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The Influence of The Phrase 'Online' on the Fulfillment of Public Participation in the Formation of Laws Through the DPR Legislative Information System

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Abstract: Objective: This research aims to analyze the influence of the phrase 'Online' on the fulfillment of Public Participation in Law Formation through the DPR's legislative information system. This research uses a normative legal research approach which includes legislative, conceptual and historical approaches. **Method**: The data collection approach in this research is library research. The data obtained is then processed through three stages, namely data reduction, data presentation, and drawing conclusions. **Results**: Research findings show that the term 'online' in article 96 of Law Number 13 of 2022 requires the DPR to be able to assist in implementing community involvement, one of which is through sileg. Apart from that, based on the provisions of Secretary General Number 13 of 2020 and the parliamentary website guidelines that have been prepared by the IPU, improvements and developments need to be made in the implementation of Sileg. **Novelty**: The novelty of this research comes from the research object, namely the formation of laws through the DPR Legislative Information System in the context of the influence of the phrase 'Online' on the fulfillment of community participation. Conclusion: Adequate information in Sileg at all stages of law formation can facilitate and encourage public participation in providing input on each bill that is being discussed and/or will be discussed in the DPR. The ideal implementation of sileg is as an online medium for people to carry out more meaningful community activities.

Keywords: Copyright; Illegal Procurement; Audio Watermarking; Digital Platforms

Abstrak: Tujuan: Penelitian ini bertujuan untuk menganalisis pengaruh frasa 'Online' terhadap pemenuhan Partisipasi Masyarakat dalam Pembentukan Undang-Undang melalui sistem informasi legislatif DPR. Penelitian ini menggunakan pendekatan penelitian hukum normatif yang meliputi pendekatan legislasi, konseptual, dan historis. **Metode**: Pendekatan pengumpulan data pada penelitian ini adalah penelitian kepustakaan. Data yang diperoleh selanjutnya diolah melalui tiga tahap yaitu reduksi data, penyajian data, dan penarikan kesimpulan. **Hasil**: Temuan penelitian menunjukkan bahwa istilah 'online' dalam pasal 96 Undang-Undang Nomor 13 Tahun 2022 mengharuskan DPR untuk dapat membantu pelaksanaan pelibatan masyarakat, salah satunya melalui sileg. Selain itu, berdasarkan ketentuan Sekjen Nomor 13 Tahun 2020 dan pedoman situs parlemen yang telah disusun IPU,

perlu dilakukan perbaikan dan pengembangan dalam pelaksanaan Sileg. **Novelty**: Kebaharuan penelitian ini yakni dari obyek penelitiannya yakni pembentukan Undang-Undang Melalui Sistem Informasi Legislatif DPR dalam konteks pengaruh Frase 'Online' terhadap Pemenuhan artisipasi Masyarakat. **Conclusion**: Informasi yang memadai dalam Sileg pada seluruh tahapan pembentukan undang-undang dapat memfasilitasi dan mendorong partisipasi masyarakat dalam memberikan masukan terhadap setiap RUU yang sedang dibahas dan/atau akan dibahas di DPR. Penyelenggaraan sileg yang ideal adalah sebagai media online bagi masyarakat untuk melakukan aktivitas kemasyarakatan yang lebih bermakna.

Kata Kunci: Hak Cipta; Pengadaan Ilegal; Tanda Air Audio; Platform Digital

INTRODUCTION

Public participation in the legislative process is crucial as it ensures that laws reflect the needs and aspirations of the people. When the public is involved, they can provide input, criticise and oversee the policy-making process, resulting in more responsive and accountable policies. It also increases the transparency and legitimacy of the legislative process, and builds public trust in the government.

The principle of democracy emphasises the active participation of the public in decision-making processes, including in the formation of laws. Community involvement can improve the quality and legitimacy of laws because people play a direct role in voicing their needs and views. By involving the public, policymakers can understand various perspectives and identify the potential impacts of the laws to be implemented. This process ensures that laws are not simply produced by a small group of elites, but are the result of broad consultations that reflect the interests and will of the people. As a result, the resulting laws are more relevant, effective and have broad support, ultimately strengthening the foundations of democracy itself.

Community participation is important in the implementation of a democratic state. In this case, Robert A. Dahl is of the view that the main characteristic of democracy is a sustainable response from the government to the preferences of its people who are considered politically equal ¹.

In this case, Lothar Gundling claimed that community involvement has an important importance in an effort to democratize decision-making². Furthermore, regarding community participation, Mas Achmad Santosa believes that participatory public decision-making is useful so that these decisions properly reflect the needs, preferences, and interests of society as a whole ³. In terms of definition, community participation is not only seen as a formal procedure that becomes a channel for community aspirations. However, community

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¹ Robert A Dahl, *Polyarchy: Participation and Opposition* (Yale university press, 2008).

² Josua Satria Collins, "Perwujudan Meaningful Participation Dalam Proses Legislasi Melalui Revisi Kedua Undang-Undang Nomor 12 Tahun 2011," *Volume 12 Nomor 2, September 2022*, 2022, 14.

³ Collins.

participation is defined as the active involvement of the community in decision making 4.

Changes to the regulation of public participation as stipulated in Article 96 of Law Number 13 of 2022, provide a new color in the regulation regarding public participation in the formation of statutory regulations. The most striking regulatory change is that input provided by the public can be done online. Not only from the perspective of the public who can provide input online, but also from the perspective of legislators who must be ready to facilitate changes to these regulations.

Apart from that, in Law Number 13 of 2022, there is an affirmation that providing input on the formation of laws and regulations is the right of the community. Apart from that, it also regulates matters addressed to makers of legislative regulations, such as informing the public about the formation of a statutory regulation. Regarding the addition of the phrase 'online', it can be said that the legislators have prepared two platforms for the public, namely a forum for offline participation and a forum for online participation.

In connection with the formation of laws and regulations and changes to regulations regarding community participation, this article will discuss and analyze community participation, especially regarding the formation of laws which are carried out through a system owned and managed by the People's Representative Council of the Republic of Indonesia (hereinafter referred to as the DPR) which referred to as the Legislative Information System (hereinafter referred to as Sileg).

It is known that currently the DPR as a legislative institution has an official parliamentary website, namely www.dpr.go.id, which was created as an effort to provide options for the public to obtain information, one of which is related to legislative activities. Legislative activities presented on the official website include the formation of laws contained on the Sileg page.

The term Sileg appears in the 2014-2019 DPR RI Reform Implementation Blueprint document, as one of the applications developed at the DPR. In this document, Sileg is mentioned as an information medium regarding the preparation of the Draft Law (hereinafter referred to as the Bill) and to inform the public about the legislative process completely and easily 5.

In Sileg there is a feedback feature 'Convey Your Participation' which is in the Medium Term Prolegnas and Priority Prolegnas submenu. In this feature, every member of the public can convey their participation online in legislative activities in the DPR, namely related to the formation of laws. The public can convey their participation by first entering personal data

⁴ M Nurul Fajri, "Legitimacy of Public Participation in the Establishment of Law in Indonesia: Legitimasi Partisipasi Masyarakat Dalam Pembentukan Undang-Undang Di Indonesia," Jurnal Konstitusi 20, no. 1 (2023): 123-43.

⁵ Dewan Perwakilan Rakyat Dewan Perwakilan Rakyat Republik Indonesia and Republik Indonesia, "Ringkasan Laporan Kinerja DPR RI Tahun Sidang 2020-2021 14 Agustus 2020-15 Agustus 2021: DPR Hebat Bersama Rakyat" (Dewan Perwakilan Rakyat Republik Indonesia, 2021); Dewan Perwakilan Rakyat Dewan Perwakilan Rakyat Republik Indonesia and Republik Indonesia, "Blue Print Implementasi Reformasi DPR RI 2014-2019" (Sekretariat Jenderal dan Badan Keahlian DPR RI, 2017).

such as name and email address. Then, from public participation in Sileg, the public can receive feedback from Sileg via an account in the name of certain Council Equipment (hereinafter referred to as AKD) related to the bill included in the AKD discussion plan.

However, Sileg, which is integrated on the DPR's main website, is still not equipped with various data and information that is crucial for the public ⁶. Apart from that, the existence of Sileg is not widely known by the public. This was also conveyed in the Summary Report on the Performance of the DPR for the 2020-2021 Session Year, which stated that information channels such as Sileg and the public participation process, both online and offline, have not run optimally due to obstacles including limited budget for IT infrastructure. And political dynamics in supporting the participation process ⁷.

Apart from that, according to Santi, who is a Computer Expert from the Information Technology Center of the Secretariat General of the DPR RI, he stated that in the initial stages of entering the DPR website, it was quite difficult to find the feedback feature, because you had to click several times starting from the front page of the DPR website. According to her, this is a challenge in itself in improving and developing the presentation of the aspiration form on the DPR website To make it easier for the public to provide feedback on the drafting of laws via Sileg ⁸.

Based on the 2014-2019 DPR RI Reform Implementation Blueprint, it can be interpreted that Sileg was present before the birth of Law Number 13 of 2022. The implementation of Sileg is also governed in the Regulation of the Secretary General of the DPR RI Number 13 of 2020. This shows that the DPR has taken the view of the need for online media in organizing public participation before there are changes to regulations at the statutory level.

The public's access to information is critical while contributing in the formulation of laws. The provision of open information and easy access to information for the public has the potential to improve public engagement in the creation of legislation. In this case, Sherry R. Arnstein is of the view that "Informing citizens of their rights, responsibilities, and options can be the most important first step toward legitimate citizen participation". So, it can be interpreted that the availability of information is the main first step in legitimizing the community in participating.⁹

In organizing full community participation, the availability of information for the public is a challenge for the DPR, especially since there are provisions that stipulate that participation can be carried out online. Adequate information can make online participation

⁶ Indah Restasari Agustina, "Implementasi Open Government Indonesia Melalui Saluran Youtube Resmi Sekretariat Presiden," *Jurnal Komunikasi Profesional* 7, no. 1 (2023): 134–51.

⁷ Dewan Perwakilan Rakyat Republik Indonesia and Indonesia, "Ringkasan Laporan Kinerja DPR RI Tahun Sidang 2020-2021 14 Agustus 2020-15 Agustus 2021: DPR Hebat Bersama Rakyat."

⁸ Dewan Perwakilan Rakyat Republik Indonesia and Indonesia.

⁹ Arnstein, S. (1969.) A ladder of citizen participation. Journal of the American Planning Association, 35(4), 216–224.

in policy making meaningful 10. Sileg was present before the addition of the phrase 'online' in regulations regarding community participation. Sileg is expected to provide the latest information in every document discussing legislation in the DPR. However, the information in the Sileg has not been presented completely and up to date, especially regarding information on the formation of laws.

Regarding this matter, Widiharto, who is the Head of the Secretariat Section of the DPR RI Legislative Body, stated that holding the Sileg requires support and commitment from all elements in the DPR RI, including in terms of updating data and information uploaded to the Sileg ¹¹. In this case, Ledia Hanifa Amaliah, who is a Member of the DPR RI for the 2019-2024 period, is of the view that one of the problems with Sileg is related to the slow updating of the information presented. According to him, the process of discussing a bill is dynamic and often results in changes to the draft bill being discussed. Therefore, human resources in charge of organizing the Sileg must be capable of dealing with the dynamics of bill discussion meetings, so that any changes to the bill can be uploaded as quickly as possible into the Sileg so that the public gets up-to-date and actual information ¹². Through SILEG, Parliament seeks to increase transparency and public participation in the lawmaking process by providing easy and open access to legislative documents. SILEG allows the public to access draft bills, academic papers, minutes of meetings, and other supporting documents. By providing accurate and up-to-date information, SILEG is expected to encourage active participation of the public in the legislative process, allowing them to provide constructive input and opinions. This transparency also aims to increase the accountability of Parliament and ensure that the lawmaking process is inclusive and responsive to the needs and aspirations of the people. As such, SILEG can be an important tool in supporting participatory democracy and ensuring that public voices are heard in the legislative process.¹³

This article aims to analyze the normative framework for the addition of the phrase "online" in provisions governing public participation, particularly through Sileg as an information system owned and managed by Parliament. In practice, there are legal issues related to the effectiveness of public access to Sileg, which has not been optimal in supporting broad and meaningful public participation. Some of the challenges faced include limited information available, lack of interactivity, and minimal publication of public consultation results. It is hoped that this article will provide benefits in the form of contributions to the advancement of legal science, especially regarding the framework for fulfilling public participation in

¹⁰ Inna Junaenah, Abd Shukor Mohd Yunus, and Normawati Hashim, "Adequacy of Public Information for Meaningful E-Participation in Policy-Making: Human Rights-Based," JSEAHR 6 (2022): 153.

¹¹ Dewan Perwakilan Rakyat Republik Indonesia and Indonesia, "Ringkasan Laporan Kinerja DPR RI Tahun Sidang 2020-2021 14 Agustus 2020-15 Agustus 2021: DPR Hebat Bersama Rakyat."

¹² Sabrina Ainun Sorraya Abrar, "Politik Tata Kelola Program Pengolahan Sampah Energi Listrik (PSEL) Di Kota Makassar = Policy Governance of Waste to Energy (WTE) Program in Makassar City" (Universitas Hasanuddin, 2024). ¹³ Yozami, M. A. (2024, Agustus 13). Pentingnya keterbukaan akses bagi publik dalam proses legislasi. Hukumonline. https://www.hukumonline.com/berita/a/pentingnya-keterbukaan-akses-bagi-publik-dalam-proses-legislasilt5f8782ad695df/

lawmaking through Sileg. The novelty of this research comes from the focus on the influence of the phrase "online" on the fulfillment of public participation in lawmaking through the Parliament's Legislation Information System, a topic that has not been studied much before. As such, this article seeks to provide solutions and recommendations to improve the effectiveness and efficiency of Sileg as a tool for public participation in the legislative process.

METHOD

The research method used in this research is the normative juridical method. This approach involves analysing applicable laws and regulations, legal documents, and literature relevant to the research topic. This research will examine how the phrase 'online' in the context of public participation affects the law-making process through the DPR legislative information system. Secondary data used includes laws, regulations, legal journals, and other official sources related to lawmaking and public participation. The analysis is conducted qualitatively to understand the legal implications of the use of online platforms in enhancing or hindering public engagement in the legislative process.

DISCUSSION

Community Participation and the SPR'S Legislative Information system (Sileg)

A. Society Participation

The term community participation can be found in various terminologies. Participation or "taking part" is a circumstance when all members of a community are involved in selecting the actions or policies that will be taken about their interests.

Samuel P. Huntington and Joan M. Nelson define public participation as "Political participation as activity by private citizens designed to influence governmental decision-making". This means that the process of making legislative regulations is not solely within the absolute authority of the government or parliament. Participation can be defined as the active participation of the community, both individually and in groups, in the determination of public policies or laws ¹⁴.

Community participation is important in the implementation of a democratic state. According to Abraham Lincoln, democracy is a government of, by and for the people ¹⁵. Democracy is a form of government system in a country as an effort to create sovereignty of the people or a state run by the government. Democracy is a form of government in which the people hold authority. ¹⁶

Meanwhile, Robert A. Dahl is of the view that democracy is a polyarchic government or

¹⁴ Kamarudin Kamarudin, "TINJAUAN YURIDIS PARTISIPASI MASYARAKAT DALAM PROSES PEMBENTUKAN UNDANG-UNDANG," *Perspektif Hukum* 15, no. 2 (2017): 165–84.

¹⁵ Thomas P Pureklolon, *Komunikasi Politik* (Gramedia Pustaka Utama, 2016).

¹⁶ Noviati, C. E. (2013). Demokrasi dan sistem pemerintahan. Jurnal Konstitusi, 10(2), 334-354.

government by the many ¹⁷. Explicitly, Robert A. Dahl emphasized that democracy involves two variables, namely contestation and participation, which are very determining for the process of democratic development ¹⁸. Furthermore, Robert A. Dahl believes that democracy can only be created through citizen participation in discussing issues and making decisions.

In a democratic system, public participation is essentially a means to: 1) avoid abuse of power by leaders; 2) channeling the aspirations of the community (citizens) to the government; 3) involve citizens in public decision making; 4) upholding popular sovereignty. Participation is the right and obligation of citizens to uphold good governance ¹⁹.

The enactment of a statutory regulation will affect the rights and obligations of the community. Therefore, public participation in the formation of laws and regulations is very important, especially in this research, namely regarding the formation of laws. According to Karen Syma Czapanskiy, with public participation, legislators not only gather information that will produce better laws, but it also reflects respect for society itself ²⁰.

In addition, a participatory government structure, broad participation for citizens can flourish if the policy-making process is carried out with an emphasis on negotiation rather than using hierarchy and technocracy. Therefore, participation is an important factor that determines the quality of democracy. Low participation shows the low quality of democracy. The more elitist and technocratic policy making is, the lower the level of participation. So, in making policy, negotiation is needed between policy makers and the people ²¹.

In terms of community participation, Ann Seidman interprets participation as providing wide opportunities to convey suggestions, criticism and involvement in the formation of government policies for each community group based on policies determined by interested parties (stakeholders) ²². Apart from that, Lothar Gundling argues that the fundamental reasons why public participation is important in policy formation include: informing the government, increasing people's readiness to accept decisions, aiding legal protection, and democratising the decision-making process ²³. This can be interpreted as meaning that community participation is part of involving the community in maximizing their role as citizens who will comply with the policies made by the government, so that the government

¹⁷ Ahmad M Ramli et al., "Pelindungan Kekayaan Intelektual Dalam Pemanfaatan Teknologi Informasi Di Saat Covid-19," *Jurnal Penelitian Hukum De Jure* 21, no. 1 (2021): 45–58; Agustina, "Implementasi Open Government Indonesia Melalui Saluran Youtube Resmi Sekretariat Presiden."

¹⁸ I Mushoffa, M N Hidayatulloh, and A Fahruroji Sofyan, "Konsep Memperdalam Demokrasi Dari Prosedural Ke Substantif, Menuju Representasi Politik Yang Berkualitas," *Malang: Intrans Publishing*, 2016.

 ¹⁹ Darmini Roza, "Partisipasi Masyarakat Dalam Pembentukan Perundang-Undangan Untuk Mewujudkan Indonesia
 Sejahtera Dalam Pandangan Teori Negara Kesejahteraan," *JCH (Jurnal Cendekia Hukum)* 5, no. 1 (2019): 131–44.
 ²⁰ Siti Hidayati, "Partisipasi Masyarakat Dalam Pembentukan Undang-Undang (Studi Perbandingan Indonesia

Dengan Afrika Selatan)," *Jurnal Bina Mulia Hukum* 3, no. 2 (2019): 224–41.

²¹ Mushoffa, Hidayatulloh, and Sofyan, "Konsep Memperdalam Demokrasi Dari Prosedural Ke Substantif, Menuju

Representasi Politik Yang Berkualitas."

²² Dian Ayu Widya Ningrum and Antikowati Antikowati, "Perluasan Makna Partisipasi Masyarakat Dalam Pembentukan Undang-Undang Pasca Putusan Mahkamah Konstitusi," *Jurnal Konstitusi* 19, no. 4 (2022).

²³ Hidayati, "Partisipasi Masyarakat Dalam Pembentukan Undang-Undang (Studi Perbandingan Indonesia Dengan Afrika Selatan)."

must provide and guarantee the existence of space for the community to participate.

In general, participation can be interpreted as taking part in an activity. Participation is participation, attention and contributions provided by participating groups, in this case the community ²⁴. The earliest concept of community participation was introduced by Sherry R. Arnstein with the ladder model. Arnstein likens the level of community participation to the steps depicted on a ladder consisting of 8 (eight) rungs. The bottom rung represents the absence of community involvement and the top rung reflects the active role and involvement of the community ²⁵.

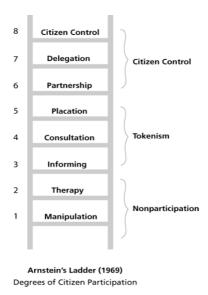


Figure 1. Arnstein's Ladder

Source: Sherry R. Arnstein Ladder of Citizen Participation, Journal of The American Institute of Planners

According to Arnstein, the ladder model depicted juxtaposes the basic division between the powerless citizens and the powerful (powerholders), although basically both the powerless citizens and the powerholders are homogeneous groups, the viewpoints of the 2 (two) groups are different ²⁶.

According to Arnstein, the types of participation are depicted as a ladder pattern, where each rung indicates the level of power citizens have in determining the final outcome of a process or product ²⁷. At the bottom of the ladder are manipulation and therapy. These two rungs represent a level of "non-participation" that is often disguised as participation. The purpose of this level is not to allow people to be involved in the planning or implementation

²⁴ Ningrum and Antikowati, "Perluasan Makna Partisipasi Masyarakat Dalam Pembentukan Undang-Undang Pasca Putusan Mahkamah Konstitusi."

²⁵ Kathe Callahan, "Citizen Participation: Models and Methods," *International Journal of Public Administration* 30, no. 11 (2007): 1179–96.

²⁶ Sherry R Arnstein, "Citizen Participation Is Citizen Power.," 1969.

²⁷ Arnstein.

of programmes, but rather to give those in power the opportunity to "educate" or "cure" people. At the manipulation level, the power holder manipulates the community which gives rise to the opinion that the program being implemented is really needed by the community. Community participation is only used as a vehicle by power holders, resulting in no community participation. Furthermore, the power holders use therapy to treat and heal society due to inequality which has become a disease in society by creating various programs which only aim to change people's mindset.

The steps of informing and consulting go to the point of "tokenism," which permits those who are unable (poor) to hear and speak up. When power holders offer individuals the opportunity to engage, they can listen and be heard. However, in these circumstances, individuals lack the ability to ensure that their views are heard by those in authority. When involvement is limited to this level, there is no follow-up, no "power," and no guarantee that the status quo will change. The placation ladder is simply a higher level of tokenism because the basic principles allow the (poor) community to counsel, but the final choice rests with the power holders.

Then the upper levels of the ladder illustrate the increasing degree of power of citizens in influencing decision making. Citizens can enter into partnerships that allow citizens to negotiate with power holders. Next, the seventh step is delegated power, at this level the community is given the power to make decisions on development plans or programs that are beneficial to them. Finally, on the eighth rung which is the highest level of participation, namely citizen control. At this level, society has full power to measure programs or institutions related to its interests.

In the conception of the rule of law, there are principles of the rule of law (nomocratie), while in the conception of democracy, there are principles of popular sovereignty (democratie), each of which is carried out in tandem as two sides of one coin. As a country that upholds democracy, public participation in monitoring and influencing government policies is important and crucial. This is because the people have the right to exercise control over the authorities and want the creation of laws and policies in the administration of government. 28

The concept of meaningful participation was first described in the case of Doctors for Life International v Speaker of the National Assembly in 2006. In this case the South African Constitutional Court developed the doctrine of the 'meaningful involvement test' to test whether the legislative institution had taken the following steps. appropriate steps in providing opportunities for the public to participate effectively in the process of law formation. In her statement as an expert in the Republic of Indonesia Court Decision Number 60/PUU-XVIII/2020, Susi Dwi Harijanti said that the meaningful involvement test carried out by the South African Constitutional Court was carried out by testing the procedures provided

²⁸ Dondokambey, S. M. A., Pinasang, D. R., & Palilingan, T. N. (2023). Penerapan prinsip partisipasi masyarakat bermakna (meaningful participation) dalam pembentukan peraturan daerah. Lex Privatum, 11(2), 1-11.

by the legislature against two basic questions, namely as follows:

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

These two questions aim to ensure that participation mechanisms are provided appropriately so that the right to participate in the formation of laws can be effectively fulfilled.

In the context of meaningful participation, Zainal Arifin Mochtar believes that the essence of legislation is the essence of participation which is not only seen as a mere formality, so it is important to make meaningful participation a basic principle in legislation. In his statement as an expert in the Indonesian Constitutional Court Decision Number 25/PUU-XX/2022, Zainal Arifin Mochtar stated that the involvement of public participation in the law formation process is a constitutional obligation for the legislature (together with the government). This constitutional obligation is implicitly contained in the provisions of Article 1 paragraph (2), Article 27 paragraph (1) and Article 28C paragraph (2) of the 1945 Constitution of the Republic of Indonesia ²⁹.

B. DPR Legislative Information System (Sileg)

According to Gordon B. Davis, the term "system" can refer to both abstract and physical entities. An abstract system is an organized collection of interrelated ideas or concepts. Meanwhile, a physical system is a collection of numerous pieces that collaborate to achieve a goal. A system is essentially a collection or group of pieces, components, or variables that are organized, interact with one another, rely on one another, and are mutually integrated ³⁰.

According to John F. Nash and B. Roberts, An information system refers to a collection of elements consisting of people, technology, procedures, and other infrastructure that work together to collect, manage, store, process, and disseminate information within a particular organisation or environment. The main purpose of information systems is to support the day-to-day operations of an organisation, facilitate informed decision-making, improve efficiency, and provide necessary information support to various levels of management. An information system can be a combination of software, hardware, computer networks, databases, and procedures designed to handle different types of information, ranging from routine data to important strategic decisions ³¹.

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²⁹ Fajri, "Legitimacy of Public Participation in the Establishment of Law in Indonesia: Legitimasi Partisipasi Masyarakat Dalam Pembentukan Undang-Undang Di Indonesia"; Ningrum and Antikowati, "Perluasan Makna Partisipasi Masyarakat Dalam Pembentukan Undang-Undang Pasca Putusan Mahkamah Konstitusi."

³⁰ Gordon B Davis and Margrethe H Olson, *Management Information Systems: Conceptual Foundations, Structure, and Development* (McGraw-Hill, Inc., 1984).

³¹ Rizki Ahmad Fauzi, *Sistem Informasi Akuntansi (Berbasis Akuntansi)* (Deepublish, 2017).

Basically, a legislative information system can be interpreted as a system that aims to present information related to the field of legislation. The legislative information system specifically in this article, namely Sileg, is a platform launched by the DPR. The provisions of Article 1 number 1 of the Secretary General of the DPR RI Number 13 of 2020 state that the Legislative Information System, which in the regulation is abbreviated as Sileg, is an application used to convey information on the process of forming statutory regulations from the planning, preparation, discussion and ratification stages which can be accessed by the public online.

The implementation of Sileg is carried out in several stages. Based on Article 5 of the Secretary General of the DPR RI Number 13 of 2020, these stages are as follows ³²:

- a. Stage I is uploading Prolegnas data;
- b. Stage II is uploading data on the preparation of Academic Manuscripts and draft Laws;
- c. Stage III is uploading data on harmonization of the Draft Law;
- d. Stage IV is uploading data on determining the proposed draft law;
- e. Stage V is uploading data on discussion of the draft law; And
- f. Stage VI is uploading data on the draft law that has been passed

Each stage in the legislative process uploads different data, in accordance with the provisions of Article 6 of the Secretary General of the DPR RI Number 13 of 2020. In Phase I, the uploaded data includes the title of the bill, the conception of the bill, the proposed bill, and the date the bill was proposed in the National Legislation Program. Phase II includes the Academic Paper and Draft Bill (RUU), the schedule for preparing the Academic Paper and Bill, a brief report on the preparation of the Academic Paper and Bill, and the minutes of the preparation of the Academic Paper and Bill by the Commission or Legislative Body. Phase III consists of a schedule for the harmonization of academic papers and bills, a brief report on the harmonization of academic papers and bills, as well as academic papers and bills that have been harmonized and agreed upon in the Legislative Body. In Stage IV, the uploaded data includes the schedule for determining the DPR's proposed bill, a brief report on the determination of the DPR's proposed bill, minutes of the plenary meeting to determine the bill as the DPR's proposal, and the Academic Paper and bill that have been approved by the plenary meeting as the DPR's proposal. Stage V includes the task of discussing the bill, the Academic Paper and the bill proposed by the Government or the Regional Representative Council, the agenda of the discussion of the bill between the Council and the Government, the minutes of the open meeting to discuss the bill between the Council and the Government, the bill that has been discussed between the Council and the Government, and other supporting legal documents. Finally, in Stage VI, the uploaded data includes the minutes of the plenary meeting on the ratification of the bill into law, the bill that has been approved in

³² Dewan Perwakilan Rakyat Republik Indonesia and Indonesia, "Blue Print Implementasi Reformasi DPR RI 2014-2019."

the plenary meeting, faction views, and government views.³³

Then, based on the provisions of Article 10 of the Secretary General of the DPR RI Number 13 of 2020, it is known that each stage in the implementation of Sileg has a person in charge. The person responsible for each stage in the implementation of the Sileg consists of: a) stage I is the Head of the Legislative Body Secretariat Section; b) stage II is the Head of the Commission Secretariat Section or Head of the Legislative Body Secretariat Section; c) stage III is the Head of the Legislative Body Secretariat Section; d) stage IV is the Head of the Plenary Session Section; e) stage V is the Head of the Commission Secretariat Section, Head of the Special Committee Secretariat Section, Head of the Legislative Body Secretariat Section, or Head of the Budget Body Secretariat Section; and f) stage VI is the Head of the Plenary Session Section.

Changes to the Phrase 'Online' to Fulfill Public Participation in the Formation of Laws through the DPR Legislative Information System

One form of implementing democratic principles is through community participation in every government administration. Community participation is important for the realization of democratic government.

To participate, the availability of information to the public is important. Adequate and valid information is the main capital for the community to participate. Apart from being related to public information disclosure which is intended for transparency of public administration and social accountability of the government, the availability of information is a human right guaranteed by the constitution as stipulated in Article 28F of the 1945 Constitution of the Republic of Indonesia.

According to Mark Bovens, concerning the interaction between citizens and the government, the right to information can be broadly categorized into three groups: 1) primary information rights, which directly acknowledge citizens' access to actual and concrete government information; 2) secondary information rights, which entail citizens' entitlement to government support in accessing crucial information channels; and 3) tertiary information rights, which facilitate citizens' interactions with horizontal information towards other citizens or private legal entities. Through enhancing transparency regarding public information about governmental performance in administering state affairs, the public can actively engage in monitoring every governmental step and policy. This fosters governmental accountability to the populace ³⁴.

The continuity of public knowledge and community participation is critical for the advancement of democracy. The right to participate and the right to information are two

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³³ Dewan Perwakilan Rakyat Republik Indonesia and Indonesia, "Ringkasan Laporan Kinerja DPR RI Tahun Sidang 2020-2021 14 Agustus 2020-15 Agustus 2021: DPR Hebat Bersama Rakyat."

³⁴ Endang Retnowati, "Keterbukaan Informasi Publik Dan Good Governance (Antara Das Sein Dan Das Sollen)," *Perspektif* 17, no. 1 (2012): 54–61.

interrelated political rights, therefore both should be achieved with the introduction of enough information and more meaningful engagement in policymaking, particularly laws.

Indonesia has affirmed its commitment to the International Covenant on Civil and Political Rights (ICCPR) by ratifying Law No. 12/2005. Article 19 of the ICCPR guarantees the right of individuals to hold opinions without interference and freedom of expression, including the freedom to seek, receive and impart information and ideas without restriction.

Article 25 of the ICCPR guarantees the right of every citizen to be involved in the management of public affairs, either directly or through freely elected representatives, covering all aspects of public governance and the exercise of political authority. Citizen participation in public affairs can be direct through legislative or executive office, or indirectly through elected representatives, who are held accountable through an electoral process. In addition, citizens can influence public administration through public discourse and dialogue, with their participation supported by freedom of expression, assembly and association.

Effective community participation will produce laws that are in accordance with the wishes and desires of the people, so that no material or formal review will be submitted to the Constitutional Court, unless the law is no longer in accordance with societal developments.

One example of the correlation between public participation which is considered inadequate in the formation of laws which leads to a judicial review is a lawsuit against Law Number 11 of 2020 concerning Job Creation to the Constitutional Court. It is known that Law Number 11 of 2020 amends 82 (eighty two) laws with a proposal date of 17 December 2019 and was ratified on 5 October 2020 ³⁵. With a short discussion period, this law using the omnibus law method attracted demands from the public, one of which raised questions regarding the material for public participation at the time of its formation. Examples of other laws which, after being promulgated, resulted in a lawsuit being filed with the Constitutional Court, include Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, Law Number 7 of 2021 concerning Harmonization of Regulations Taxation, and Law Number 3 of 2022 concerning National Capital.

According to Zainal Arifin Mochtar, the high number of judicial reviews is a signal that the interests and rights of citizens are not being accommodated in legal products ³⁶. It is known that since the Constitutional Court was formed in 2003 until 2023, the Constitutional Court has handled 1781 legislative cases ³⁷. This can be interpreted as being influenced by

³⁵ Dewan Perwakilan Rakyat Republik Indonesia and Indonesia, "Ringkasan Laporan Kinerja DPR RI Tahun Sidang 2020-2021 14 Agustus 2020-15 Agustus 2021: DPR Hebat Bersama Rakyat."

³⁶ Zainal Arifin Mochtar, "Antinomi Dalam Peraturan Perundang-Undangan Di Indonesia," *Hasanuddin Law Review* 1, no. 3 (2015): 316–36.

³⁷ Ningrum and Antikowati, "Perluasan Makna Partisipasi Masyarakat Dalam Pembentukan Undang-Undang Pasca Putusan Mahkamah Konstitusi."

the lack of optimal implementation of community participation in the formation of laws.

This raises the question of how the concept of fulfilling community participation should be interpreted according to Law Number 12 of 2011, so that the Constitutional Court concluded its decision in this way.

Article 96 paragraphs (1) and (2) of Law Number 13 Year 2022 affirms the right of the public to provide oral or written input at all stages of the legislative process, both online and offline. This signifies a new provision introduced in the law on public input into the formation of laws, allowing for public engagement through online platforms. Offline participation is limited to those who can be physically present, often requiring more time and money, but allows for in-depth, direct interaction between the public and policymakers. In contrast, online participation is more inclusive and accessible from various locations, reducing cost and time barriers and increasing transparency with better documentation. However, the digital divide and lack of personal interaction can be a challenge. Effectively, online participation offers the potential for higher inclusivity and transparency, while offline participation provides greater depth of discussion and negotiation. The combination of these two methods can provide a more holistic and effective approach to the legislative process.

According to the Big Indonesian Dictionary (KBBI), the term 'online' is interpreted as a network, connected via computer networks, the internet, and so on. However, whether the changes to these provisions will provide a guarantee that the implementation of public participation in the formation of laws will be carried out more optimally. Moreover, Article 96 paragraphs (4) and (5) of Law Number 13 of 2022 underscore the facilitation of public input by ensuring that academic texts and draft statutory regulations are readily accessible to the public. Additionally, legislators are required to inform the public about the process of formulating these laws and regulations to facilitate community participation in providing input.

Changes to regulations addressing public participation in Law No. 13 of 2022 may be found in Article 96 paragraphs (6) to (8), which govern public consultation procedures to protect the people's right to participate in the making of laws and regulations. The system comprises public hearings, field trips, seminars, workshops, discussions, and other forms of public consultation, with the results used to develop, formulate, and discuss proposed laws and regulations. The law also requires authorities to make the findings of public debates available to the public. Although Article 96 paragraph (9) specifies that further information on public engagement will be regulated under DPR rules, DPD Regulations, and Presidential Regulations, no additional rules have been released since the implementation of the Law No. 13 Year 2022.

According to Article 1 number 1 of Law Number 12 of 2011, the formation of statutory regulations encompasses the process of creating regulations, which includes stages such as planning, drafting, discussing, ratifying or determining, and promulgating. In terms of legislative procedures, Article 88 paragraph (1) of Law Number 12 of 2011 specifies the

provisions for dissemination conducted by the DPR and the Government, starting from the preparation of the National Legislation Program, drafting of legislation, discussion of draft legislation, up to the promulgation of laws. Furthermore, Article 88 paragraph (2) of Law Number 12 of 2011, the purpose of this distribution is to convey information to the public and/or elicit input from stakeholders.

Changes to the provisions in Law No. 13 of 2022, directly or indirectly, have consequences for the dissemination regulations as intended in Article 88 of Law 12 of 2011. In this situation, dissemination must accommodate the public's right to contribute spoken and/or written input at every level of the online formulation of legal regulations. In order to regulate the construction of statutory regulations as a whole, the DPR and the government must guarantee the public's right to contribute information and gain public feedback online.

Technological sophistication has led to current living conditions where physical distance has been defeated by communicative distance ³⁸, Opini. Along with developments in time and technology, internet-based media has become one of the ways people choose to search for and obtain information. This development makes interaction between people easier and cross-border relations become unlimited ³⁹.

The internet is a phenomenon that facilitates mass communication in society combined with technology ⁴⁰. Nowadays, the internet can be said to have become a daily necessity for society. The internet is a method that is considered to be able to support the effectiveness and efficiency of an activity without being constrained by distance and time.

In government in today's modern era, the rapid progress of information technology is bringing changes to government administration. Apart from adapting to current developments, administering government on an electronic basis or commonly known as e-government, is considered to be a breakthrough that can be beneficial for the benefit of the nation and state as an embodiment of good governance ⁴¹. To support the implementation of e-parliament, IPU encourages the development of four main components, namely: a) humans, who can be interpreted as users and beneficiaries of e-parliament; b) process, in this case including the basic parliamentary or democratic functions that will be transformed or supported; c) architecture, relating to infrastructure, hardware and software needed to accelerate transformation; and d) data, namely related to information and documents that are created, stored, sent and shared.

Furthermore, IPU is of the view that the parliamentary website has become the most important window for citizens to see legislative performance. Therefore, in 2000 the IPU created guidelines for a parliamentary website. With the continued development of the internet and technology, in 2009, based on survey and evaluation results, the Guidelines for Parliamentary Websites were updated by the IPU ⁴². The guidelines are intended to provide

³⁸ M Solly Lubis, *Opini Kebijakan Melalui Pendekatan Politik Hukum & Kebijakan Publik* (CV. Mandar Maju, 2020).

³⁹ Fauzi, Sistem Informasi Akuntansi (Berbasis Akuntansi).

⁴⁰ Michael E Milakovich, "The Internet and Increased Citizen Participation in Government," *JeDEM-EJournal of EDemocracy and Open Government* 2, no. 1 (2010): 1–9.

⁴¹ Heriyono A Anggoro, "Konsep Dan Perkembangan E-Parliament," *Online, October* 1 (2020).

⁴² Anggoro.

recommendations for the implementation of parliamentary websites for IPU member countries. Regarding the 2009 Guidelines for Parliamentary Websites, it is advised that parliamentary websites incorporate: (1) Basic details about Parliament; (2) Information concerning Legislation, Budget, and Oversight; (3) Features for locating, receiving, and reviewing information; (4) Tools for engaging in communication and dialogue with constituents; (5) Design focusing on usability, accessibility, and language; and (6) Administration ⁴³.

The weaknesses of public participation in the practice of access to Sileg include several crucial aspects. First, the limited information in Sileg often means that data is incomplete or not updated in real-time, preventing the public from getting a comprehensive picture of the legislative process. Second, the interface and structure of the Sileg system can be confusing or not user-friendly, making it difficult for users to find information or participate effectively. Third, the lack of interactive mechanisms, such as discussion forums or feedback channels, limits the opportunity for the public to provide input. In addition, limited access or complicated registration can hinder broader public participation, and the lack of socialization about Sileg reduces public awareness and understanding of the platform. Limitations in providing feedback on public contributions and technical glitches are also issues that can reduce the effectiveness of public participation. Addressing these weaknesses is critical to ensure that Sileg can truly support effective and inclusive public participation in the legislative process.⁴⁴

According to Attachment I to Law Number 12 of 2011, every law formation requires philosophical, sociological and juridical arguments to support whether or not the preparation of a draft law is necessary ⁴⁵.

It can be interpreted that with the birth of a law, the legislator is deemed to have thought about and considered all things that will happen regarding the implementation of the law after it is passed and promulgated.

Through the website, the DPR as a legislative institution seeks to provide options for the public to obtain information, one of which is related to legislative activities. Legislative activities presented on the official website include the formation of laws contained in the DPR's legislative information system (hereinafter referred to as Sileg).

On the DPR RI website, Sileg in a special sense is the information in the Legislation menu. In this menu, there are two sub menus. First, the Medium Term Prolegnas submenu (2020-2024). Second, the Priority Prolegnas submenu. However, outside of that menu, basically information about the legislative sector is spread across various subdomains, menus

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⁴³ Milakovich, "The Internet and Increased Citizen Participation in Government."

⁴⁴ Rofiandri, R., & Nurtjahyo, L. I. (2021). Penguatan partisipasi publik dalam proses legislasi di tengah pandemi Covid-19: Proses pembentukan undang-undang dan ruang partisipasi publik. Laporan Studi Dokumen. Cakra Wikara Indonesia.

⁴⁵ Collins, "Perwujudan Meaningful Participation Dalam Proses Legislasi Melalui Revisi Kedua Undang-Undang Nomor 12 Tahun 2011."

and submenus 46.

The term Sileg does not appear directly written on the DPR website. The meaning of Sileg and its use will only be understood if it is linked to the Secretary General of the DPR RI Number 13 of 2020. This can be a problem, when people search for Sileg nomenclature on the DPR website but it does not appear in writing and it is possible that this will create confusion for the public in using Sileg. Based on Article 2 of the Secretary General of the DPR RI Number 13 of 2020, the purpose of drafting this regulation is as a guideline for using Sileg.

Furthermore, according to Article 3 of the Secretary General of the DPR RI Number 13 of 2020, the objectives of this regulation are: a) to realize data and information management related to the formation of laws that is transparent, accountable and integrated; and b) realizing the presentation of data and information related to the formation of laws that is fast, precise and accurate for the public ⁴⁷.

However, the provisions as stated in the Secretary General of the DPR RI Number 13 of 2020, have not been fully accommodated in the implementation of the Sileg. In fact, if you look at the Sileg page, the availability of information on each bill included in the Priority Prolegnas and Medium Term Prolegnas has not been presented completely. One example is the information presented regarding the Bill concerning Amendments to Law Number 19 of 2003 concerning State-Owned Enterprises (hereinafter referred to as the BUMN Bill) which is included in the Priority Prolegnas. On the Sileg page, it is known that the BUMN Bill was proposed on December 17 2019 and prepared by the DPR. However, there is no information regarding academic texts and draft bills in the Sileg display. Academic texts and the Draft BUMN Bill can be found in the Simas PUU submenu which is displayed outside the Sileg page. However, these two documents are documents from May 2021 ⁴⁸, Meanwhile, the track record of discussion of the BUMN Bill presented on the written Sileg page is most recently dated 02 October 2023.

Another example is shown on the Sileg page, that in the Priority Prolegnas list, the Bill concerning Amendments to Law Number 5 of 2014 concerning State Civil Apparatus, is a bill proposed by the DPR's initiative. In the display of the ASN Bill, the NA and Bill documents are not presented as well as the latest information from the process of forming the ASN Bill ⁴⁹. Currently, as displayed on the Sileg page, the ASN Bill is in the discussion position, namely the discussion at the Level II Discussion/Decision Making stage dated 03 October 2023. Even though it is known that the ASN Bill has been passed and has been promulgated by repealing the old law with a new law namely Law Number 20 of 2023 concerning State Civil Apparatus

⁴⁶ Arnstein, "Citizen Participation Is Citizen Power."

⁴⁷ Davis and Olson, *Management Information Systems: Conceptual Foundations, Structure, and Development.*

⁴⁸ Dewan Perwakilan Rakyat Republik Indonesia and Indonesia, "Ringkasan Laporan Kinerja DPR RI Tahun Sidang 2020-2021 14 Agustus 2020-15 Agustus 2021: DPR Hebat Bersama Rakyat."

⁴⁹ Fajri, "Legitimacy of Public Participation in the Establishment of Law in Indonesia: Legitimasi Partisipasi Masyarakat Dalam Pembentukan Undang-Undang Di Indonesia."

on 31 October 2023 ⁵⁰. However, on the DPR website, the latest Law Number 20 of 2023 has been presented, but not on the Sileg page, but on the JDIH menu ⁵¹. The two examples of information displays presented in Sileg show that the implementation of Sileg requires improvement and development. This aims to ensure that Sileg can provide complete, valid and up-to-date information for the public and to make it easier for the public to provide input on change documents produced in the law formation process.

In DPR Sileg RI, it appears that not all public participation from members of the public is adequately responded to by the relevant DPR RI's Parliamentary Organs (AKD). This suggests that there are shortcomings in the system of responsiveness to public input provided to DPR Sileg RI. In addition, the lack of public input on lawmaking in DPR Sileg RI could be one of the main obstacles hindering the optimisation of the institution's performance. Efforts should be made to increase participation and responsiveness to public input to improve the implementation of DPR Sileg RI. In addition, the absence of a report on the results of the discussion of public input based on public consultation activities also indicates that the process of planning, drafting and discussing draft laws has not fully utilised the mechanisms stipulated in Law No. 13 of 2022. Concrete steps are needed to ensure that all stages in the legislative process in DPR Sileg RI can run transparently and effectively in accordance with applicable regulations.

Based on the regulation in the Secretary General of the DPR RI Number 13 of 2020, that each stage of law formation in the implementation of Sileg has a person in charge. If it is related to the regulation of Article 96 of Law Number 13 of 2022, it can be interpreted that at each stage of the formation of a law in the Sileg must contain information in accordance with the ongoing stages of the formation of the law, namely whether it is in the planning, drafting, discussion and ratification stages. or determination, and promulgation. That through Sileg, the DPR must make efforts so that information at every stage is conveyed to the public. Information such as academic texts and draft bills should be information presented in every bill included in the Prolegnas list. Because the discussion of a bill is dynamic, changes to the results of the discussion must be quickly and accurately uploaded to the Sileg page.

The availability of up-to-date information in the Sileg will be useful for the public to know developments in the formulations being discussed by the DPR. Furthermore, with up-to-date information, it will also be useful for the public to provide input according to the final formulation of the results of the bill discussion. Updating the data and information presented in Sileg is part of the framework for fulfilling community participation carried out online and/or offline.

Ensuring the openness of public information is crucial for facilitating public

⁵⁰ Dewan Perwakilan Rakyat Republik Indonesia and Indonesia, "Blue Print Implementasi Reformasi DPR RI 2014-2019."

⁵¹ Dewan Perwakilan Rakyat Republik Indonesia and Indonesia, "Ringkasan Laporan Kinerja DPR RI Tahun Sidang 2020-2021 14 Agustus 2020-15 Agustus 2021: DPR Hebat Bersama Rakyat."

participation in decision-making processes. Providing open and easily accessible information to the public can enhance their engagement in the law-making process. The implementation of Sileg requires improvements and advancements, including enhancements to the system used, the application of good governance principles, the availability of human resources and appropriate budget allocations, as well as standard rules that accommodate changes in community participation regulations as outlined in Law Number 13 of 2022. This, in turn, necessitates goodwill and political will from the representatives who have the power to involve the community in the legislative process. If these measures are taken, there is a significant potential for a positive impact on society, as the public will feel that their right to participate in law formation is respected, and the resulting laws genuinely reflect the will of the people. Consequently, the implementation of this law will proceed optimally in accordance with its intended objectives.

CONCLUSION

Changes in regulations related to public participation in Law No. 13 of 2022 have an impact on the implementation of lawmaking. This must be followed by Parliament's readiness to accommodate the fulfillment of the public's right to participate in lawmaking through Sileg. The addition of the phrase 'online' in Article 96 of Law 13 of 2022 requires Parliament to facilitate public participation through digital platforms such as Sileg. However, the current implementation of Sileg may not be fully effective in fulfilling this obligation, given issues such as limited information, user accessibility, and interactive features. To address these issues, it is recommended that Sileg be further developed, including improving the system's interface, providing more comprehensive information, and allocating adequate human resources and budget. In addition, it is important to implement an extensive socialization program so that the public better understands how to utilize Sileg to participate in the legislative process. Parliament should also play an active role in ensuring that Sileg becomes an integral part of the lawmaking process, and encourage the development of additional regulations that support effective and inclusive public participation.

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