

Forming of Regional Regulations Based on Good Governance Principles: Efforts to Realize Quality Regulations

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Abstract

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Regional regulations should be designed to promote public welfare, not merely to maintain rigid social order. They must be formulated flexibly to adapt to evolving community needs. This research examines the position of Regional Regulations within Indonesia's legal hierarchy, analyzes the application of good governance principles in their formation, and proposes a model for their development based on these principles. This study employs normative legal research using statutory and conceptual approaches. The results of this research indicate that Regional Regulations are basically formed as delegated legislation, not as main legislation. Consequently, Regional Regulations must conform to laws issued by the Central Government. Accordingly, their formation must incorporate good governance principles. These principles at least include transparency, meaningful public participation, and accountability. The proposed model comprises five stages: needs analysis through research; participatory drafting with impact analysis; democratic discussion; effective implementation; and periodic evaluation and impact analysis, discussing the Draft Regional Regulation democratically, implementing the Regional Regulation effectively, and evaluating Regional Regulation periodically.

1. Introduction

The principle of a unitary state emphasizes that the state has a single structure, where supreme sovereignty lies entirely in the hands of the central government.¹ Sovereignty cannot be divided. In this context, the state tends to be centralistic. Although there is a division of territory in a unitary state, it does not give the region the right to sovereignty, which means it does not have the power to manage its internal affairs independently. Regional authority in this centralized system only covers tasks given and delegated by the central government. All norms, standards, procedures, and provisions are set by the Central Government, while the regions are only responsible for carrying out tasks that have been given and delegated.²

This centralistic system results in the Central Government having a very dominant role in terms of regulation and management.³ However, the centralistic Law No. 5/1974 on Regional Government proved unjust and detrimental to local communities. In addition, the centralistic system implemented in the law also hampers the development of local democracy, which

¹ Hufron and Syofyan Hadi, *Ilmu Negara Kontemporer* (Yogyakarta: LaksBang Grafika, 2015); Syofyan Hadi, "Fungsi Representative Dewan Perwakilan Rakyat Daerah Dalam Sistem Otonomi," *DiH: Jurnal Ilmu Hukum* 9, no. 17 (2013); Probojati Bayu Herlambang and Syofyan Hadi, "The Position Of The Regulation Head Of The Nusantara Capital Authority In The Legislation System," *Transparansi Hukum* 7, no. 2 (2024), <https://doi.org/https://doi.org/10.30737/transparansi.v7i2.5798>.

² Syofyan Hadi et al., *Teknis Penyusunan Peraturan Di Desa* (Yogyakarta: Jejak Pustaka, 2023).

³ Baharuddin Riqiey and Pandu Satriawan Zainulla, "Problematika Kewenangan Pemerintah Daerah Dalam Pengelolaan Tambang," *Sosialita* 1, no. 1 (2022); Moh Nizar and Wais Al qarni, "Dinasti Politik Dan Demokrasi Lokal," *Demokrasi Dan Otonomi Daerah* 9, no. April (2021); Muhammad Akbal, "Harmonisasi Kewenangan Antara Pemerintah Pusat Dan Daerah Dalam Penyelenggaraan Otonomi Daerah," *Jurnal Supremasi* XI, no. 2 (2016).

directly or indirectly reduces the empowerment of local communities in various aspects of development. In response, amendments to the 1945 Constitution shifted the state from centralism to decentralization, in accordance with the provisions of Article 18 of the 1945 Constitution of the Republic of Indonesia. Through this article, regions are given autonomy, which is explained in Article 1 number 6 of Law Number 23 of 2014 concerning Regional Government (hereinafter referred to as Law No. 23 of 2014).

Regional autonomy is the right, authority and obligation of autonomous regions to regulate and manage their own government affairs and the interests of the local community in accordance with statutory regulations. Regional autonomy gives authority to autonomous regions to regulate and manage all aspects of life in the region in accordance with the initiative of the local community. From the authority to regulate, autonomous regions have the authority to create legal norms that form the basis for implementing regional government affairs. Article 18 paragraph (6) of the 1945 Constitution of the Republic of Indonesia states that "Regional Governments have the right to determine regional regulations and other regulations to implement autonomy and assistance tasks". In line with these provisions, Article 236 of Law No. 23 of 2014 also stipulates that:

- (1) In order to implement Regional Autonomy and Assistance Tasks, the Region forms Regional Regulations.
- (2) The Regional Regulation as referred to in paragraph (1) is formed by the DPRD with the joint approval of the Regional Head.
- (3) The regional regulation as referred to in paragraph (1) contains material content:
 - a. implementation of Regional Autonomy and Assistance Tasks; and
 - b. further elaboration of the provisions of higher statutory regulations.
- (4) In addition to the content of the material as referred to in paragraph (3), the Regional Regulation may contain local content in accordance with the provisions of statutory regulations.

These provisions establish regional authority to regulate. Philipus M Hadjon stated that regional autonomy is the authority to form the regulation of authority and the forming of principles, as well as procedures in implementing it.⁴ Therefore, with regional autonomy, regional governments are given the authority to form regional regulations which function as legal norms in the implementation of regional autonomy.⁵

As a legal product, Regional Regulation is expected to support the welfare of the community. Regional Regulation is not only a system to maintain a rigid and coercive social order, but Regional Regulation must be an instrument to realize the welfare of the community. Regional Regulation must be responsive and adaptive to the interests of the community. Regional Regulation must be conceived as a tool to achieve goals, not as a goal. However, so far, the forming of Regional Regulations has not been fully able to become an instrument to improve public welfare. In fact, there are often Regional Regulations that cannot be

⁴ Philipus M. Hadjon and R. Sri Soemantri Martosoewignjo, *Pengantar Hukum Administrasi Indonesia* (Yogyakarta: Gadjah Mada University Press, 2008).

⁵ A. Zarkasi, "Pembentukan Peraturan Daerah Berdasarkan Peraturan Perundang-Undangan," *Jurnal Ilmu Hukum INOVATIF* 2, no. 4 (2004).

implemented effectively because they are not supported by regional financial capabilities and there are also Regional Regulations that are the cause of investment obstacles in the Region.

One contributing factor is the poor quality of Regional Regulations, resulting from haphazard formation processes. For example, the forming of a Regional Regulation that is not based on scientific facts through needs analysis and impact analysis, so that when the Regional Regulation has been enacted it cannot be implemented effectively. Another example is the lack of evaluation or research of the effectiveness of the Regional Regulation that has been formed, so that it cannot be known to what extent the normative and sociological validity of the Regional Regulation is. Therefore, a systematic approach to forming quality Regional Regulations is urgently needed. One way is to form a Regional Regulation based on the principle of good governance, which is a universal principle and is a guideline for creating transparent, accountable, participatory, effective, efficient, and equitable governance, including in the forming of regulations. Based on this, this research aims to analyse the principle of good governance in the forming of Regional Regulations and find a model for the forming of Regional Regulations based on the principle of good governance.

A similar research was conducted by Syofyan Hadi and Tomy Michael, entitled "Forming a Responsive Local Law in the National Legal Framework."⁶ This research discusses the requirements that must be met in the formation of responsive Regional Regulations within the framework of the national legal system. Sofwan also conducted a research entitled "The Urgency of Public Participation in the Formation of Regional Regulations."⁷ This research discusses the importance of public participation in the formation of Regional Regulations, especially as an effort to strengthen the legitimacy of the government in implementing the rules. Another research was also conducted by Utami T, entitled "The Efforts to Realize Responsive Local Regulations for Community Development."⁸ This research discusses the steps that must be taken in the formation of responsive Regional Regulations, among which are the local regulations must have clear philosophical, sociological, and juridical values to create a responsive regulation to community development. Subsequent research was conducted by Rochmawanto M et al with the title "Urgency of establishing responsive local regulations to realize good local governance".⁹ This research discusses the urgency of establishing responsive Regional Regulations as an effort to realize good local governance. Based on this explanation, this research is different from previous studies. This research focuses on 2 (two) things, namely related to the position of the principle of good governance as part of the principle of good legislation making in the formation of Regional Regulations

⁶ Syofyan Hadi and Tomy Michael, "Forming a Responsive Local Law in the National Legal Framework," *International Journal of Social Science Research and Review* 4, no. 5 (December 5, 2021): 1-5, <https://doi.org/10.47814/ijssrr.v4i5.135>.

⁷ Sofwan Sofwan, "Urgensi Partisipasi Publik Dalam Pembentukan Peraturan Daerah," *JATISWARA* 37, no. 1 (2022), <https://doi.org/10.29303/jtsw.v37i1.364>.

⁸ Tanti Kirana Utami, "The Efforts to Realize Responsive Local Regulations for Community Development," *UNIFIKASI: Jurnal Ilmu Hukum* 8, no. 1 (June 30, 2021): 134-42, <https://doi.org/10.25134/unifikasi.v8i1.4402>.

⁹ Munif Rochmawanto et al., "Urgency of Establishing Responsive Local Regulations to Realize Good Local Governance," *Technium Social Sciences Journal* 38 (December 9, 2022): 192-96, <https://doi.org/10.47577/tssj.v38i1.7835>.

and the model for forming Regional Regulations based on good governance as an effort to realize quality Regional Regulations. Previous studies did not discuss these two things in full.

2. Methods

This research employs normative legal research. The study uses statutory and conceptual approaches.¹⁰ Legal materials comprise primary sources (statutes and regulations) and secondary sources (scholarly literature). Primary materials were collected through inventory and categorization; secondary materials through literature review. Primary legal materials and secondary legal materials that have been collected are then identified, classified, and systematized according to their sources and hierarchies. After that, all legal materials are reviewed and analysed using legal reasoning with the deductive method.¹¹

3. Results and Discussion

3.1. Position of Regional Regulations

Article 18(6) of the 1945 Constitution grants regional governments authority to form norms, standards, procedures, and provisions collectively termed Regional Regulations as the basis for implementing government affairs the basis for implementing government affairs. Thus, the existence of Regional Regulation is one of the core elements of regional autonomy. According to provisions of Article 18 paragraph (6) of the 1945 Constitution of the Republic of Indonesia, in order to implement autonomy, the regional government is given the authority to form a Regional Regulation. This constitutes attribution authority, empowering regional governments to create their own regulations. This authority is a logical consequence of the existence of regional autonomy which gives authority to the regional government to carry out some of the government affairs that are within its authority.

Avoid repeating full quotation. Summarize or refer to earlier citation.

- (1) In order to implement Regional Autonomy and Assistance Tasks, the Region forms Regional Regulations.
- (2) The Regional Regulation as referred to in paragraph (1) is formed by the DPRD with the joint approval of the Regional Head.
- (3) The regional regulation as referred to in paragraph (1) contains material content:
 - a. implementation of Regional Autonomy and Assistance Tasks; and
 - b. further elaboration of the provisions of higher statutory regulations.
- (4) In addition to the content of the material as referred to in paragraph (3), the Regional Regulation may contain local content in accordance with the provisions of statutory regulations.

Under Article 236, Regional Regulations are enacted by the Regional Head with approval from the Regional House of Representatives. This means that each Regional Regulation is discussed and jointly approved by the Head of Region and Regional House of Representative. This indicates that the position between the regional government and Regional House of Representative is equal. Law No. 12/2011 similarly distinguishes two types of Regional Regulations

¹⁰ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2016).

¹¹ Irwansyah and Ahmad Yunus, *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel* (Yogyakarta: Mirra Buana Media, 2020).

- 1) Provincial Regional Regulations are regulations formed by the Provincial House of Representative with the joint approval of the Governor (Article 1 number 7).
- 2) District/City Regional Regulations are regulations formed by the District/City House of Representative with the joint approval of the Regent/Mayor (Article 1 number 8).

The forming of regional regulations is one of the rights of regional governments to implement regional autonomy.¹² So that regional autonomy has two meanings, namely the authority to manage and the authority to regulate. Therefore, the authority to form a Regional Regulation is an attribution authority that comes directly from the 1945 Constitution of the Republic of Indonesia. The forming of a Regional Regulation is a means of implementing regional autonomy and assistance tasks. Norms, standards, procedures, and provisions which is manifested in regional regulations is a legal product that is regional or local in nature.

The position of the Regional Regulation is only as delegated legislation, not as main legislation.¹³ This means that the Regional Regulation is a further elaboration of the provisions contained in the main legislation. The provisions of Article 136 paragraph (3) stipulate that "The Regional Regulation as referred to in paragraph (1) is a further elaboration of higher legislation by taking into account the characteristics of each region". As implementing regulations, Regional Regulations must not conflict with higher laws and regulations. This is based on the aim of maintaining the consistency of legal norms formulated hierarchically. Therefore, based on Article 136 paragraph (4) it is determined that "Regional Regulations as referred to in paragraph (1) are prohibited from conflicting with the public interest and/or higher laws and regulations". Regional Regulations are one type of Law and Regulation and are part of the national legal system based on Pancasila.¹⁴

Hans Kelsen's theory of legal hierarchy, later developed by Hans Nawiasky, posits that legal norms are structured in tiers.¹⁵ The hierarchy of law in Indonesian legal system stipulated in Article 7 paragraph (1) of Law No. 12 of 2011:

- a. The 1945 Constitution of the Republic of Indonesia;
- b. Decree of the People's Consultative Assembly;
- c. Law/ Government Regulation In Lieu Of Law;
- d. Government Regulation;
- e. Presidential Regulation;
- f. Provincial Regional Regulations; and
- g. District/City Regional Regulations.

With the provisions of Article 7 paragraph (1) of Law No. 12 of 2011 above, it can be seen that Regional Regulations are divided into two, namely Provincial Regulations and

¹² Juanda Juanda and Ogiandafiz Juanda, "Legal Politics of The Formation of Regional Regulations Based on Positive Law," *Jurnal Dinamika Hukum* 22, no. 3 (2022), <https://doi.org/10.20884/1.jdh.2022.22.3.3112>; Haposan Siallagan and Otong Syuhada, "The Role Of Pancasila In The Formation Of National And Regional Regulations," *Journal of Law and Sustainable Development* 11, no. 3 (2023), <https://doi.org/10.55908/SDGS.V11I3.711>.

¹³ Sholahuddin Al-Fatih et al., "Rethinking Delegated Legislation in the Indonesian Legal System," *Jurnal Hukum Novelty* 14, no. 2 (2023): 240-51, <https://doi.org/10.26555/novelty.v14i2.a27517>.

¹⁴ Bagir Manan and Kuntana Magnar, *Beberapa Masalah Hukum Tata Negara Di Indonesia* (Bandung: Alumni, 1997).

¹⁵ Syofyan Hadi, "The Influence of Theorie Von Stufenbau Der Rechtsordnung in the Indonesian Legal System," *DiH: Jurnal Ilmu Hukum* 20 (2024): 202-10, <https://doi.org/10.30996/dih.v20i2.10989>.

Regency/City Regulations. These provisions place Provincial Regulations in a higher position compared to Regency/City Regulations. This ensures that Regency/City Regulations do not conflict with Provincial Regulations. Provincial Regulations are the source or reference for Regency/City Regulations. These provisions can guarantee more effective supervision of Regional Regulations so that it will create legal certainty. In addition, such a determination will result in the creation of consistent legal principles or norms in regional legal products.

3.2. Principles of Good Governance in Forming of Regional Regulations

As one type of regulation, the forming of Regional Regulations must also pay attention to the principles of the forming of good legislation. These principles have a very significant role, especially to ensure that the forming of these legislation is in accordance with its objectives. Article 5 of Law Number 12 of 2011 stipulates that the forming of legislation must be based on the principles of the forming of good regulations, namely clarity of objectives, the right institution or organ that makes it, suitability between the type and content of the material, can be implemented, usefulness and effectiveness, clarity of formulation; and openness.

I.C van der Vlies divides the principles for the forming of good legal regulations (*beginselen van behoorlijke regelgeving*) into 2 (two), namely the formal principles for the forming of good legal regulations (*formele beginselen van behoorlijke regelgeving*) and the material principles for the forming of good legal regulations (*materiele beginselen van behoorlijke regelgeving*).¹⁶ The formal principles in the forming of legislation (*formele beginselen van behoorlijke regelgeving*) consist of: The principle of clear objectives (*beginsel van duidelijk doelstelling*), the principle of the appropriate organ/institution (*beginsel van het juiste orgaan*), the principle of the need for regulation (*het noodzakelijkheid beginsel*), the principle of the ability to be implemented (*het beginsel van uitvoerbaarheid*), the principle of consensus (*het beginsel van consensus*). Meanwhile, the material principles are as follows: The principles of correct terminology and systematics (the principles of correct terminology and systematics), the principles of recognisability (the principles of equal treatment under the law), the principles of legal certainty (the principles of legal certainty), the principles of implementing the law according to individual circumstances).¹⁷

A. Hamid S. Attamimi stated that "in the forming of legislation, in addition to being guided by the principles of the forming of good legislation (*beginselen van behoorlijke regelgeving*), it also needs to be based on general legal principles (*algemene van rechtsbeginselen*) which include the principle of a state based on law, a government based on a constitutional system, and a state based on the sovereignty of the people".¹⁸

¹⁶ I.C van der Vlies, *Handbook Wetgeving* (Zwolle: W.E.J Tjeenk Willink, 1987); Yuliandri, *Asas-Asas Pembentukan Peraturan Perundang-Undangan Yang Baik : Gagasan Pembentukan Undang-Undang Berkelanjutan* (Jakarta: Rajawali Pers, 2010).

¹⁷ Zainal Arifin Mochtar, *Politik Hukum Pembentuk Undang-Undang* (Yogyakarta: EA Book, 2022); Rizky Julranda, Pran Mario Simanjuntak, and Sultan Fadillah Effendi, "Quo Vadis: Penerapan Asas Partisipasi Publik Dalam Pembentukan Peraturan Perundang-Undangan Di Indonesia," *Padjadjaran Law Review* 10, no. 2 (2022), <https://doi.org/10.56895/plr.v10i2.1052>.

¹⁸ Yuliandri, *Asas-Asas Pembentukan Peraturan Perundang-Undangan Yang Baik : Gagasan Pembentukan Undang-Undang Berkelanjutan*.

Beyond these legislative principles, the vital role of Regional Regulations in regional autonomy demands that their formation also incorporate good governance principles governance. The principles of good governance are a directive for regional governments to create good laws. Good law is a law that not only provides legal protection to the government, but legal protection to the community is the main goal. As a legal policy that is a manifestation of the vision, mission and concept of life in the region, the Regional Regulation must be an agreement of all parties in the region. The Regional Regulation should not be just a claim of one party, but must be a shared vision and agreement. This can only be achieved if the forming of the Regional Regulation is carried out by paying attention to the principles of good governance.

Good governance is a concept requiring collaborative governance involving government, civil society, and the private sector. Government in the concept of good governance requires everyone to be involved. There are 3 (three) parties involved in good governance, namely the government, society, and the business world. Every policy-making must involve these three things. Therefore, to form a Regional Regulation in accordance with the principles of good governance, these three parties must be involved. The forming of a Regional Regulation based on the principles of good governance requires 3 (three) things, namely transparency, participation, and accountability. These three things are a unity that cannot be separated from each other. This means that one principle will support the other principles. Community participation in the forming of Regional Regulations will not run optimally if it is not supported by transparency or openness of the regional government, and vice versa.¹⁹

Transparency is the main basis in the forming of Regional Regulations based on the principle of good governance. Transparency is the main foundation in creating good governance. No government can be called good governance if it is not open. Transparency in the forming of Regional Regulations is closely related to the rights of the community and the business world to obtain information (right to public access to information) which is derived from the right of the community to know (right to know) all government activities. Through the right to obtain information (right to public access information), an open government will be created (openness governance). An open government is a government that is transparent, open and participatory. The more open the administration of the state is to public supervision, the more accountable the administration of the state can be. In the forming of Regional Regulations, transparency is a basic and important need to collect and ask for input from the community and the business regarding the Regulations that are formed.

Transparency is a principle that guarantees access or freedom for everyone to obtain information about the implementation of government, namely information about policies, the process of making and implementing them, and the results achieved. According to UNDP, transparency is built on the basis of freedom to obtain information. Information related to the public interest can be directly obtained by those who need it.²⁰ Through transparency, the forming of Regional Regulations can be known by many parties.

¹⁹ Zainal Arifin Mochtar et al., "From Meaningful to Meaningless Participation: The Tragedy of Indonesia's Omnibus Law on Job Creation," *Jurnal Media Hukum* 31, no. 2 (December 2024): 351-70, <https://doi.org/10.18196/jmh.v31i2.23557>.

²⁰ Mardiasmo, *Otonomi Dan Manajemen Keuangan Daerah* (Yogyakarta: Andi, 2018).

After the government is managed transparently or openly, the forming of Regional Regulations based on the principle of good governance must involve public participation. Dynamic and responsive governance depends on how the government is able to inspire, utilize and foster solid involvement from as many sectors of society as possible in the forming of Regional Regulations. Public participation allows the government to be truly responsive to changes in all situations and innovate in formulating community needs in Regional Regulations. Public participation helps the authorities in the forming of Regional Regulations in the form of a general framework for the contents of the Regional Regulations. And the most important thing is that Public Participation in the forming of Regional Regulations helps to increase commitment to implementing Regional Regulations as joint decisions.

Article 5 of Law No. 12 of 2011 determines that one of the principles of the forming of good legislation (*beginselen van behoorlijke regelgeving*) is the principle of openness. Which in its explanation is explained that "The principle of openness is that in the process of forming legislation starting from planning, drafting, and discussion is transparent and open". Thus, all levels of society have the widest possible opportunity to provide input in the process of forming legislation.²¹

This means that in the forming of the Regional Regulation, the forming must be open and transparent, both in terms of planning, drafting, and discussion. With openness, community participation has the widest possible opportunity to provide input in the process of forming the Regional Regulation. With openness, Regional Regulation can be drafted according to the needs of the community. So that the Regional Regulation that has a responsive character, the process of making it is participatory, namely inviting as much participation as possible from all elements of society, both from the individual or community groups and must also be aspirational which comes from the desires or wishes of the community. This means that the legal product is not the will of the ruler to legitimize his power.

According to Krina, participation is community involvement in every activity of the government process carried out by the regional government when formulating direction and policies, determining strategies and priorities, and advocacy.²² According to Mardiasmo, participation is the involvement of the community in making decisions, either directly or indirectly, through representative institutions that can channel their aspirations.²³ This participation is built on the basis of freedom of association and speech and participation constructively. Based on this opinion, it can be seen that participation is the principle that everyone has the right to be involved in decision making in every government activity.

Contemporary practice emphasizes that public participation must be meaningful, not merely formal. But it must truly involve meaningful public participation or the term introduced by the Constitutional Court through Constitutional Court Decision Number 91/PUU-XVIII/2020 is meaningful participation. Meaningful public participation must at least contain 3 (three) things, namely the right to be heard, the right to be considered, and the

²¹ Eko Nursetiawan and Riris Ardhanariswari, "Meaningful Participation in Legislative Drafting as a Manifestation of a Democratic Rule of Law," *Jambe Law Journal* 5, no. 2 (2022), <https://doi.org/10.22437/jlj.5.2.251-270>.

²² L. L., Krina, *Indikator Dan Alat Ukur Prinsip Akuntabilitas, Transparansi & Partisipasi* (Jakarta: Badan Perencanaan Pembangunan Nasional, 2003).

²³ Mardiasmo, *Otonomi Dan Manajemen Keuangan Daerah*.

right to receive an explanation or answer to the opinion given (right to be explained). Failure to respect these rights may render the resulting regulation legally vulnerable.

Meanwhile, accountability is a condition in which the forming of Regional Regulations can be accounted for both politically and administratively. This accountability is in terms of policy making, implementation, and reporting of a Regional Regulation forming policy. This accountability is a tool for the public to measure the success or failure of the forming of Regional Regulations by the authorized party. Accountability is a principle that guarantees that every activity of government administration can be openly accounted for by the perpetrators to the parties affected by the implementation of the policy. According to Mardiasmo, accountability is responsibility to the public for every activity carried out.²⁴

3.3. Model for the Forming of Regional Regulations Based on Good Governance

The good governance principle as based of Regional Regulation forming is one model to forming the quality regulation. This model is an approach that prioritizes the principles of transparency, accountability, community participation, and effectiveness in the legislative process at the regional level. In this context, good governance is an important foundation to ensure that every policy produced not only meets regulations, but also reflects the aspirations and needs of the wider regional community. By involving various stakeholders ranging from local governments to civil society, this model aims to create more responsive, relevant, and sustainable Government Regulation. This article proposes a five-stage model for forming Regional Regulations based on good governance principles

1. Conducting analysis of the Draft Regional Regulation needs through research

The forming of an effective and relevant Draft Regional Regulation must begin with an in-depth research process. This research aims to understand the local context, social, economic, and cultural conditions of the community, as well as the issues faced in the area. By conducting a comprehensive analysis, the local government can identify the urgent needs and aspirations of the community, so that the Draft Regional Regulation produced can truly reflect the interests and expectations of the residents. A good research process also helps reduce the risk of conflict or rejection from the community, because the legislative product produced is based on valid data and facts.

In addition, the forming of Draft Regional Regulation must be guided by higher laws and regulations. This is important to ensure that each regional policy does not conflict with national laws or broader regulations. By complying with the hierarchy of laws and regulations, regional governments can maintain the legitimacy and validity of the Draft Regional Regulation that has been established. In addition, compliance with higher regulations also creates harmony between policies at the regional level and national policies, thus supporting broader and more harmonious development goals.

The needs of local communities are also a crucial factor in the forming of Draft Regional Regulation. In many cases, Draft Regional Regulation that is produced from the real needs of the community is easier to accept and implement. Therefore, local governments must open effective communication channels with the community, either through discussion forums, surveys, or public consultations. By involving the community in the process of

²⁴ Mardiasmo.

forming Draft Regional Regulation, it not only increases the sense of ownership of the policies set, but also ensures that the proposed solutions are relevant and on target. Thus, the forming of Draft Regional Regulation based on research and community needs will contribute to better and more responsive governance.

In simple terms, the forming of a Draft Regional Regulation must be based on 2 (two) things, namely on the orders of higher laws and regulations and the existence of urgent needs or desires of the Regional community. A Draft Regional Regulation may not be formed other than for these 2 (two) reasons, because it will have an impact on the implementation of the Draft Regional Regulation itself. A Draft Regional Regulation that is formed not based on these two reasons will most likely not have a positive impact on the Regional community, it can even be said that there is no effect from the Draft Regional Regulation. So, this will later enter into a futile matter. Therefore, through prior research, this will have a positive impact in relation to the forming of a Regional Regulation. In addition to carrying out the orders of laws and regulations, the needs of the Regional community are considered properly. This research can be carried out using the Regulatory Objectives, Compliance Costs, Competitiveness, Impact on Citizens, Policy Alternatives, and Implementation (ROCCIPI) or Regulatory Impact Analysis (RIA) methods.

2. Drafting of Regional Regulations based on meaningful participation and by conducting impact analysis

Drafting a Draft Regional Regulation based on meaningful participation is an approach that emphasizes the importance of active community involvement in every stage of the legislative process. This concept requires local governments to not only collect input from the community, but also to ensure that such participation is meaningful and recognized in decision-making. By involving various stakeholders, including marginalized community groups, the government can gain a broader and deeper perspective on relevant issues, and create a sense of ownership of the resulting policies. Meaningful participation not only increases the legitimacy of the Draft Regional Regulation, but also strengthens the relationship between the government and the community.

This process involves assessing the potential effects that may arise from the implementation of the proposed policy, both in terms of economic, social, and environmental. By conducting an impact analysis, local governments can identify the advantages and disadvantages that may occur, as well as anticipate the challenges that must be faced in implementing the Draft Regional Regulation. This not only helps in formulating more effective policies, but also provides the information needed to improve and adjust regulations before they are enacted.

Combining meaningful participation with impact analysis in the forming of Draft Regional Regulation creates a more holistic and responsive approach to community needs. Through active participation and comprehensive analysis, local governments can ensure that the Draft Regional Regulation produced not only meets legal aspects, but also provides real benefits to the community. In addition, this process will increase transparency and accountability, as well as encourage public trust in government. Thus, the forming of Draft Regional Regulation based on meaningful participation and impact analysis can be a strategic step in realizing good and sustainable governance.

3. Discussion of the Draft Regional Regulation was carried out democratically

Democratic discussion of the Draft Regional Regulation is a must in a system of government based on democratic principles. This process involves various stakeholders, including members of the council, local governments, and the community, to ensure that every voice is heard and considered. Democratic discussion not only creates transparency in the legislative process, but also ensures that the resulting policies reflect the aspirations and needs of the wider community. By involving various parties, the Draft Regional Regulation becomes more accountable and relevant, and increases the legitimacy of the resulting legal product.

One important aspect of democratic discussion of the Draft Regional Regulation is the existence of a discussion forum that is open to the public. Local governments and the legislature need to provide a platform for the community to provide input, criticism, and suggestions on the Draft Regional Regulation being discussed. Community involvement in these forums provides an opportunity for them to share experiences and views that can enrich the substance of the Draft Regional Regulation. Thus, the community feels that they have a stake in the decision-making process that has a direct impact on their lives.

In addition to public forums, discussion of the Draft Regional Regulation must also involve consultation with various community groups, including non-governmental organizations, academics, and the private sector. Through this approach, local governments can gather more diverse and comprehensive views on the issues at hand. The involvement of various parties not only improves the quality of discussions but also helps in creating consensus among stakeholders. With support from various levels of society, the resulting Draft Regional Regulation will be more easily accepted and implemented. Democratic discussion of the Draft Regional Regulation also reflects the local government's commitment to the principles of good governance. By implementing an inclusive and participatory process, the government shows that it respects the community's right to participate in decision-making. This not only strengthens the relationship between the government and the community but also encourages a sense of shared responsibility in maintaining justice and social welfare. Thus, democratic discussion of the Draft Regional Regulation becomes an important foundation in creating transparent, accountable, and responsive governance to the needs of the community.

4. Effective implementation of the Regional Regulation

The effective implementation of a regulation is highly dependent on the extent to which the regulation is in line with the aspirations of the community. To achieve this alignment, the regulation drafting process must involve active participation from the community from the start. By identifying the needs, expectations, and problems faced by the community, local governments can formulate relevant and responsive regulations. When the community feels that the regulation reflects their voices and interests, the likelihood of supporting and complying with the policy will be higher.

In addition, it is important to ensure that the implemented regulation truly contributes to the welfare of the community. This can be achieved by setting clear and measurable objectives in each regulation, as well as conducting an impact analysis to evaluate the expected effects of the policy. Local governments must monitor and assess the results of the

implementation of the regulation periodically, so that they can identify aspects that need to be improved or adjusted. By focusing on concrete results, the implementation of regulations can produce real benefits for the community, such as increased access to public services, poverty reduction, and an overall improvement in the quality of life.

5. Periodic evaluation

The implementation of periodic evaluation of Regional Regulation is a crucial element in the Regional Regulation forming model based on the principles of good governance. This evaluation serves to assess the effectiveness and impact of policies that have been implemented, so that local governments can identify whether the Regional Regulation has met the stated objectives. By conducting systematic evaluations, the government can ensure that each policy remains relevant and responsive to community dynamics, and can make necessary adjustments to improve policy performance.

By analysing the results of the implementation of Regional Regulation, the government can identify best practices and challenges faced, and formulate more effective strategies for the future. This learning is very important in the context of developing sustainable and responsive policies. Thus, periodic evaluation is not only an assessment process, but also an integral part of efforts to create good governance that is results-oriented, where the Regional Regulation produced can truly provide benefits to the community.

4. Conclusions

Regional autonomy grants regions the authority to regulate through Regional Regulations. The Regional Regulations are only delegated legislation, not main legislation. Therefore, Regional Regulations as subordinate legislation must be subject to and in accordance with the legal products stipulated by the Central Government. As a legal product, the forming of Regional Regulations must be based on the principles of good governance. Therefore, their formation must be transparent, participatory, and accountable. With these three things, a responsive Regional Regulation will be created that is in accordance with the needs of the community. This article proposes a five-stage model: (1) needs analysis through research; (2) participatory drafting with impact analysis; (3) democratic discussion; (4) effective implementation; and (5) periodic evaluation analysis, discussing the Draft Regional Regulation democratically, implementing the Regional Regulation effectively, and evaluating Regional Regulation periodically.

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