

## Community Aspirations on Making Regional Regulations in South Sumatra Province

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**Abstract:** *The community attends public hearings or other gatherings to provide feedback or ideas; provides information to DPRD members during working visits; and attends seminars or similar events to conduct studies or follow up on various studies to develop a Draft Regional Regulation. During the planning, design, discussion, promulgation, and socialization stages of forming regional regulations, the community tends to close itself off from the regional government and Regional People's Representative Council, giving the impression that the community does not want to participate. Because they are not interested in the formation of local regulations, several strategies can be implemented to stimulate community participation, including consolidating the power of the community, especially stakeholders; empowering the community (building critical public awareness); publishing the results of essential investigations or research; trying to influence policymakers; generating action and continuous movement.*

**Keywords:** *Community Aspiration, Socialization, Regional Regulation, Regional People's Representative Council (DPRD).*

### Introduction

Community life is always covered by applicable rules or laws, which aim to make people live their lives without harming other parties or causing a social problem (Hartaka & Suadnyana, 2020). In this case, the role of law or rules is an important concept when dealing with what will be implemented by the community (Usman, 2015). Communities will live side by side in harmony if there are rules that bind them; these rules must be upheld, implemented, and realized to create the goal of a society that lives in a state of security, harmony, peace, and tolerance (Rosana, 2013).

Society, in its enormous scope, is often referred to as a nation. This nation is the object of the rule of law. Therefore,

as a legal object, the community must be fully involved in making, implementing, and taking legal action (Wantu, 2012). As with the concept of democracy applied in Indonesia, society should take an essential role in government life, especially in terms of making laws, because in the concept of democracy, all individuals and communities have the right to express their opinions and are free to aspiration as long as they do not violate the existing legal rules (Saragih, 2011).

People's aspirations are essential sources when the legislature makes a legal regulation because, in the future, it is the community who will undergo and become the object of the law (Haliim, 2016). Therefore, as an object of law, the public must understand what direction

will be made, what its contents are, and the purpose of making the law. This is intended so that the community is not wrong in carrying out an activity where all community activities have a legal umbrella and to make the community a law-conscious society (Saragih, 2011).

The state is a protective vessel for the ideas and aspirations of the people contained within it. The condition goes hand in hand with the people and sovereignty wrapped in harmony (Riskiyono, 2015). A concept originating from the world law expert Hans Kelsen emphasizes that the state is a purely technical idea that states that a particular set of legal rules binds a group of individuals who live in a limited territorial area (Starke, 2015).

Regional rules are developed as a result of the execution of regional autonomy, which is one of the outcomes or outcomes of autonomous policy. Regional regulations are rules enacted by provincial and district/city regional heads to implement regional autonomy, which is the legality of regional government execution (Indrati, 2017).

The purpose of the regional regulation itself is to empower the community and realize regional independence. The formation of regional regulations must be based on the principles of legislation, namely siding with the people's interests, upholding human rights, and having environmental and cultural insight (Abdullah, 2011).

In an era of autonomy, implementing a decentralized system has both beneficial and negative consequences for the community. According to Article 1 paragraph 8 of Regional Government Law Number 23 of 2014, decentralization is the transfer of government affairs from the central government to autonomous regions based on autonomy. One of the good effects of decentralization is an increase in public political awareness in every

series of democratic parties and policymakers. Furthermore, the following are the negative consequences of this decentralization:

- Many laws and regulations that have just been passed have not even been effective yet and have been replaced with new laws and regulations because they cannot be effective in people's lives and cause new social problems;
- Many laws are less relevant to the needs or problems in society than, for example, the Law on Regional Expansion and the Law on Value Added Tax;
- The central government (Ministry of Home Affairs) revoked a number of regional regulations issued by local governments because they conflicted with higher regulations (Rumeste, 2012).

Regarding the impact of the aforementioned regional regulations that are regarded as inappropriate to the needs and experiences of the local population, the government should require community input in their formulation. In accordance with Paragraph 1 of Article 96 of Law No. 12 of 2011 on the Establishment of Legislation, the public has the right to contribute oral and/or written feedback informing legislation and regulations.

With the material from the law, it is hoped that the community can participate in forming regulations in their regions to create and implement these regulations on target (Asyari, 2017). It is also expected that when the community is involved in the process of its formation, there will be an attitude of concern from the community towards the regulations that are issued and also the emergence of a harmonious relationship between the local government and its people, who together create the rule of law so that welfare

applies in the area. However, not a few are also in most areas that do not involve the community. Even the community is considered a nuisance to the running of the government (Muhiddin, 2013).

As for the impact that is issued from the absence of participation in the process of forming legislation, among others,

- The community's sense of belonging to the things contained in the legislation is low;
- People do not understand the government's goals and programs;
- Government programs are not following the needs or characteristics of the community.
- Loss of public trust in the government.

This incident gave rise to speculation that this could be said to be a non-participatory regulation. Even though the government and the community may want to go hand in hand, there is no initiative from both parties, which gives the impression that the government and the community are not moving in the same direction.

The formulation of the problem is as follows, based on the description that was provided earlier: how is the absorption of community participation in the formation of regional regulations of South Sumatra Province, and what are the obstacles that can be found in the formation of regional regulations of South Sumatra Province that prevent the absorption of community participation? It is envisaged that this research could serve as a point of reference for future investigations and contribute to the scientific progress repertoire.

## Method

The descriptive-analytical research approach describes the problems and facts based on positive legal standards, namely the laws relevant to this investigation. The

approach technique is normative juridical, that is, it employs positive legal norms connected with the incorporation of community aspirations in the development of regional regulations in South Sumatra. The data was analyzed qualitatively, without the use of numbers or statistical formulae. The researcher is the instrument in qualitative research. This section outlines how researchers operate as research instruments, as well as what technologies will be employed in data collection (Irianto, 2017).

## Result And Discussion

### Community Participation

Community participation is the participation of the community to channel their aspirations, thoughts, and interests into the administration of local government. Community participation in forming laws can be done in various models of participation options according to a country's political development level (Wdianti et al., 2019). Community participation will depend on public awareness in the life of society, the nation, and state. The nature of community participation is still "pure". This means that the people, as citizens in a democratic country, are involved in making public decisions (Jati, 2012).

One of the fundamental things that must be considered when developing regional regulations is community participation (Perda). Law No. 12 of 2011 on the Establishment of Legislation, Including Regional Regulations Community engagement is a type of political participation in the community that is critical to successful administration. Because of this, public participation in the development of laws and regulations, particularly municipal regulations, must be more clearly regulated (Kusmanto, 2014).

The implementation of regional autonomy based on Law No. 22 of 1999 has provided great opportunities for

regions to manage various household affairs independently and freely. This happens because the concept of autonomy includes the freedom to take the initiative in making decisions based on the aspirations of the local community without direct control from the central government (Haris, 2005). Moh Hatta (1957) argues that autonomy does not only mean implementing democracy but encourages the development of own initiatives to make decisions regarding the local community's interests. The responsibility for administering regional government is not only in the hands of the regional head, DPRD, and implementing officials, but also in the hands of the regional community. One manifestation of the above sense of community responsibility is the existence of a supportive attitude towards the implementation of local government, which is shown, among other things, through the active participation of community members in the implementation of regional autonomy (Khairi, 2017).

Within a decentralized unitary state framework, energy imports from the central government are natural to ensure harmonious relations between the central and local governments. Every democratic country, however, will involve its citizens in the ongoing political process if the community agrees that the rules of the political game provide an opportunity for the governed to determine who governs—giving every citizen the possibility to climb up the ladder of the social scale and thereby, according to law, pave the way for society's rights to eliminate all innate privileges. To have the first say and participate in managing the common interest. The community itself can participate at several stages, especially in development, namely: the initiation,

legitimacy, and execution stages (Irianto, 2017).

Based on these points of view, it is possible to draw the following conclusion: Community participation can take place on four different levels: participation in the decision-making process, participation in the implementation of the plan; participation in the utilization of the results; and participation in the evaluation of the plan.

According to Soehino, as Handoyo (2018) quoted, he stated that the content of regional regulations includes; 1. materials or things that burden the population, such as local taxes and levies; 2. Materials or things that reduce the population's freedom, for example, imposing prohibitions or obligations that are usually accompanied by threats or criminal sanctions; 3. Materials or things that limit the population's rights, such as controlling the equivalence line. 4. Materials or matters that have been determined in the statutory regulations at an equal and higher level must be regulated by regional regulations.

The position and function of local regulations differ in line with the state administration system contained in the Constitution and Constitution and the Regional Government Law. This difference also occurs in the arrangement of the content material due to the narrow scope of the current affairs of the regional government. Likewise, the mechanism for the formation and supervision of the formation and implementation of regional regulations has changed along with the pattern of relations between the central government and regional governments. Every regional regulation drafter must first study and master the favourable legal rules regarding the Regional Government Law, the Law on Legislation, and implementing

regulations that specifically regulate regional regulations (Setiawan, 2018).

The process of developing regional rules begins with planning, discussion, drafting procedures, formulation, discussion, ratification, promulgation, and dissemination. The statutory regulations must be followed when preparing for the discussion and confirmation of the draft regional regulation into a regional regulation. Regional regulations will be more operational if they are not only bound by the principle of legality as referred to in Articles 136-147 of Law Number 32 of 2004, but also by the results of in-depth research on the subject and object of the law to be regulated, which begins with the establishment of academic manuscripts (Waluyo, 2006). As a tangible medium for community participation in the development of regional regulations, literary texts' sense of urgency is an important consideration in the formation of regional regulations. Academic texts explain why certain factors encourage the formulation of a problem or issue, making it vital and urgent to regulate them in regional regulations (Mahendra, 2007).

The Regional Head or DPRD can initiate draft regional regulations. When viewed from the process of discussing the draft regional regulations according to Government Regulation number 25 of 2004, it can be seen that the mechanism for discussing the draft regional regulations through four stages is as follows (Sihombing & Utara, 2016); a. first-level discussion, including 1) explanation of the Regional Head in the plenary session regarding the submission of the draft regional regulation originating from the regional head; 2) explanation in the plenary meeting by the head of the commission or the Chair of the Special Committee on the draft regional regulation and or amendment to the regional regulation at

the proposal of the DPRD's initiative. b. the second level discussion, covering: 1) in the case of the Draft Regional Regulation originating from the Regional Head: a) the factions' general view on the Draft Regional Regulation originating from the Regional Head; b) the Regional Head's response to the factions' general view. 2) in the case of the Draft Regional Regulation on the recommendation of the DPRD: a) the opinion of the Regional Head on the Draft Regional Regulation on the recommendation of the DPRD; b) answers from the factions to the opinion of the Regional Head. c. third-level discussions include discussions in Commission/Joint Commission meetings or Special Committee meetings held in collaboration with the Regional Head or appointed Official; d. fourth-level discussions include 1) decision making in the plenary session, which is preceded by: a) a report on the results of the third stage of discussion; b) the Faction's final opinion; and c) decision making. 2) delivery of the Regional Head's remarks on decision-making.

### **Aspirations and Regional Regulations in South Sumatra Province.**

Participation of the community in the formation of regional regulations is a right that can be exercised both during the preparation and discussion stages. Every right to the community creates obligations to the government in the context of human rights. Hence, there must be clear laws addressing the responsibilities of local governments in fulfilling the right to community involvement in the preparation of these regional regulations. The concept of community participation is related to the idea of openness. In a sense, the public can't participate in government activities without government openness. Openness, both "openheid" and "openbaar-heid", is essential for the implementation of reasonable and

democratic governance (Simbolon, 2016).

Thus, openness is seen as a constitutional principle regarding the proper exercise of authority. Several things can be done concerning the implementation of community participation in forming regional regulations, including holding public hearings or other meetings aimed at absorbing community aspirations; conducting visits by DPRD members to get input from the community, or holding seminars. Seminars or similar activities in conducting studies or following up on various studies to prepare a draft regional regulation. However, in practice, sometimes, there are still various interpretations of who is meant by the term "community," including everyone or related institutions or any non-governmental organization (Dewi, 2018).

The community is everyone in general, especially people who are "vulnerable" to the regulation, any related person or institution, or any related non-governmental organization. People still tend not to understand how and what kind of community participation is in the formation of local regulations; some people only submit complaints and think that local regulations are unnecessary, and there are even answers from people who follow along because they don't know. The community also said he didn't want to know about local regulations.

All government decisions and policies pertaining to people's lives must be founded on legal requirements and procedures in Indonesia, making the rule of law a fundamental element in everyday life. The rules that are formed become a thing that underlies the entire behaviour of the community. Considering the importance of the legal position in a country, preparing every piece of legislation requires great

attention from stakeholders (Basyir, 2014).

The term "political involvement" refers to the efforts of private individuals (citizens) to have an impact on government policy. Democratic state administration is characterized by community participation and involvement in the formulation and implementation of public policies, programs, and decision-making processes, as well as in public decision-making processes and reasons. Article 96 of Chapter XI of Law No. 12 of 2011 on Legislation Establishment deals with community involvement. Legislation No. 23 of 2014 on Regional Government outlines the many ways of community participation that can be used to help shape local laws. Consultation with the public; discussion; collaboration; submission of goals; supervision; and other participation in accordance with legal and regulatory requirements.

Regional authority to form regional regulations is essentially an opportunity for regional government administrators to manage their regions independently. Therefore, it should be utilized and possible to develop and develop their respective areas following regional conditions and needs of community aspirations.

Therefore, it is indispensable for the community's involvement in developing their region, especially in formulating policies such as regional regulations. As stated above, community participation in forming regional regulations helps produce regional quality regulations according to community aspirations. Community participation in regional regulation development has been mandated by provincial, regency, and city DPRD legislation and regulations, but on the whole, Indonesians have not made full use of this right to actively participate in these processes.

Many things, both inside the community and outside of it, might contribute to the low level of community participation. There are a variety of approaches to the difficulties of adopting community participation in the development of regional rules for the province of South Sumatra:

- a. The existence of pros and cons among the community The presence of pros and cons among the community may arise in response to changes due to the implementation of policies. The existence of pros and cons in the community ultimately affects the participation of the local community. In contrast, community participation in the discussion of regional regulations is needed so that the policies set are right on target or effective later.
- b. The distance travelled to attend the Regional Regulation Discussion Meeting Given the importance of community participation in forming regional regulations, the implementation of community participation in various forms should not experience significant obstacles. High community awareness and political will from local government and DPRD are required for seamless participation, especially community participation in the discussion of regional laws, which is particularly important for smooth participation.
- c. Lack of public understanding Informing regional regulations, community participation is essential to express their aspirations in the draft law. Still, most of the community does not understand the meaning of the formation of regional regulations.

Communities tend to isolate themselves from regional governments and regional legislatures when they are involved in drafting and implementing

regional rules. This is a major barrier to community participation in the process of drafting and implementing regional regulations. It's as though the neighborhood doesn't want to become involved because they don't want regional restrictions formed.

In order to ensure that regional policies are in line with the needs of the community, the presence of advantages and disadvantages among the population has a substantial impact on community participation in the formulation of regional laws. Community participation in the development of regional regulations is hindered by this. Another problem is that there is no clear rule requiring public participation in the creation of laws and regulations (regional regulations). Article 53 of Law No. 10 of 2004 states that you have the option of participating in the creation of new laws and regulations either vocally or in writing. During the drafting or debate of draft regional regulations, the public has the chance to provide comments either orally or in writing, most recently through Law Number 12 of 2008.

Whatever the participation model provides will be meaningless if the community is still apathetic towards government decisions or policies. For this reason, there must be a particular strategy to actively encourage the community to participate in every policy process. Several strategies can be used to stimulate community participation, including: consolidating the strength of the community, especially the stakeholders; empowering the community (building critical public awareness); publication of the results of essential investigations or research; attempting to influence policymakers and generating continuous action and movement.

## Conclusion

The incorporation of community participation is governed by Article 96 of Law No. 12 of 2011 on the formulation of laws and regulations, as well as Article 354 of Law No. 23 of 2014 on Regional Government. In public hearings or other comparable meetings, the community contributes ideas or opinions. During working trips, they provide information to DPRD members and participate in seminars or similar activities in the framework of conducting research or following up on various studies in order to prepare a Draft Regional Regulation. There is a problem with incorporating community input into the creation of regional regulations because the community continues to isolate itself from regional government and the Regional People's Representative Council throughout the entire process, giving the impression that the community does not want to participate. This is true from planning to discussion to implementation. For the simple reason that they have no desire to implement local legislation. To ensure that proper policies are implemented, community participation is essential. For example, there are many problems that impede community participation in the formulation of regional laws, such as a lack of consensus among community members. Several strategies can be used to encourage community participation, including consolidating community power, particularly among stakeholders, empowering the community (building critical public awareness), publishing the results of critical investigations or research, attempting to influence policymakers, and bringing up actions and continuous movement.

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