is a qualitative social science discipline (Burhan [21]), as a form of systematic analysis on social meaningful action, namely by making direct observations of social phenomena or social behavior. Technique The research approach used by the researcher is social legal. This type of research is qualitative with descriptive analysis. Qualitative research is one type of research that has descriptive data, both written data and the results of interviews from observed sources. The research was conducted at the Legislation Body of the DPR RI DPR/MPR/DPD Complex, Senayan Jakarta. This research was supported by an instrument in the form of an interview guide. The research data presented in this study were obtained through 3 (three) research materials, namely:

### a. Primary data

Primary data is data that the authors get/obtain directly through respondents by interviewing the parties related to the research problem. The primary data in this study will be the main source of the data to be collected. The primary data sources of this research are data from traffic

cases and text sources that have strong accuracy from the research.

### b. Secondary Data

Is data obtained by researchers from various literature studies and legislation, literature books and various opinions from experts who have views on this research problem, which consists of products of legislation related to legislation, ranging from: 1) Law on the Establishment of Legislation, Law on MPR, DPR, DPD and DPRD as well as Law on Public Information Disclosure; 2) Text references in the form of books, papers, articles, journals, meeting conclusions, brief meeting reports, and other references that discuss the formation of laws and regulations/legislation and participation and public disclosure. 3) DPR's Website and Social Media.

### c. Tertiary Data

is data that is included in the group of research supporting data. This means that tertiary data has a function to strengthen primary data and secondary data, such as newspaper clippings, special coverage of print media, or leaflets, booklets and flyers. Thus tertiary data becomes a reinforcement of existing data and has been inventoried in primary and secondary data. The data collection techniques in this legal writing research are carried out using primary data,

### Interview Techniques (Interview)

Is a verbal communication between the resource person and the interviewer, which aims to dig up related information through the questions asked by the researcher regarding the title of the research in question. The interview stage in this research is starting from making a question instrument related to the research problem. These instruments serve as guidelines in interviews with research sources. Then the question was asked directly by the researcher by communicating face to face. The population as resource persons is from the Legislative Body of the DPR, both from Baleg Leaders, Baleg Members and Baleg Experts as well as the Secretariat General of Baleg DPR as well as from certain community groups who have submitted aspirations, input and suggestions on the Bill that is being discussed by the DPR Baleg.

## III. RESULTS AND DISCUSSION

The formation of regulations is the implementation of one of its functions, and this function is the most important compared to the other two functions. Regulation of Community Participation in the Formation of Legislation in Legislation. Public participation in the formation of laws and regulations is regulated in Law Number 12 of 2011 concerning the Establishment of Legislations as the parent setting for the formation of laws and regulations. It is regulated in Article 96 of Law Number 12 of 2011 concerning the Establishment of Legislation, by stating that the public has the right to provide input both in writing and/or verbally in the formation of laws and regulations. Oral and/or written input can be done through public hearings, work visits, socialization and/or seminars,

workshops and/or discussions. The community as referred to in Article 96 of Law Number 12 of 2011 concerning the Establishment of Legislation is an individual or group of people who have an interest in the substance of the Draft Legislation. While the groups of people include, among others, community groups/organizations, professional groups, non-governmental organizations, and indigenous peoples. To make it easier for the public to provide input orally and/or in writing, each Draft Legislation must be easily accessible by the public.

Law Number 12 of 2011 concerning the Establishment of Legislations, henceforth in the context of regulating implementing regulations, Presidential Regulation Number 87 of 2014 concerning Implementing Regulations of Law Number 12 of 2011 concerning the Establishment of Legislation is established. However, the Presidential Regulation does not explain more than what has been explained in Article 96 of Law Number 12 of 2011 concerning the Establishment of Legislation and provides further regulations regarding community participation referred to in the Presidential Regulation in order to carry out public consultations in the formation of laws and regulations. Provisions regarding it are regulated in a Ministerial Regulation. However, it turns out that the Ministerial Regulation related to public consultation is still in draft form as found on the official website of the National Legal Development Agency (BPHN).

Legal certainty is important because it has been explained in the 1945 Constitution of the Republic of Indonesia that everyone has the right to recognition, guarantees, protection and fair legal certainty. In addition, that in the practice of forming laws and regulations, there is uncertainty resulting in confusion from legislators to carry out community participation in the formation of laws and regulations. With the reluctance of the legislators, in this case Baleg, to involve the community in the process of their formation, it will have fatal consequences from the public administration perspective because it affects the institutionalization process of credible public institutions in this case the DPR (George Frederickson [22]). The reason is that the community is not fully involved because there are no laws and regulations that require the community to be involved in the process of forming laws and regulations.

Community participation in the formation of laws and regulations is carried out in principle at every stage of the formation of laws and regulations. This is emphasized by the principle of establishing good laws and regulations as regulated in Article 5 letter g of Law 12 of 2011 concerning the Formation of Legislations, namely the principle of openness, which requires that the process of forming laws and regulations must be carried out transparently or in a transparent manner. open. So that every element of society can have the opportunity to provide input. Although Law Number 12 of 2011 concerning the Establishment of Legislation gives the public the right to participate in providing input both in writing and/or verbally, it's just that there are still many shortcomings that result in the community's participation being not maximal, especially

during this Covid 19 pandemic. in the formation of laws and regulations. These drawbacks are:

First, there is no requirement for legislators to facilitate the community's right to participate in the formation of laws and regulations. That the relationship between rights and obligations must be clear, when the community has rights, the state (the legislator) has an obligation on how public participation in the formation of laws and regulations can be implemented.

Second, there are no statutory provisions that specifically provide how public participation should be carried out, especially during this COVID-19 pandemic. This can raise doubts for legislators to do it optimally or consider public participation to only prolong the process of forming laws and regulations and consume a lot of budget. Community participation in the formation of laws and regulations is ideally carried out at every stage in the formation of laws and regulations. However, maximally it can be done at the planning, drafting and discussion stages. The stage of ratification and promulgation is not maximally able to do community participation because at this stage it has not discussed the substance and is only formal so that formal legislation can be said to be legally binding in general. Community participation in the formation of laws and regulations as the right of the community to influence the substance of laws and regulations is carried out by two-way communication between the legislators and stakeholders (stakeholders). Judging from the three stages of the formation of laws and regulations that are seen as maximal, community participation can be carried out, namely, Planning, Preparation, and Discussion in which communication between the legislators and stakeholders can be conceptualized as follows:

1. Planning Phase. At this stage, legal products are planned to be formed in the future by including them in a document called the National Legislation Program. Community participation in this stage is carried out both in the preparation of the National Legislation Program, the preparation of the National Legislation Program at the DPR level and joint preparation with the government, which must be carried out transparently and provide massive information to the public. So far, the process has been going on during the Covid-19 pandemic, namely by publicly informing it on Parliament's TV and DPR's social media channels as well as streaming on the Youtube channel, so that the public can participate. Massive information is information that is disseminated by looking at the condition/ability of the general public to obtain information. Communities who provide input in the form of written and/or oral are accommodated and discussed internally, which will later be submitted to the community (individuals, groups) who provide input that their ideas are accepted or rejected along with the reasons. At the stage of determining the National Legislation Program at the DPR Plenary Meeting, it must be carried out transparently and disseminated to the public using various information channels owned by the DPR on a massive scale and the meetings are open to the public.

2. Preparation Stage. At this stage, a draft legal product (Draft Law) is formed. Draft laws and regulations must be disseminated without exception massively. This is so that the draft legislation becomes public consumption and the legislators know which provisions are the pros and cons in the community, through the mechanism regulated in Article 96 paragraph (1) of the Law on the Establishment of Legislation (UU PPP), even the meetings are held openly in the Legislative Body by inviting resource persons, experts and community groups who have an interest in the substance of the bill being discussed.

3. Discussion stage. At this stage, the draft legislation begins to be discussed, and the provisions of Article 96 paragraph (2) of the PPP Law apply. Community participation at this stage is carried out by taking into account the inputs that may exist in the previous stages. At this stage, community input is carried out most often by meeting with opinions. It's just that the weakness is that sometimes the legislators only choose stakeholders who support the draft legislation that is formed. So that the discussion is not comprehensive, the results are less legitimate, because the legislators accommodate community participation only in the formality of laws and regulations. In the future, at the discussion stage, community participation will be carried out more substantively by thoroughly looking at stakeholders, both pro and contra, and finding common ground for the substance of the legislation. In addition, the input obtained is processed and it is decided whether to accommodate it or not, it must be notified to the relevant stakeholders who provide input by also providing reasons for acceptance or rejection. In essence, the right of the community in the formation of laws and regulations is that community participation is carried out in a two-way communicative manner between the legislators and stakeholders. It is also important for the future that stakeholders in community participation in the formation of laws and regulations must be viewed as a whole by the legislators and must consider from various sides, both stakeholders who benefit from the formation of a legislation and other stakeholders. interests or parties who will potentially get the greatest negative impact from the formation of laws and regulations.

#### IV. CONCLUSION

Conclusion The rights of the community in the formation of laws and regulations, namely in the form of participation by giving aspirations both in written and/or oral form are protected by the 1945 Constitution of the Republic of Indonesia, especially Article 28 which explains that everyone has the right to recognition, guarantee of protection, and fair legal certainty. To produce a statutory regulation that provides certainty as well as justice for the community, the process of its formation is carried out honestly and transparently and provides access to the public to provide input on a process of forming legislation. Community participation in the formation of laws and regulations is not an effort towards a form of direct democracy. However, it

must be understood as an effort to strengthen the legitimacy of a product of laws and regulations in a pluralistic society that is not only limited to ethnicity, race and religion, but also plural in terms of economics and political views, and especially during the Covid 19 pandemic. So it is very important build a system that strengthens the social roots of a statutory regulation that is being formed. In addition, efforts are also made as a form of reducing negative effects in the implementation of representative democracy, namely oligarchy on the power of political parties and representative institutions. The implementation of public participation in the formation of laws and regulations must be supported by the implementation of the openness of information channels even during the Covid 19 pandemic in the process of forming laws and regulations and protection from the state for freedom of opinion as well as voicing ideas and associating, gathering. This is because the disclosure of information in the process of forming laws and regulations provides access to information to the public in order to trigger or provide political education to the public in the formation of laws and regulations. Protection and freedom of opinion, voice aspirations, association and assembly are used as a means of civil society to provide input in the process of forming laws and regulations. Although the process implemented in forming laws and regulations has met normatively the provisions of laws and regulations, the public still feels that it has not been maximally felt, because the public is still more or less traumatized by several processes of law formation which are considered short and minimal public participation in during the Covid-19 pandemic, such as the Job Creation Law and the revision of the Constitutional Court Law.

#### REFERENCES

- [1] Adding, Henk, 2010, Sourcebook Human Rights and Good Governance, Asialink Project on Education in Good Governance and Human Rights
- [2] R.B. Gibson, 1981, The Value of Participation, dalam P.S. Elder, Environmental Management and Public Participation, Canadian Environmental Law Research Foundation of the Canadian Environmental Law Association, Ottawa, USA
- [3] Santosa, Mas Ahmad, 2001, Good Governance dan Hukum Lingkungan, Indonesian Center for Environmental Law (ICEL), Jakarta
- [4] Yuliandri, 2007, Asas-asas Pembentukan Peraturan Perundang-Undangan yang Baik dalam Rangka Pembuatan Undang-Undang Berkelanjutan, Disertasi, PPS Universitas Airlangga, Suarabaya,
- [5] A. Dahl, Robert, 2001, Perihal Demokrasi, Menjelajahi Teori dan Praktik Demokrasi Secara Singkat, Yayasan Obor Indonesia, Jakarta
- [6] Surbakti, Ramlan 1992, Memahami Ilmu Politik, PT. Gramedia Widiasarana Indonesia, Jakarta,
- [7] Saifudin, 2009, Partisipasi Publik Dalam Pembentukan Peraturan Perundang-undangan,

- Yogyakarta, FH UII Press,
- [8] Hetifah Sj Sumarto, 2009, Inovasi, Partisipasi dan Good Governance, Yayasan Obor, Jakarta
  - [9] Prasajo, Eko, 2013, Transparansi dan Akuntabilitas Parlemen, DPRRI\_UNDP, Jakarta
  - [10] Khaleed, Badriyah, 2014, Legislative Drafting, Pustaka Yustisia, Yogyakarta
  - [11] Nalle, Victor Immanuel, 2017 Ilmu Perundang-undangan, Suluh Media, Yogyakarta
  - [12] Widodo, 2015, Fungsi Legislasi, DPR-UNDP, Jakarta
  - [13] Evanty, Nukila, 2014, Paham Peraturan Daerah, Rajagrafindo Persada, Depok
  - [14] Suryadi, 2012, Administrasi Publik dan Otonomi Daerah, Prisma Press, Bandung
  - [15] M.D, Moh Mahfud, 2013, Perdebatan Hukum Tata Negara Pasca Amandemen Konstitusi, Jakarta, PT Raja Grafindo Persada,
  - [16] Asshiddiqie, Jimly, 2010, Konstitusi dan Konstitusionalisme, Sinar Grafika, Jakarta
  - [17] Baleg DPR, 2015, Mekanisme Penyusunan Rancangan Undang-Undang di Dewan Perwakilan Rakyat, Jakarta
  - [18] Alfisyahrin, 2017, Peningkatan Kualitas Pelayanan Publik, Yayasan Obor, Jakarta
  - [19] Hardiman, Budi F, 2009, Demokrasi Deliberatif Menimbang Negara Hukum dan Ruang Publik dalam Teori Diskursus Jurgen Habermas, Kanisius, Yogyakarta
  - [20] Wattimena, Rexa AA, 2007, Melampaui Negara Hukum Klasik, Kanisius, Yogyakarta
  - [21] Bungin, Burhan, 2007, Penelitian Kualitatif : Komunikasi, Ekonomi, Kebijakan Publik,dan Ilmu Sosial Lainnya, Penerbit Kencana, Jakarta
  - [22] Frederickson, H George dan Smith, B. Kevin 2003, The Public Administration Theory Primer, Oxford, USA