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Grand Fundamental Norm as the Ideal Regional Formation Norm: A Study on Indonesian Community Participation

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Abstract: The legal problem in this study is to present local wisdom that is relevant to Pancasila as the grand fundamental norm in the formation of laws and regulations by focusing the analytical study on meaningful participation. This study aims to analyze the grand fundamental norm as an ideal norm and meaningful participation in forming Regional Regulations based on the type of normative juridical research using a statutory and conceptual approach. The data used is secondary data with primary and secondary legal materials, which are processed by checking the completeness, clarity of meaning, suitability, and relevance to the substance of this study, then analyzed using qualitative juridical analysis methods, which are based on the work of juridical reasoning. The novelty of this study emphasizes local wisdom as the primary source and representation of the ideal Pancasila norm (grand fundamental norm) in forming regional regulations through the meaningful participation method. The first study's results show that the grand fundamental norm in forming regional regulations is necessary based on the Indonesian nation's philosophical and sociological values . Thus, Pancasila is the ideal basic norm for implementing Pancasila values , which can be institutionalized realistically in Regional Regulations in Indonesia. Second, the noble culture of the Indonesian nation is the benchmark for Regional Regulations with all the material content and principles in the formation of statutory regulations, namely the principles of justice and transparency with implementation efforts using interactive methods and models of community participation that focus on the form of deliberation to reach consensus. The hope is that this will give birth to participatory Regional Regulations.

Keywords :Grand Fundamental Norm; Regional Regulations; Community Participation

Abstrak: Legal problem dalam tulisan ini adalah menghadirkan local wisdom yang relevan dengan Pancasila sebagai grand fundamental norm dalam Pembentukan Peraturan Perundang-undangan, dengan menfokuskan kajian analisisnya pada meaningful participation. Tujuan penelitian ini adalah untuk menganalisis grand fundamental norm sebagai norma ideal dan meaningful participation dalam pembentukan Peraturan Daerah berdasarkan. Jenis penelitian yuridis normatif dengan pendekatan perundang-undangan (statute approach) dan pendekatan konseptual (conceptual approach). Data penelitian yang digunakan adalah data skunder dengan bahan hukum primer dan skunder yang diolah dengan melakukan pemeriksaan dari kelengkapan, kejelasan makna, kesesuaian, dan

relevansinya terhadap substansi penelitian ini, selanjutnya dianalisis dengan menggunakan metode analisis kualitatif yuridis yang bertitik tolak pada kerja penalaran yuridis. Novelty dalam tulisan ini menekankan pada Local Wisdom sebagai sumber utama dan representasi dari norma Pancasila (grand fundamental norm) yang ideal dalam pembentukan Peraturan Daerah melalui metode meaningful participation. Hasil penelitian pertama, grand fundamnetal norm sebagai norma dalam pembentukan Peraturan Daerah merupakan suatu keniscayaan yang bertumpu pada nilai filosofis dan nilai sosiologis bangsa Indonesia, sehingga Pancasila sebagai norma dasar yang ideal dalam mengimplementasikan nilai-nilai Pancasila yang dapat terlembagakan secara nyata dalam Peraturan Daerah di Indonesia. Kedua, budaya luhur bangsa Indonesia menjadi tolok ukur Peraturan Daerah dengan segala muatan materi dan asas dalam pembentukan peraturan perundang-undangan yaitu asas keadilan dan transparan dengan upaya implementasinya menggunakan metode dan model partisipasi masyarakat yang intraktif yang menitikberatkan pada bentuk musyawarah mencapai mufakat. Harapannya akan melahirkan Peraturan Daerah yang partisipatif.

Kata Kunci : Grand Fundamental Norm; Peraturan Daerah; Partisipasi Masyarakat

INTRODUCTION

Decentralization is the principle in the administration of local government given by the central government to carry out affairs and authorities that are the affairs of local government based on the principle of regional autonomy. This principle was effective after Indonesia entered the reform period. It is not only in the sector of performance burden and authority of local government but also concerning regional financial management as long as it does not deviate from the state financial management system and is managed transparently, accountably and professionally following the principles of local government administration. In addition to the principle of decentralization, there are also the principles of deconcentration and medebewind, or the task of assistance. Tasks of assistance are the authority given by the central government to local governments, which aims to increase effectiveness and efficiency in implementing and delivering public services in the Regional Government.¹

Furthermore, one of the implications of reform in Indonesia is that it impacts system changes from various sectors, one of which is the field of regional autonomy. The political existence of local governments that organize the government as broadly as possible based on Article 18 of the 1945 Constitution, including the system of direct Local Leaders Election and deputy regional heads by the community as an implementation of Article 1 paragraph (2) of the 1945 Constitution that sovereignty is in the hands of the community and is carried out by the Law. The implication of the community's sovereignty is realized in the democratic party at all levels of general elections based on direct, free, and Confidential principles.

The rise of regional autonomy is inseparable from the understanding that Indonesia's sovereignty does not belong to the highest authority but to the community. It lines with the

¹ Ryan Monoarfa, "PARTISIPASI PUBLIK DALAM PEMBENTUKAN PERATURAN DAERAH," *LEX ADMINISTRATUM* 1, Number 2 (9 November 2013), <https://ejournal.unsrat.ac.id/v3/index.php/administratum/article/view/3021>.

provisions contained in the Preamble of the 1945 Constitution of the Republic of Indonesia, which implies that the Indonesian State must have powerful intentions and efforts to enforce the rights of the community and realize their interests. In this regard, Bung Hatta explained that sovereignty is in the hands of the community as an implementation of the government that comes from the community, either in part or whole. Local governments that implement the sovereignty of the community through elections and the absorption of community's aspirations must align with the principles of substantive popular sovereignty.² Including the community's aspirations to form regional regulations as stipulated in Law Number 12 of 2011, Law Number 15 of 2019, and Law Number 13 of 2022 on the Second Amendment to Law Number 12 of 2012 on the Formation of Legislation.

Moreover, Law Number 13 of 2022 explicitly regulates the absorption of public aspirations through public participation in forming laws and regulations. Also, it regulates the mechanism of involvement of elements of society by providing input both orally and in writing in the context of preparing academic papers and drafts of regional regulations. The absorption of public aspirations and the right to express opinions are regulated in the Rules of Procedure of the House of Representatives/Regional House of Representatives. Law Number 23 Year 2014 on Regional Government encourages public participation in forming regional regulations and regional policies that affect the community's interests. The community's constitutional rights need to get the government's attention to realize absolute regional autonomy based on local wisdom. The mechanism for community participation is regulated in Article 354 of the Local Government Law.

Law Number 12 of 2011 on the Formation of Laws and Regulations has regulated the mechanism for conveying public aspirations, which is regulated in paragraph 1 to paragraph Article 96, which explains that the public has a constitutional right to participate in determining the material content of the direction of policy decisions and regulations through a predetermined mechanism. Public participation can be done orally or in writing through public hearings, public discussions, work visits, and socialization. The community participation model is carried out in groups or individuals who substantially have an interest in the rights and welfare of the community. Furthermore, paragraph 4 explains the ease with which the public can access information about government policies and draft local regulations that will be formed.

Then, the absorption of community aspirations in the planning of the formation of laws and regulations is not only in the process of the formation stages but also the values contained in the community must be a concern by the government formers to be stated in the philosophical foundation and sociological foundation of the academic paper of the draft Regional Regulation. The philosophical foundation is an elaboration of the noble values of the Indonesian nation reflected in the philosophy and ideology of the Indonesian nation, namely Pancasila and the content of the Regional Regulation regulations must not conflict

² "Cakrawala Otonomi Daerah / Sujamto | Perpustakaan Umum Kabupaten Tasikmalaya," diakses 11 Desember 2023, <https://perpus.tasikmalayakab.go.id/opac/detail-opac?id=3257>.

with the values contained in Pancasila as the content material for the formation of laws and regulations that reflect the values of protection, humanity, nationality, kinship, civility, *Bhinneka Tunggal Ika*, justice, equality in law and government, order and legal certainty, balance, harmony, and harmony. The position of Pancasila in the national legal system has strategic value, which functions as a source of value and a value guiding star for the existing hierarchy of legislation. Regarding the position and function of Pancasila as the Grand Fundamental Norm, Hans Kelsen's theory has juridical academic significance as the arrangement of norms in law and the chain of verification that forms the pyramid of legal order (*stufentheorie*).³ Hanks Nawiasky as a figure who continued Hans Kelsen's thinking developed a theory of the level of legal norms, Nawiaky's theory is called *theorie von stufenaufbau der rechtsordnung*. The theory includes: 1) the fundamental norm of the state (*Staats fundamental norm*); 2) the basic rules of the state (*staatsgrundgesetz*); 3) Formal law (*formell gesetz*); and 4) implementing regulations and autonomous regulations (*verordnung en autonome satzung*). The perspective of the Indonesian legal system Pancasila with this theory functions as *Staat Fundamental Norm*, the main foundation in forming legal products or fundamental law (*staatsverfassung*). *The Staats Fundamental Norm's* legal position is an absolute requirement for forming and enacting a constitution because it exists, and its birth precedes the state constitution.⁴ In the hierarchy of Indonesian law is the 1945 Constitution. The theory of Nawiaky and his teacher Kelsen, who gave birth to the theory of the legal hierarchy, by Attamimi contracted it in the legal system in Indonesia with the Indonesian legal system including 1) *Staats Fundamental Norm* Pancasila, which is contained in the Preamble of the 1945 Constitution. 2) *Staatsgrundgesetz* enshrined in the Body of the 1945 Constitution, *TAP MPR*, and Constitutional Convention. 3) *Formell gesetz*. Law. 4) *Verordnung en Autonome Satzung*, in the context of Indonesian law, starts from Government Regulations to Decrees of Regents and Mayors.

Furthermore, Notonagoro first said that Pancasila has a position and role as a *Staat Fundamental Norm*.⁵ Pancasila is seen as the ideal of law (*rechtsidee*) and the function of guiding values and filtering tools for all regulations made by state institutions. This position requires forming positive laws to accommodate the ideas in Pancasila. For example, divinity, humanity (human rights), justice, democracy, and national plurality can be used as a filter tool to test positive laws and other regulations. The establishment of Pancasila as the *Staat Fundamental Norm* in law formation, application, and implementation cannot be separated from the philosophical values of the Indonesian nation contained in Pancasila.⁶

The values of Pancasila are meant to be reflected in the Formation of Local Regulations by taking into account the culture that lives in the community (local wisdom) through the meaningful participation method. It is as long as the culture does not conflict

³ Hans Kelsen, *Pure Theory of Law* (University of California Press, 1967).

⁴ Attamimi, 289.

⁵ Notonagoro, "*Pembukaan Undang-Undang Dasar 1945 (Pokok Kaidah Fundamental Negara Indonesia)*" dalam *Pancasila Dasar Falsafah Negara* (Jakarta: Pantjuran Tudjuh, tanpa tahun).

⁶ Attamimi, *Peranan keputusan presiden Republik Indonesia dalam penyelenggaraan pemerintahan negara*, 309.

with the values of Pancasila and religious teachings in explaining the philosophical, sociological, and juridical foundations of the Academic Script of Local Regulations. Some previous studies on community participation in the formulation of local regulations focus on the normative form of community participation stated in the legislation. It does not significantly impact justice and community welfare, so it is necessary to formulate an ideal model of community participation based on the culture that lives in society according to the characteristics of each region. Furthermore, the birth of the amendment of Law Number 12 of 2011 to Law Number 13 of 2022 on the Formation of Legislation was motivated by reinforcement the involvement and meaningful participation of the community. Siti Hidayati states that there is no applicable guideline on community participation, thus its implementation has yet to run optimally.⁷

In drafting local regulations, local governments must base their decisions on the community's needs, not on the assumptions and tastes of the government itself. To give birth to local regulations and policies that are based on the principles of justice and benefit in order to realize maximum community service needs, good communication between the local government and the community is needed in establishing a policy in the form of local regulations that are responsive to the local culture (local wisdom) of the community as a reflection of Pancasila, so it is necessary for the author to juridically-academically conduct an in-depth study of the content of the formation of Participatory Local Regulations with the Grand Fundamental Norm with the title Grand Fundamental Norm as an Ideal Local Regulation Formation Norm: A Study of Indonesian Community Participation, which is substantively different in its reasoning from previous studies, it is hoped that through this research it is hoped that the Regional Government will have more options to produce regional regulations and policies that are based on the local culture of the community.

METHOD

The object of study is the identification and analysis of Pancasila values as the ideal grand design of community participation in the formation of local regulations in Indonesia and as an ideal norm in drafting local regulations based on local wisdom. Based on the object of study, normative juridical is the type of research, and statute and conceptual approaches⁸. Soejono Soekanto⁹ said normative legal research is research that comprehensively examines literature studies following the substance of the study. The statutory approach in normative research examines regulations or laws related to the legal issues under study, namely the legal norms contained in Law Number 13 of 2022 and Ministry of Home Affairs Regulation Number 80 of 2015 on the Formation of Regional Legal

⁷ Siti Hidayati, "PARTISIPASI MASYARAKAT DALAM PEMBENTUKAN UNDANG-UNDANG (STUDI PERBANDINGAN INDONESIA DENGAN AFRIKA SELATAN)," *Jurnal Bina Mulia Hukum* 3, Number 2 (11 Maret 2019): 224–41.

⁸ Johnny Ibrahim, "Teori dan metodologi penelitian hukum normatif," *Malang: Bayumedia Publishing* 57 (2006): 300.

⁹ Soerjono Soekanto, "Soerjono Soekanto dan Sri Mamudji, Penelitian Hukum Normatif Suatu Tinjauan Singkat" (Cet, 1985), 19.

Products.

The conceptual approach is studied through views and doctrines developed by the teachings of legal science to explore and find ideas related to legal studies. It also includes legal principles relevant to the juridical problems in this study,¹⁰ namely the grand fundamental norm as an ideal norm in the drafting of regional regulations based on local wisdom. The conceptual approach aims to provide juridical justification explanations from primary and secondary legal materials.

Primary legal materials in this study come from laws and regulations, including the 1945 Constitution, Law Number 12 of 2011, Law Number 15 of 2019, Law Number 13 of 2022, and Regulation of the Ministry of Home Affairs Number 80 of 2015 on Regional Legal Products. Meanwhile, secondary legal materials are legal materials that provide explanations of primary legal materials in the form of books, books, state documents, research reports, and scientific journals related to the substance of this study.¹¹ Legal materials are collected by reviewing relevant legal materials in order to be highly valid in this study. Legal materials are processed by examining the completeness, clarity of meaning, suitability, and relevance to the substance of this study, then analyzed by using the juridical qualitative analysis method, which starts from the work of juridical reasoning.¹² Analysis of legal material is the final step here before concluding. Analyzing it provided an accurate and correct conclusion of the research results.¹³

DISCUSSION

Grand Fundamental Norm as the Ideal Regional Formation Norm

The decentralization system in the Indonesian legal system is implemented equally in the principle of regional autonomy and various sectors of the regional government following the mandate of the 1945 Constitution. However, the implementation based on Didik Sukriono's review has positive and negative impacts. The positive impact is the increase of community's political awareness, especially during the general election and public policy formation process. Didik also said that regional autonomy and the democratic system cannot be separated. Both are the embryo of the birth of the spirit of community's involvement in determining the country's future.¹⁴ Even Suhariza argued that the democratic values developed by the community in the regions are part of the prerequisites for the birth of substantive democracy at the national level.¹⁵

¹⁰ Prof Dr Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi* (Prenada Media, 2017), 95.

¹¹ Soerjono Soekanto dan Sri Mamudji, "Penelitian Hukum Normatif", Jakarta: Rajawali, 1985, 52.

¹² "Filosofie van de rechtswetenschap - H.Ph. Visser 't Hooft | gedrukt boek | Bibliotheek.nl," diakses 11 Desember 2023, <https://www.bibliotheek.nl/catalogus/titel.863790712.html/filosofie-van-de-rechtswetenschap/>.

¹³ Jazim Hamidi, "Makna Dan Kedudukan Hukum Naskah Proklamasi 17 Agustus 1945 Dalam Sistem Ketatanegaraan Republik Indonesia," *Risalah Hukum*, 2006, 68–86.

¹⁴ Didik Sukriono, "Membela Desa dengan Desentralisasi dan Melawan desa dengan Demokratisasi," *Jurnal Yustika* 12, Number 2 (2009).

¹⁵ Suhariza Suhariza, "Penguatan Demokrasi Lokal Melalui Penghapusan Jabatan Wakil Kepala Daerah," *Jurnal*

Aristotle provides a great concept of the state that embodies good governance. Indeed, a good state is a state that has sovereignty over the law or a state governed by the Constitution. To realize a state that is sovereign and governed by the Constitution, Aristotle offers three significant concepts, namely¹⁶: a) The state is managed based on the interests of the community; b) The government system is managed based on the provisions of laws and regulations that are based on the interests of the community, not on the interests of specific individuals and groups; c) Negara The state with a constitution must be managed based on the will and interests of the community, not because of threats and coercion from the ruler (government).

Aristotle's elements for realizing a good and sovereign state are factually reflected in the state system developed in Indonesia: the Indonesian state is run based on the Constitution, legal sovereignty, and popular sovereignty. It is stated in Article 1 of the 1945 Constitution, paragraph (2), that sovereignty is in the hands of the community and implemented according to the Constitution, and paragraph (3), that the Indonesian state is a state of law.

The sovereignty of law and the sovereignty of the community are implemented in the regional autonomy and decentralization principle, in which the state consists of several regions. Each region and area in the concept of regional autonomy has the power and authority constitutionally recognized by the state to run the government system based on the principle of regional autonomy and the principle of decentralization. Thus, each regional government has the authority to form Regional Regulations that are juridically legalized by the constitution.

Legal substance in the development field is increasingly visible and plays a role as a tool to determine the order of life in society, nation and state. Therefore, it is necessary to determine the direction of responsive and equitable development following the constitution's mandate for the welfare of the community. Hasim Purba expressed the opinion that legal development should be a guardian in various development sectors so that it can produce certainty, justice and benefits for the community and legal order can be achieved.¹⁷ To ensure certainty and rule of law in the concept of a democratic-participatory state of law, there are primary characteristics that mark the principle of the rule of law proposed by Jutta Limbach.¹⁸ They are legal norms and other norms that are different; there is a relationship between the authority of the ruler and the regulations, and there are state institutions that have the authority to test legal norms contained in regulations (positive law) and government legal behaviour. In this case, the involvement of active community participation as stated in the constitution of the Unitary State of the Republic of Indonesia,

Konstitusi 7, Number 5 (2010): 093–112, <https://doi.org/10.31078/jk755>.

¹⁶ "Hukum Administrasi Negara - Ridwan HR," *Rajagrafindo Persada* (blog), 9–10, diakses 11 Desember 2023, <https://www.rajagrafindo.co.id/produk/hukum-administrasi-negara/>.

¹⁷ Hasim Purba, "Sinkronisasi dan Harmonisasi Sistem Hukum Nasional Bidang Pertambangan, Kehutanan, Pertanahan dan Lingkungan Hidup," *Jurnal Hukum Equality* 13, Number 2 (2008): 171.

¹⁸ Jutta Limbach, "The Concept of the Supremacy of the Constitution," *The Modern Law Review* 64, Number 1 (Januari 2001): 3, <https://doi.org/10.1111/1468-2230.00306>.

namely the 1945 Constitution, which requires the government to involve the community in the formation of laws and regulations both orally and in writing with a normative-judicial participation model contained in laws and regulations.¹⁹

Understanding the complex system of local government with the socio-cultural background of each region has given birth to various variants of local regulations that follow the social setting of the regional community. It follows the opinion of I Made Dedy Priyanto that the system developed by the regional government must be adapted to the local wisdom of each region so that the regulations formed follow the will of the community. If so, then national legal certainty and justice will be achieved.²⁰ Local Regulations are an integral part of the national legal system.²¹ Therefore, Regional Regulations must align with other laws and regulations at the same level as Regional Regulations and with the Law and other regulations.

Furthermore, one of the goals of the reformation in 1998 was to create responsive and just laws. This can be achieved if legal products follow society's values. These values have been manifested in the formulation of Pancasila as the source of all sources of law.²² Pancasila has a critical position in the Indonesian state system as an absolute reference in the life of the nation and state. It is in the social, political, legal, and religious fields of Indonesian society after being constitutionally established on August 18, 1945, by PPKI that Pancasila is the highest state foundation. Then, Pancasila is referred to as the Grand Fundamental Norm, which cannot be amended, deleted, or replaced with another system. The position and role of Pancasila as the Grand Fundamental Norm or *Staats Fundamental Norm* requires the formation of laws and regulations to explore the values that live in society, which is one of the sources of the birth of Pancasila. Also, Pancasila has an honorable position to test the substance of positive law, whether it conflicts with social values and norms and, most importantly, religious values or in line. It is the highlight of Indonesian legal experts that Pancasila has a very important value, and the philosophy of the Indonesian nation must be contained in the principles of legislation. However, the existence of Pancasila as the source of all sources of law does not guarantee certainty in the hierarchy of laws and regulations in Indonesia, considering that it has a vague order in reality. As stated in Article 7 of Law Number 12 of 2011, it means that Pancasila does not have an imperative element and binding power in the hierarchy of legislation in Indonesia. In principle, Pancasila was not born from a vacuum without any value. However, Pancasila was born and formulated thoughtfully in the investigation board for preparatory work for the independence of Indonesia called Badan Penyelidik Usaha Persiapan Kemerdekaan

¹⁹ Maria Farida Indrati, "Proses Pembentukan Peraturan Perundang-undangan Pasca Amandemen UUD 1945," *Majalah Hukum Nasional*, Number 1 (2005): 98.

²⁰ I. Priyanto, "Made Dedy. Kewenangan Gubernur dalam Pembatalan Perda Kabupaten Tabanan," *Jurnal Advokasi* 1, Number 1 (2011): 14.

²¹ Didik Sukriono, "Pembentukan dan Pengawasan Produk Hukum Daerah," *Jurnal Hukum Adil* 2, Number 2 (2011): 168.

²² Fais Yonas Bo'a, "Pancasila sebagai sumber hukum dalam sistem hukum nasional," *Jurnal Konstitusi* 15, Number 1 (2018): 28.

Indonesia (BPUPKI) trial with full arguments and value requirements. Socio-cultural, religious, and ideological arguments, as well as geographical reasons, when discussing the basis of the state. The tense and problematic atmosphere made Ir. Soekarno provides a comprehensive conceptual explanation that Pancasila, as the basis of the state and the basis of the state as a foundation, the fruit of deep thought, will later give birth to a great and sovereign state. Ir. Soekarno called it *Philosofische Grondslag* (the main foundation), *Weltanschauung*, or outlook on life, on which the building of the Indonesian state will be established, which rests on five main foundations.²³

Pancasila, as the source of all sources of law, has been stated by Sudikno Mertokusumo, in essence, as the place to find and explore wisdom values as a guide to legal behavior.²⁴ Thus, in the theoretical study, the source of law is known to be two, namely, the source of material law and the source of formal law. Pancasila is a source of material law because it is determined by the material content and values contained therein. According to Dani Pinasang, there are three substantive contents contained in the values of Pancasila, namely, (1) Pancasila has the philosophical value of the Indonesian nation; (2) Pancasila has a national legal identity, (3) Pancasila has formulated fundamental principles in the formation of laws and regulations, and does not determine orders, prohibitions, and sanctions.²⁵ All norms contained in Pancasila manifest the existence of the noble culture of the Indonesian community, so it is appropriate that public participation be urgent in the formation of laws and regulations.

Normatively, understanding the concept of community participation means community participation in monitoring, controlling, and influencing the activities of forming laws and regulations in real terms. It starts from the design to the evaluation of the implementation of laws and regulations, including local regulations, so that in practice, the concept of community participation is grouped into four categories, as follows²⁶: a) Participation as policy-This concept provides a view that community participation has an administrative, procedural, and consultative role for policymakers regarding the wishes and will of the community as the subject of local regulations; b) Participation as a strategy-this concept explains that public Participation is an effective strategy to gain public trust and objective assessment as well as real public support for the credibility of government policies formed for the benefit of the community itself; c) Participation as a communication tool-This concept explains the main role of Participation as a function of communication. Verbal communication between the government and the community will determine the direction of government policies contained in regional legal products, whether in the form of Regional Regulations, Governor / Regent / Mayor Regulations, or Regional Head Regulations; d)

²³ Saafroedin Bahar dkk., "Risalah sidang Badan Penyelidik Usaha-Usaha Persiapan Kemerdekaan Indonesia (BPUPKI), Panitia Persiapan Kemerdekaan Indonesia (PPKI), 29 Mei 1945-19 Agustus 1945," (*No Title*), 1995, <https://cir.nii.ac.jp/crid/1130282271855377792>.

²⁴ Sudikno Mertokusomo, *Mengenal Hukum*, Edisi Revisi, Yogyakarta: Cahaya Atma Pustaka, 2010, hlm.107

²⁵ Sudikno Mertokusomo, *Mengenal Hukum*, Edisi Revisi (Yogyakarta: Cahaya Atma Pustaka, 2010), 107.

²⁶ Hendra Karianga, *Partisipasi Masyarakat Dalam Pengelolaan Keuangan Daerah Perspektif Hukum dan Demokrasi* (Bandung: Alumni, 2011), 48.

Participation as a dispute resolution tool—This concept explains that Participation is a medium for resolving national issues concerning tolerance, inter-ethnic conflicts, and chaos that occurs in society.

Community participation in forming laws and regulations has been emphasized through amendments to Law Number 12 of 2011, namely Law Number 13 of 2022. It is also juridically normative in the Law on Regional Government Number 23 of 2014. Also, Regulation of the Ministry of Home Affairs Number 80 of 2015 on Regional Legal Products, so that the substance of community participation can harmonize in the form of norms, substance and institutionally can synergize with legislation that has been initiated by regulation-forming institutions and law-forming institutions with the spirit of Pancasila as the grand fundamental norm or *staats* fundamental norm. The placement of Pancasila as a ground fundamental norm functions as a legal ideal (*rechtsidee*) and, at the same time, as a value guide to the formation of formal regulations or non-formal interpretations by state institutions or law-forming institutions.

Indonesian constitutional law experts affirm Hans Nawiasky's view of the hierarchy of norms. So the concept of *Staat Fundamental Norm* or Grand Fundamental Norm is based on Pancasila as the foundation of law, extracting the primary value of legal norms or as a source of law even though Pancasila is not part of the pyramid of the order of regulations. However, philosophically, the value of the norms contained in Pancasila has been manifested in the content of legislation, including Pancasila's legal norms manifested in the preamble, articles, and paragraphs of the 1945 Constitution, whose preamble is the formulation of Pancasila. Thus, Pancasila is the fundamental norm in forming regulations whose position philosophically is at the top of the pyramid of legal norms, so Pancasila is crowned as the source value of legal order.²⁷

The existence of Pancasila as a value and source of law, according to Roeslan Saleh, means that Pancasila has a position as an ideology of Indonesian law, a collection of values of legislation in Indonesia, as the principles of law in Indonesia, and Pancasila as the identity of the Indonesian nation, so that laws and regulations should not conflict with the noble values of the Indonesian nation, including in exploring the aspirations of the community through scientific, community activities carried out by officials making laws and regulations.²⁸ The importance of the community participation model is based on the grand fundamental norm so that laws and regulations, specifically local regulations, are participatory to the community's needs.

Meaningful Participation in Local Regulation Formation Based on Local Wisdom

Understanding the formation and preparation of Local Regulations juridically must contain the content and principles of regional autonomy in an implementable manner based

²⁷ Fais Yonas Bo'a, "Pancasila Sebagai Sumber Hukum Dalam Sistem Hukum Nasional," *Jurnal Konstitusi* 15, Number 1 (29 Maret 2018): 34, <https://doi.org/10.31078/jk1512>.

²⁸ Bo'a, 35.

on the principles of democracy. So, it is necessary to form local regulations to run a sovereign local government system based on the principle of decentralization. The formation of the Regional Regulation follows the mandate of the Law on the Formation of Legislation contained in Article 7 on the order of laws and regulations, the Regulation of the Ministry of Home Affairs (*Permendagri*) concerning regional legal products Article 3 that the form of regulation referred to in article 2 is regional so that the system and mechanism are explained in detail following the principles and content of the Formation of Regional Regulations.

The formation of Regional Regulations juridically-normatively involves two formal institutions in the structure of local government: the executive realm, the regional head, and the legislative realm, the Regional Community's Representative Council (DPRD). It follows what is stated in Article 207, paragraphs (1) and (2) of Law Number 23 of 2014 concerning Regional Government, which states that the Regional Head and DPRD have a working relationship based on an equal partnership.²⁹ One of the five forms of equal partnership is realized through mutual agreement in forming Regional Regulations. Suppose there is yet to be an agreement on forming regional regulations. In that case, regional regulations will not be completed, so it is necessary to establish regulations regarding the relationship between the authority of the regional head and the Local Community's Representative Council (DPRD), which are pro-community in forming regional legal products. Local Regulations are formed based on transparent and fair principles for the benefit of the community, so community involvement is needed as a control power for the birth of participatory local regulations, especially at the level of regional legal products, in constitutional terms referred to as community participation.

Public participation in juridical literature is interpreted as political participation. According to Huntinton and Nelson, it is interpreted as a civil activity (private citizen) that aims to determine the direction of government policy and decision making in the formation of regulations. Community participation and involvement in policy-making by the government, as contained in laws and regulations, has an impact on public policy, from drafting to determining these regulations so that it can create peace. Every citizen feels that their rights and obligations are guaranteed and protected constitutionally, as stated by Bagir Manan in Iza Rumestem R. S.³⁰ that community involvement in determining the direction of government policies and decisions in the national context is characterized by polite, friendly political freedom that creates a sense of peace for citizens because the constitution mandates that every person is guaranteed security and safety by the state.

Concerning community participation, Law Number 13 of 2022 and Permendagri Number 80 of 2015 need to explain the community participation model in detail, so the ideal model for implementing community involvement in the formation of local regulations

²⁹ Praptanugraha Praptanugraha, "Partisipasi Masyarakat Dalam Pembentukan Peraturan Daerah," *Jurnal Hukum IUS QUIA IUSTUM* 15, Number 3 (2008): 459–73, <https://doi.org/10.20885/iustum.vol15.iss3.art6>.

³⁰ Iza Rumeste Rs, "MODEL IDEAL PARTISIPASI MASYARAKAT DALAM PEMBENTUKAN PERATURAN DAERAH," *Jurnal Dinamika Hukum* 12, Number 1 (15 Januari 2012): 138, <https://doi.org/10.20884/1.jdh.2012.12.1.111>.

varies according to the models and forms developed in each region. The juridical form of community participation is contained in Article 96, paragraph (6) of Law Number 13 of 2022, as follows: (6) To fulfill the rights as referred to in paragraph (1), the legislator may conduct public consultation activities through: a. public hearing; b. working visit; c. workshops, dissertations; and/or d. other public consultation activities.

Article 354 of the Local Government Law encourages and facilitates the community to be constitutionally involved in conveying their aspirations in formulating draft local regulations and regional policy directions based on the principles and principles of regional autonomy, whose material content regulates the interests and constitutional rights of the community. The rules of the Regional House of Representatives regulate the mechanism. Thus, the involvement of community groups following the substance of the material content prepared based on the annual work program of regional legislation called Prolegda in preparing local regulations must be regulated clearly and in detail, especially in representing community groups involved.

The principle of regional autonomy implemented by the Regional Government must be based on the principle of decentralization, the principle of deconcentration, and the principle of *medebewind* (co-administration), so the Regional Government encourages the involvement of community groups in various sectors, especially in the sector of regional development and the formation of Regional Regulations. This involvement is referred to as community participation. Normatively-juridically, community participation must have a strategy to convey and channel aspirations, thoughts, and community participation both orally and in writing related to the direction of local government policies related to the interests, justice, and welfare of the community in local government administration.³¹

Active community involvement in various sectors of regional governance development, including in the legal development sector, impacts equitable and sustainable governance. Equitable legal development begins with the participation of community groups in the preparation of regional legislation programs, which leads to government policy-making in the form of decisions and regulations that are not only carried out as a formality at every stage so that there is a common perception between the wishes of the community and government policies contained in regional regulations.

To maximize community participation in the formation of local regulations actively, there are three access models (three access) of community participation proposed by M. Riawan Tjandra and Kresno Budi Sudarsono namely first, access to information - information disclosure is the main door in governance towards good governance, the implementation of this information access has two types, namely active and passive. Active is not only getting information but also being actively involved in the preparation of local government policy directions, while passively only getting information and needing more room to actively participate in expressing views and thoughts in the direction of policies in local government administration. Second, access to public participation in decision-making - the constitutional

³¹ Pasal 1 ayat (41) UU Nomor 23 Tahun 2014 tentang Pemerintahan Daerah

right of the community to influence government policy and decision-making, both in the government's work plans and programs contained in the RPJP and RPJM. Third, access to justice - information disclosure and the adequacy of public facilities can equally realize equitable development for the community following the principles of clean governance and the principle of regional autonomy. Community involvement is carried out with openness and transparency.³²

Regarding the provision of information for the community in the formation of local regulations, the local government encourages community participation, as stated in 354 of Law Number 23 of 2014, in which the local government conveys information about the implementation of local government to the community. Information is related to policies and determinations on the welfare of the community. Then, the local government also motivates community groups and organizations to play an active role in supporting government activities and developing sustainable community organizations by effectively following the provisions of laws and regulations.

The substance of the fourth principle of Pancasila can be comprehensively implemented in the administration of the government. The principle of wise leadership in deliberation to determine the model of community representation in policy-making and government decisions must be a serious concern. The principle of populism is understood in democracy by the community, from the community, and for the community. Regarding the principle of populism, the local government must be organized in the spirit of populism in the local area based on the aspirations and interests of the community by considering the cultural principles of the local community.³³ A society led by the principle of wisdom and prudence must be based on democratic principles based on local wisdom. The direction of policies, decisions, and regulations will be based on justice, welfare, and peace for the community.³⁴ Musyawarah manifests the principle of direct democracy that prioritizes common interests to achieve consensus and peace. The implementation of the democratic system in local government is carried out by directly electing regional heads (Governors, Regents, and Mayors), including village head elections in the village government system. There is also a democratic system with representatives, such as in DPRD elections. The aim is to realize the ideal Regional Government by building synergy between the central and local governments to create unity in the state.³⁵

The principle of openness in forming local regulations is one of the essential principles so that the public understands and knows the local government's plan in

³² Rs, "MODEL IDEAL PARTISIPASI MASYARAKAT DALAM PEMBENTUKAN PERATURAN DAERAH," 138.

³³ Syarif Hidayat, "Desentralisasi Dan Otonomi Daerah Dalam Perspektif State-Society Relation," *Jurnal Poelitik* 1, Number 1 (2008): 4, https://www.academia.edu/download/36392147/poelitik_v1n12008_SHidayat.pdf.

³⁴ Wasisto Raharjo Jati, "Inkonsistensi Paradigma Otonomi Daerah Di Indonesia: Dilema Sentralisasi Atau Desentralisasi," *Jurnal Konstitusi* 9, Number 4 (2012): 748, <https://doi.org/10.31078/jk947>.

³⁵ Marten Bunga, "MODEL PEMBENTUKAN PERATURAN DAERAH YANG IDEAL DALAM PENYELENGGARAAN OTONOMI DAERAH," *Jurnal Hukum & Pembangunan* 49, Number 4 (30 Desember 2019): 819, <https://doi.org/10.21143/jhp.vol49.no4.2342>.

formulating draft local regulations (Raperda), and public information disclosure is a must.³⁶ For information disclosure for the community, community organizations, academics, and practical communities must be actively involved in forming local regulations, both orally and in writing, following statutory regulations. The substance of open information to the public provides information about plans to establish a policy in the form of local regulations so that the community can provide input as a consideration for the government in setting policies. In the process, the transparent principle must eliminate the boundaries between government and non-government.³⁷

The principle of openness is part of an effort to involve the community in determining government policies in various sectors of regional development, specifically in the formation of regional regulations, so that Law Number 23 of 2015 on regional government contains a particular chapter on community participation, namely in chapter XIV in article 354 paragraph (3) that community involvement in the current era of information disclosure must be genuinely involved in all sectors of development, including the field of legal development by providing suggestions, input both orally and in writing in planning, budgeting, implementing, monitoring and evaluating sustainable and equitable regional development, including in the sector of regional asset management and public services. To achieve the principle of community participation, steps and strategies are taken through public consultation, deliberation, partnership, delivery of aspirations, supervision, and other involvement following the provisions of laws and regulations.

Policy directions, decisions, and regulations are not made in a vacuum; instead, existence is integrated with the dynamics of community life and all its complexities. It means that the community that is the object of a regulation faces various limitations in accepting the existence of the regulation, so there is a need for active community involvement. A regulation that is made unilaterally will create disharmony between the community and the government or between the executive government and the regional legislature, hence the importance of the principle of openness and, most notably, the principle of a sense of justice in society. It is important that community participation is involved in forming local regulations democratically. Responsive legal products can only be achieved by implementing participatory democratic principles.³⁸

Law Number 13 of 2022 on the Formation of Legislation contains a chapter on public participation contained in Article 96 with nine paragraphs explaining the model of public participation, that the public is actively involved-professionally-proportionally in

³⁶ Jazim Hamidi, "Paradigma Baru Pembentukan Dan Analisis Peraturan Daerah (Studi Atas Perda Pelayanan Publik Dan Perda Keterbukaan Informasi Publik)," *Jurnal Hukum IUS QUIA IUSTUM* 18, Number 3 (2 Agustus 2011): 359, <https://doi.org/10.20885/iustum.vol18.iss3.art3>.

³⁷ Shinta Tomuka, "Penerapan Prinsip-prinsip good governance dalam pelayanan publik di Kecamatan Girian Kota Bitung," *Jurnal eksekutif* 2, Number 1 (2013): 11, <https://www.academia.edu/download/35246739/2581-4723-1-SM.pdf>.

³⁸ Alan Bayu Aji dan Irawan Randikaparsa, "ANALISIS YURIDIS PARTISIPASI MASYARAKAT DALAM PENYUSUNAN PROGRAM PEMBENTUKAN PERATURAN DAERAH," *J-LEE-Journal of Law, English, and Economics* 2, Number 01 (2020): 64–65.

determining the direction of policy decisions and regulations made by the government through mechanisms determined by applicable regulations, in this case, the Law. Community participation has been determined directly and indirectly. Direct delivery is done orally in front of the discussion session of the legislation or indirectly, namely, through the written method. Oral and written methods can be delivered through public hearings, work visits, socialization, seminars, and public discussions, so every draft legislation must be easily accessible to the public through social media, websites, billboards, and regional community's representatives when visiting the community.

Concerning community participation, the Ministry of Home Affairs also made regulations related to community involvement in the regional policy-making process as stated in Chapter XIV Community Participation in Article 166 of the Ministry of Home Affairs Regulation Number 80 of 2015 on Regional Legal Products with four paragraphs. There are similar terms with Law Number 13 of 2022 on the forms of community involvement in forming regional regulations; namely, the community has the right to provide oral and / or written input in forming Regional Regulations. Such participation is carried out through meetings with public opinion, working visits, socialization and seminars, workshops and/or discussions, and other public consultation activities.

Based on the description above, the applicative model offered by the government in involving the community in the formation of laws and regulations in the juridical review does not clearly explain the ideal model of community participation, so there are differences in each Local Government in involving the community in the formation of the region, so there are often scientific studies highlighting the ideal model of community participation following the local wisdom of each region. Hebermas³⁹ said that the community must play an active role in determining the direction of policies, decisions, and regulations that favor the interests of the community through political debates in civil society, not only with policymakers together with representatives of the community who determine the direction of government policy but also together with the community in making joint decisions.

Furthermore, Bambang Sugiono and Ahmad Husni M.D. explained that community participation in making policy directions, decisions, and government regulations aims to oversee the performance of the government or public office holders in making public policy, especially representatives of the community in the legislature. Furthermore, social control carried out by the community impacts the sustainability of equitable development. Prosperity for the community can be guaranteed following the mandate of the fifth principle of Pancasila by realizing justice for all community of Indonesian.⁴⁰

The forms and models of community involvement in the formation of laws and regulations contained in the Law on the Formation of Laws and Regulations, the Law on Local Government, and the Regulation of the Ministry of Home Affairs have different impacts on community groups, resulting in social control that has an impact on the

³⁹ Rs, "MODEL IDEAL PARTISIPASI MASYARAKAT DALAM PEMBENTUKAN PERATURAN DAERAH," 140.

⁴⁰ Rs, 139.

decisions and policies of stakeholders in determining the direction of Local Government development. Therefore, it is necessary to systematically formulate a model of community participation contained in several juridical regulations to avoid causing different perceptions among legislators to implement it, as stated by Rival G. Ahmad⁴¹ who assesses the level of community participation in three degrees. The determination of the degree is motivated by the approach model taken and the barometer of the role of the community in the stages of forming policy directions, decisions, and regulations planned by the government.

Legislation products, both at the Law and Regional Regulation levels, often do not position the community as they should. However, it is evident in several regulations that community participation as the object of national and regional legal products still needs to be directly involved in forming legislation at the central and regional levels.

Highlighting this problem, Eka N.A.M Sihombing,⁴² First, the preparation of the program for the formation of laws and regulations, especially local regulations, has not been based on a priority scale; second, the program for the formation of local regulations only contains a list of titles of draft local regulations without being based on in-depth studies as outlined in the description, explanation and academic paper of the draft local regulations. Therefore, normative and empirical legality must be referred to when preparing policy directions, decisions, and local government regulations, namely, philosophical aspects emphasizing legal ideals, values, and benefits. Sociological aspects describe the value of social life with ethnic, cultural, and educational backgrounds, as well as juridical aspects, examining aspects of existing regulations vertically and horizontally. The political aspect becomes urgent in the implementation of governance policies.⁴³

Mahfud MD explains that forming aspirational and participatory policies, decisions, and regulations has two meanings: process and substance. The process is a mechanism in the formation of laws and regulations that must be carried out transparently so that it is expected that the aspirations of the community can participate in providing input in regulating a problem. Meanwhile, the substance is that the material to be regulated must be aimed at the interests of the community at large to produce a law that is democratic, aspirational, and has character.⁴⁴

According to Joko Riskiyono, the content material will favor the community's interests by understanding the importance of community's aspirations. The existence of misappropriation of content material aimed at the interests of the community means denying the nature of the existence of laws in society. The enactment of laws that are not in favor of the public interest will be dangerous for the continuity of the life order of the wider community. The idea of realizing laws prioritizing the public interest requires an

⁴¹ Rival Gulam Ahmad, "Dari Parlemen ke Ruang Publik: Menggagas Penyusunan Peraturan Partisipatif," *Jurnal Jentera* 2 (2003).

⁴² Hasim Purba, "Sinkronisasi dan Harmonisasi Sistem Hukum Nasional Bidang Pertambangan, Kehutanan, Pertanahan dan Lingkungan Hidup," *Jurnal Hukum Equality* 13, Number 2 (2008).

⁴³ Aji dan Randikaparsa, "ANALISIS YURIDIS PARTISIPASI MASYARAKAT DALAM PENYUSUNAN PROGRAM PEMBENTUKAN PERATURAN DAERAH," 64.

⁴⁴ Aji dan Randikaparsa, 66.

autonomous and independent legislature.⁴⁵

Based on the analysis of the first problem description in this study, the community participation model contained in several regulations, juridically-normatively, can be used as a guideline for community involvement in forming Local Regulations. However, it is necessary to formulate an applicative and systematic form of participation to facilitate policymakers, primarily regional legislators, in implementing it. The following model of community participation is contained in the laws and regulations:

Juridical Review of the Community Participation Model in the Formation of Local Regulations		
Law Number 13/2022	Law Number 23/2014	Permendagri Number 80/2015
- public hearing	- public consultation	- public hearing
- working visit	- <i>musyawarah</i>	- working visit
- workshops, dissertations; and/or	- partnership	- socialization
- other public consultation activities	- aspiration delivery	- workshops, dissertations; and/or
	- supervision	
	- other involvement in accordance with the provisions of laws and regulations	

Source: The Related laws and regulations, processed in 2024

The absorption of community aspirations is not only related to the formation of laws and regulations but also other fields, such as the field of development, preparation of regional budgets, preparation of regional work programs, so that the public participation model contained in Law Number 23 of 2014 is general, and different from Law Number 12 of 2011 and Permendagri Number 80 of 2015 which are specific to the formation of legal products, both national and regional scales.

Community participation is a necessity for a country that adheres to the principles of legal sovereignty and popular sovereignty with a system of separation of powers so that regulations made are not arbitrary by the authorities, especially in the field of law enforcement, so that legal objectives can be achieved in accordance with the principles of justice, certainty, and legal benefits. It is responding to the problems that occur in the dynamics of community participation in forming Regional Regulations. As stated by Sirajuddin, there are three factors behind the ineffectiveness of community participation in the formation of laws and regulations: community factors, juridical factors, and *bureaucratic*

⁴⁵ Joko Riskiyono, "PARTISIPASI MASYARAKAT DALAM PEMBENTUKAN PERUNDANG-UNDANGAN UNTUK MEWUJUDKAN KESEJAHTERAAN," *Aspirasi: Jurnal Masalah-masalah Sosial* 6, Number 2 (30 Desember 2015): 159–76, <https://doi.org/10.46807/aspirasi.v6i2.511>.

factors.⁴⁶

The three factors that influence the ineffectiveness of public participation in forming laws and regulations above are related to the need for more understanding of the philosophical values contained in Pancasila as the grand fundamental norm. Understanding Pancasila as the real foundation in the concept of nation and state with the noble values contained therein has been manifested in the culture of the pluralistic and civilized Indonesian nation, so it is not demanding, of course, every policy direction, decision and regulation that is planned and compiled must rest on the noble values of the Indonesian nation which are manifested in the traditions/culture of Indonesian society every day. Community's representatives need to explore their aspirations as outlined in the law so that community feel protected, safe, and peaceful in society and the state.⁴⁷

Generating policy directions, decisions, and regulations requires studies that are not only normative studies, but also empirical studies, as suggested by Brenda Dubois and Karla Kongsrud Miley by offering several methods that can be carried out by policymakers in increasing community participation in planning to socialize the formation of policy directions, decisions and regulations, both at the state and local government levels, namely harmonious relations between the government and the community - the government can respect the rights of the community by reflecting empathetic responses by policymakers (bureaucracy), and still appreciate the differences in cultural characteristics in each community group. Next, build elegant communication between the bureaucracy and the community while respecting differences and appreciating the dignity of each community member. Then, the government is present as a mediator in solving social problems the community faces while still respecting the community's constitutional rights. Moreover, the last method is that the government can reflect the attitudes and values of the code of ethics of office with the principles of good governance with community participation in every stage of the formation of policy direction decisions and regulations made by the local government.⁴⁸

The forms and models of public participation formulated in the laws and regulations generally give the public the right to provide input orally and/or in writing in four forms of obtaining public aspirations, namely public hearings, working visits by representatives of the community, socialization of draft Regional Regulations, and seminars, workshops, and/or public discussions. However, in its implementation, there are still obstacles and problems in the field, especially in understanding the concept of community or community organization. Furthermore, Maria Farida Indrati S expressed an opinion on the concept of community in

⁴⁶ Fatkhurohman Sirajuddin dan Legislative Drafting Zulkarnain, "Pelebagaan Metode Parsitipatif dalam Pembentukan Peraturan Perundang-undangan," *Trans Publishing Malang*, 2007, 14.

⁴⁷ Delfina Gusman, "MODEL PARTISIPASI MASYARAKAT DALAM PEMBENTUKAN PERATURAN DAERAH SEBAGAI PERWUJUDAN DEMOKRASI SUBSTANTIF," *UNES Law Review* 5, Number 3 (8 Maret 2023): 847-62, <https://doi.org/10.31933/unesrev.v5i3.425>.

⁴⁸ Edi Suharto, "Analisis kebijakan publik: panduan praktis mengkaji masalah dan kebijakan sosial," 2015, 68.

community participation, interpreted as a community that is vulnerable to regulation.⁴⁹ Community who are aware of the law will understand the pattern and character of the law, which essentially originates from social interaction so that the legal treasures in this modern era are strongly influenced by Hans Kelsen's legal theory of the basic norm (grand norm) and the hierarchical order of legal norms. Hans Kelsen argued that the validity of norms is not obtained from other norms with a higher hierarchy but from the basic norms that give birth to the legal system. The basic norm becomes the foundation of other legal norms, so the basic concept of Kelsen's legal norms continued by his student Hans Nawiasky with the term *Staat Fundamental Norm* can be used as a reference of legal norms as the highest norm.⁵⁰

The model of community participation, as stated in the legislation, can be maximized by being guided by the Pancasila value system and local wisdom of the local community so that the legal ideals of Pancasila and the moral ideals of the Indonesian community gain juridical legitimacy as a nation that upholds the noble values of a civilized nation. The implementation and efforts of the community participation model must be based on Pancasila as a guideline for the life of the Indonesian community and be able to be translated into the implementation of an ideal model of community participation in the preparation of policy directions, decisions and local regulations starting from the preparation of academic papers, drafting to the evaluation stage, so that the formation is following the expectations of the wider community.

CONCLUSION

In conclusion, the grand fundamental norm as a norm in the formation of Local Regulations is a necessity that rests on the philosophical values and sociological values of the diverse Indonesian nation. Thus, Pancasila as a fundamental norm in the formation of Local Regulations in Indonesia is an ideal model for implementing the abstract values of Pancasila can be institutionalized in real terms in regional sheets. It means that the legal norms contained in the Pancasila values become the spirit in the formation of policy directions, decisions, and local regulations in Indonesia with methods and models of interactive community participation (meaningful participation), which emphasizes the form of deliberation to reach consensus to achieve justice and legal certainty for the community, as stated in the preamble of the 1945 Constitution by realizing justice for all Indonesian community.

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⁴⁹ Maria Farida Indrati S, *Ilmu Perundang-Undangan* (Yogyakarta: Kanisius, 2007), 262.

⁵⁰ Indrati S, *Ilmu Perundang-Undangan*, 46.

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