

IMPLEMENTATION OF GOOD GOVERNANCE PRINCIPLES IN THE FORMATION OF REGIONAL REGULATIONS IN INDONESIA

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Abstract:

This study analyzes the implementation of good governance principles in the formation of Regional Regulations (Perda) in Indonesia with a focus on the aspects of transparency, public participation, and accountability. The research method uses a qualitative approach through document studies of 15 problematic Perda and in-depth interviews with 10 stakeholders in Bandung City and Sleman Regency. The results of the study indicate that the implementation of good governance principles is still low, where only 40% of regions are transparent in publishing Perda drafts, public participation reaches 25-30%, and accountability is recorded at 20%. The main obstacles include structural limitations (70% of regions do not have a policy analysis unit), cultural (bureaucratic resistance), and technical (limited human resource capacity). However, the study also identified good practices, such as the E-Legislation system in Surabaya, which increased youth participation by 40%, and the Perda Law Clinic in Yogyakarta, which reduced problematic Perda by 35%. These findings conclude that institutional strengthening, increasing legislative capacity, and utilizing technology are the keys to realizing the formation of a more participatory and accountable Perda. The research recommends three strategic steps: (1) the establishment of regulatory analysis units in each region, (2) technical training for regional regulation drafters, and (3) the development of a digital platform for public participation.

Keywords: Good Governance, Regional Regulations, Transparency, Public Participation, Accountability.

INTRODUCTION

The development of national law cannot be separated from the principle of good governance, which is the foundation for organizing a democratic state. The concept of good governance was first introduced by international institutions such as the World Bank and UNDP in the 1990s as a framework for increasing accountability, transparency, and public participation in government (Lu et al., 2019). In Indonesia, this principle was adopted through various legal reforms after the 1998 Reformation, including Law No. 28 of 1999 concerning the Implementation of a Clean and Corruption-Free State and Law No. 23 of 2014 concerning Regional Government (Saputra, 2021).

The implementation of good governance in the formation of Regional Regulations (Perda) is very crucial because Perda is a legal instrument that directly impacts the community. However, in practice, there are still many Perda that are revoked because they do not meet the principle of public participation or are in conflict with higher regulations. For example, in 2022, the Ministry of Home Affairs revoked 1,234 Perda that were considered problematic, mostly because the formation process was not transparent or contained political interests (Vian, 2020). This phenomenon shows that even though the legal framework is in place, the implementation of the principle of good governance in regional legislation still faces serious challenges (Schindler & Demaria, 2020).



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One of the main principles of good governance is transparency, which requires that the process of forming Regional Regulations must be open to the public. It is in line with Law No. 14 of 2008 concerning Openness of Public Information, which requires the government to provide access to information related to policies being discussed. However, in reality, many local governments still close public access to draft Regional Regulations (Halkis, 2020). A study conducted by the Indonesian Judicial Monitoring Society (IJMS) in 2021 found that only 30% of 100 districts/cities published draft Regional Regulations before ratification (Salih et al., 2020). This lack of transparency has the potential to produce Regional Regulations that are not aspirational and vulnerable to the interests of political elites.

Public participation is a key element in good governance. In the context of the formation of Regional Regulations, public participation can be carried out through public consultation, hearings, or development planning meetings (*musrenbang*). However, these mechanisms are often only formalities. Research from the Indonesian Forum for Budget Transparency (FITRA) shows that 65% of participation in the discussion of Regional Regulations only involves certain groups, such as entrepreneurs or political groups, while the general public is rarely involved substantively (Zakaria et al., 2019). As a result, many Regional Regulations do not reflect the real needs of the community, such as the case of the Regional Regulation on market levies, which burdens small traders.

The principle of accountability requires that every stage of the formation of a Regional Regulation must be accountable, both legally and politically. However, weak supervision from the DPRD and the community has resulted in many problematic Regional Regulations being passed without in-depth study. For example, in several regions, Regional Regulations on spatial planning are often changed without adequate environmental studies, triggering agrarian conflicts. Data from the Agrarian Reform Consortium (KPA) notes that 40% of agrarian conflicts in Indonesia are triggered by unaccountable Regional Regulations (Ira & Muhamad, 2020).

The formation of Regional Regulations is often influenced by practical political interests, especially in the run-up to regional head elections (*pilkada*). Many Regional Regulations are formed to attract political support, such as Regional Regulations that provide fiscal incentives to certain groups. A study by the Indonesian Center for Law and Policy Studies (PSHK) found that 25% of Regional Regulations annulled by the Supreme Court were related to the politicization of policies. Not all regions have qualified human resources in designing Regional Regulations. Many regions have difficulty conducting regulatory impact analysis (Regulatory Impact Assessment/RIA), so the resulting Regional Regulations are not comprehensive (Subagyo, 2021).

Although there are mechanisms for testing regional regulations by the central government (through the Ministry of Home Affairs) and judicial review by the Supreme Court, these processes are often slow and inconsistent. As a result, many problematic regional regulations remain in effect for a long time before they are finally annulled. This research is important to identify the gap between the theory of good governance and the practice of regional regulation formation in Indonesia. By analyzing concrete cases and evaluating public participation mechanisms, this research is expected to provide policy recommendations to strengthen the governance of regional regulation formation to be more inclusive and accountable. This research uses a qualitative approach with a document study method (analysis of regional regulations and court decisions) and interviews with stakeholders at the regional level.

The Concept of Good Governance in Policy Formation. Good governance has become the main paradigm in modern governance. According to UNDP (1997), good governance includes the principles of transparency, accountability, participation, and legal certainty. The World Bank (1992)



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emphasized that good governance must be able to create a checks and balances mechanism to prevent abuse of power (Haddoud et al., 2021). In the Indonesian context, these principles are adopted through various regulations, such as Law No. 28/1999 concerning the Implementation of a Clean and Corruption-Free State and Law No. 23/2014 concerning Regional Government. A study by Dwiyanto (2015) shows that the implementation of good governance in Indonesia still faces challenges, especially in the process of forming regional policies (Novitarani & Setyowati, 2018). The study found that many Perda were formed without in-depth studies, so they tended to be unresponsive to the needs of the community. It is reinforced by the findings of FITRA (2020), which stated that only 35% of the process of forming Regional Regulations in Indonesia involved adequate public participation.

Public Participation in the Formation of Regional Regulations. Public participation is a key element in good governance. Rhodes (1996), in his theory of governance, emphasized that without public involvement, the resulting policies risk being illegitimate. In Indonesia, public participation in the formation of Regional Regulations should be guaranteed through public consultation mechanisms and musrenbang (development planning deliberations) (Lee-Geiller & Lee, 2019). However, research from PSHK (2021) revealed that public participation is often symbolic, where the draft Regional Regulation has been determined before the consultation process is carried out. A case study by Kurniawan (2022) in West Java showed that minimal socialization and access to information were the main obstacles to public participation. The public often does not know that a Regional Regulation is being discussed, so they cannot provide input. This finding is in line with the report of the Indonesian Ombudsman (2023), which stated that 60% of complaints related to problematic Regional Regulations were caused by the lack of transparency in the formation process (Sancaya & Saputra, 2024).

Accountability and Transparency in Regional Legislation. The principle of accountability requires that every stage of the formation of Regional Regulations must be accountable. According to Bovens (2007), accountability includes legal, political, and administrative aspects. In Indonesia, the oversight mechanism for the formation of Regional Regulations is carried out by the DPRD, the central government (through the Ministry of Home Affairs), and the Supreme Court (through judicial review). However, research from ICW (2022) found that this supervision is often ineffective due to weak sanctions against problematic Regional Regulations. Transparency is also a serious problem (Sancaya et al., 2025). A study by Transparency International Indonesia (2021) revealed that only 40% of regional governments publish draft Regional Regulations openly. In fact, according to Grindle's theory (2007), transparency is a prerequisite for preventing policy corruption. Cases such as the mining Regional Regulation in Kalimantan, which was issued without public consultation (JATAM, 2023), show how a lack of transparency can give birth to policies that are detrimental to the community (Jayawarsa et al., 2022). Although many studies discuss good governance, there are still few studies that comprehensively examine the relationship between public participation, transparency, and accountability in the context of the formation of Regional Regulations in Indonesia. This study attempts to fill this gap with an empirical analysis of the implementation of these principles.

METHODS

This study uses a qualitative approach with document study and policy analysis methods to examine the implementation of good governance principles in the formation of Regional Regulations (Perda). The qualitative approach was chosen because it is able to deeply explore the meaning,



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dynamics, and challenges in policy implementation (Creswell, 2014). The research data consists of primary and secondary data. Primary data were obtained through in-depth interviews with 10 key informants, including DPRD officials, regional legal bureaus, academics, and representatives of civil society organizations, as well as direct observation of the Perda discussion process in two case study locations, namely Bandung City and Sleman Regency. Secondary data include legal documents such as Perda, judicial review decisions from the Ministry of Home Affairs and the Supreme Court, Law Number 23 of 2014 concerning Regional Government, and annual reports from the Ombudsman and the Ministry of Home Affairs regarding the evaluation of Perda.

Data collection techniques were carried out through document analysis of 15 problematic Perda that were revoked in the 2020-2023 period, semi-structured interviews, and participant observation. Data analysis used content analysis techniques to identify patterns of implementation of the principles of transparency, public participation, and accountability in the formation of Perda, as well as comparative analysis to compare best practices and constraints in the two case study areas. This study also applies triangulation of sources and methods to ensure data validity by comparing the results of interviews, official documents, and field observations. The research findings will be presented descriptively and analytically to provide a comprehensive picture of the implementation of good governance principles while formulating policy recommendations for improving the regional legislative process in Indonesia.

RESULT AND DISCUSSION

This study reveals that the application of good governance principles in the formation of Regional Regulations (Perda) in Indonesia still faces various challenges. Based on an analysis of 15 Perda and in-depth interviews with 10 stakeholders in Bandung City and Sleman Regency, it was found that only 40% of regions consistently published Perda drafts before discussion. The majority (60%) only uploaded documents after ratification, indicating a low level of transparency in the regional legislative process.

Table 1. Level of Implementation of Good Governance Principles in the Formation of Perda

Principles of Good Governance	Implementation Level	Information
Transparency	40%	Only a small number of regions publish draft regional regulations before discussion.
Public Participation	25-30%	Average public knowledge about the process of forming Regional Regulations
Accountability	20%	Percentage of discussion process that documents stakeholders

Public participation in the formation of Regional Regulations is also still very limited. Public consultation forums are only attended by less than 50 participants, most of whom are local elites, while the general public is rarely involved substantively. It is reflected in the finding that, on average, only 25-30% of the community is aware of the process of forming Regional Regulations in



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their area. This condition is exacerbated by the fact that 8 of the 15 Regional Regulations analyzed were not accompanied by adequate Regulatory Impact Assessments (RIAs). The study identified three main obstacles in the implementation of good governance:

Table 2. Obstacles to the Implementation of Good Governance

Types of Obstacles	Sample case	Impact
Structural	70% of regions do not have regulatory impact analysis units	The regional regulations were made without an in-depth study
Cultural	65% of bureaucrats are worried about public criticism	The legislative process tends to be closed
Technical	Only 30% of regions have adequate legal experts	The quality of the Regional Regulation is not optimal

Despite the challenges, the study also found some good practices that are worth emulating. The E-Legislation System in Surabaya has succeeded in increasing youth participation by 40%, while the Perda Law Clinic in Yogyakarta has been able to reduce the number of problematic Perda by 35%. The model of traveling to Banjar/village socialization in Bali has also proven effective by increasing community understanding by 70%.

Table 3. Good Practices in the Formation of Perda

Innovation	Location	Results
E-Legislation	Surabaya	+40% youth participation
Regional Law Clinic	Yogyakarta	-35% of regional regulations are problematic
Mobile Socialization	Bali	+70% public understanding

Based on these findings, the study recommends (1) the establishment of a special unit for analyzing the impact of regulations in each region, (2) increasing capacity through technical training for Perda drafters, and (3) developing a digital platform to expand public participation. Implementation of these recommendations is expected to improve the quality of Perda while strengthening the principles of good governance at the regional level.

The findings of this study confirm that there is a significant gap between the theory of good governance and the practice of regional regulation formation at the regional level. The low level of transparency (40%) and public participation (25-30%) indicate that an elitist top-down approach still dominates the regional legislative process. This is in line with Dwiyanto's (2018) research, which found that Indonesia's bureaucratic culture tends to be resistant to information disclosure. The fact that 60% of new regional regulations are published after ratification is a strong indication that the



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principle of ex-ante transparency in policy formation has not been optimally implemented (Saputra et al., 2021).

The finding of low use of Regulatory Impact Assessment (RIA) in 8 of the 15 Perda studied strengthens Rhodes' (1996) argument regarding weak technical accountability in local government. This condition is exacerbated by limited human resources, where only 30% of regions have adequate legal experts (Firman et al., 2021). This result is consistent with the report of the Ministry of Home Affairs (2022), which highlights the disparity in legislative capacity between regions. However, good practices such as the E-Legislation system in Surabaya prove that digital transformation can be an effective solution to increase public participation, especially among the younger generation (Zakaria et al., 2022).

This study also reveals a structural dilemma in the formation of Perda. On the one hand, decentralization provides broad authority to regions, but on the other hand, it is not balanced with adequate capacity building. The finding that 70% of regions do not have a regulatory impact analysis unit emphasizes the urgent need for institutional reform at the local level (Arruda et al., 2021). The research recommendation on the need for a digital public participation platform is in line with Setiyono's (2022) findings on the effectiveness of e-governance in increasing policy transparency. Thus, the solution to this problem must be comprehensive, covering institutional, cultural, and technical aspects simultaneously (Anggoro et al., 2019).

CONCLUSION

This study shows that the implementation of good governance principles in the formation of Regional Regulations in Indonesia is still not optimal, with relatively low levels of transparency (40%), public participation (25-30%), and accountability (20%). The main obstacles include structural constraints (lack of policy analysis units), cultural (closed bureaucratic mentality), and technical (limited human resource capacity). However, several regions, such as Surabaya, Yogyakarta, and Bali, have demonstrated good practices through digital innovation, legal clinics, and participatory socialization, which have succeeded in improving the quality of legislation. These findings emphasize the importance of strengthening institutions, increasing the capacity for drafting Regional Regulations, and utilizing technology to expand public participation. By adopting these solutions, the formation of Regional Regulations in the future is expected to be more transparent, inclusive, and accountable so that it truly reflects public needs and supports good governance at the regional level.

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