



# Analysis of the Implementation of Good Governance Principles in the Formation of Laws and Regulations in Indonesia

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**Abstract:** *This study analyzes the implementation of the principles of good governance in the formation of laws and regulations in Indonesia. While principles such as transparency, participation, accountability, and effectiveness are expected to improve the quality of regulation and public trust, the practice still faces various challenges. Overlapping regulations, a lack of substantial public participation, and the accountability of legislative institutions influenced by political interests are the main obstacles. This study uses a normative juridical approach to evaluate the extent to which these principles are applied and their impact on the quality of regulations. The results of the analysis show that the ineffectiveness of the implementation of good governance principles contributes to the low quality of laws and regulations, as well as reduces public trust in the government. Therefore, reforms are needed in the legislative process to ensure that the principles of good governance are effectively integrated, in order to achieve sustainable legal development that is responsive to the needs of society.*

**Keywords:** *Effectiveness, Good Governance, Quality of Regulations.*

## Introduction

The formation of laws and regulations is one of the important instruments in the legal system in Indonesia which aims to regulate the life of the nation and state. The legislation process is expected to produce legal products that not only prioritize certainty and justice, but also be able to realize the principles of good governance. Law Number 30 of 2014 Jo Law Number 6 of 2022 concerning Government Administration. These principles, which include transparency, participation, accountability, effectiveness, and legal certainty, are the main foundation in ensuring that the resulting legal products can meet the needs of the community and increase public trust in the legislation process. However, in practice, the application of good governance principles in the formation of laws and regulations is often faced with various challenges. Various cases show overlapping regulations, legal inconsistencies, and ineffective public participation in the legislation process. This condition

raises concerns about the quality of the laws and regulations produced and their impact on law enforcement and social justice. Therefore, it is important to analyze the application of good governance principles in the process of forming laws and regulations in Indonesia to find out the extent to which these principles have been applied and what obstacles are faced.(Mada 2018)

One of the main challenges in the formation of laws and regulations in Indonesia is the problem of hyperregulation or overlapping existing regulations. The concept of the Omnibus Law was proposed as a solution to this problem, but its implementation caused a lot of controversy, especially related to the application of the principles of good governance. The establishment of the 2020 Job Creation Law and the 2022 Health Bill provide concrete examples in which the principles of transparency and public participation are questioned.(DA 2023; Hidayat 2022)

Research on the analysis of the formation of laws and regulations in Indonesia is not only carried out by this study. However, it was carried out by other research, such as a study entitled Institutionalization of Pancasila Values in the Formation and Evaluation of Laws and Regulations by Fendi Setyawan(Setyawan 2021). Furthermore, the research was entitled Design of Special Institutions for Legislation and Evaluation of Participatory Laws and Regulations by Aprilian Sumodiningrata, Azuan Helmib, TB. Rifat P.(Sumodiningrat, Helmi, and Rifat 2022) And the research entitled The Need for the Implementation of Law No. 15 of 2019 concerning Amendments to Law No. 12 of 2011 concerning the Establishment of Laws and Regulations to Implement Analysis and Evaluation of Laws and Regulations by Alfian Lubis(Lubis 2023).

The difference between this study and the previous study is that this study broadly focuses on evaluating the extent to which the principles of good governance are applied in the formation of laws and regulations in Indonesia. If the research conducted by Fendi Setiawan focuses on the institutionalization of Pancasila values in the formation and evaluation of laws and regulations. This article discusses how legal instruments that refer to Pancasila values can be used as a guideline in the process of making and assessing laws and regulations, so that these regulations do not conflict with Pancasila values. In addition, this article highlights the role of institutions such as BPIP (Pancasila Ideology Development Agency) and BPHN (National Law Development Agency) in evaluating and harmonizing laws and regulations to be in accordance with Pancasila. This article also emphasizes the importance of strengthening legal instruments and synergy between regulatory institutions to ensure that Pancasila values are integrated in every stage of law formation.(Setyawan 2021) Furthermore, research by Aprilian Sumodiningrata, Azuan Helmib, TB. Rifat P focuses on designing special institutions in the field of legislation and evaluation of participatory laws and regulations in Indonesia. This article discusses the problem of

regulatory obesity, overlapping rules, and low regulatory quality. In this context, the urgency of establishing a national regulatory institution that aims to synchronize and harmonize laws and regulations to be more effective, efficient, and participatory was also discussed. The two main focuses of this article are the ideal institutional design for legislation. An evaluation and monitoring mechanism for laws and regulations that meet the elements of participation, accountability, and progress.(Sumodiningrat, Helmi, and Rifat 2022) And the research conducted by Alfian Lubis focuses on the need for implementing regulations to carry out analysis and evaluation of laws and regulations in accordance with Law Number 15 of 2019 which amends Law Number 12 of 2011 concerning the Formation of Laws and Regulations. This article discusses the importance of monitoring and reviewing laws after they are promulgated, and highlights the various problems in regulatory practices in Indonesia, such as overlapping, multi-interpretation, and non-compliance with regulations. For this reason, clear guidelines are needed in evaluating laws and regulations, which must be outlined in the implementing regulations as mandated by Article 95B of the Law.(Lubis 2023)

Based on the above background, the formulation of the problem in this study is how to apply the principles of good governance in the formation of laws and regulations in Indonesia, what is the impact of the ineffectiveness of the application of good governance principles on the quality of laws and regulations in Indonesia, and how the process of forming laws and regulations in Indonesia can be improved to meet the good governance standards and increase public trust. The purpose of this study is to analyze the extent to which the principles of good governance, such as transparency, participation, accountability, and effectiveness, are applied in the formation of laws and regulations in Indonesia, as well as to assess the impact of the ineffectiveness of the application of these principles on the quality and legitimacy of the resulting regulations, including their implications for law enforcement and social justice. This research also aims to identify various obstacles and challenges faced in the application of good governance principles, as well as provide recommendations and solutions to improve the legislation process to be more in line with these principles. In addition, this research is expected to encourage discussion and reflection among policymakers, academics, and the public regarding the importance of applying good governance principles in laws and regulations to achieve better and sustainable legal development in Indonesia.

## Methodology

The approach used in this study is a normative juridical approach, which is a legal research method that focuses on the study of literature or secondary data. Therefore, this method is often referred to as doctrinal legal research based on secondary data, legal principles, positive legal rules, as well as sources from libraries, laws and regulations, and

court decisions.(Surtini 2022) In this study, the method was used to analyze the topic "Analysis of the Implementation of Good Governance Principles in the Formation of Laws and Regulations in Indonesia". This approach provides researchers with a deep understanding of the issues being studied, while providing a strong legal basis for their analysis.

## **Result and Discussion**

### **Implementation of the principle of good governance in the formation of laws and regulations in Indonesia**

The implementation of the principles of good governance in the formation of laws and regulations in Indonesia still faces various challenges, which have an impact on the effectiveness of the implementation of the following principles: transparency; Accountability; Participation; Equity; Efficiency and effectiveness; Rule of Law; Responsiveness.

Transparency as one of the main pillars has not been fully implemented, related to many legislative processes such as the Job Creation Law and the Health Bill that take place behind closed doors, causing protests from people who feel marginalized.(Hidayat 2022) Public participation is also often considered a mere formality, with no substantial influence on decisions. Meanwhile, the Constitutional Court's decision No.91/PUUXVIII/2020 mandates that public participation is not limited to fulfilling the right to be heard, but also tests the extent to which the government considers the right of citizens to give their opinions (the right to be considered). If it is not accommodated, the community has the right to get an explanation or answer to the opinion given (the right to explain). However, in reality, the preparation of the Health Bill is far from what is mandated in the Constitutional Court's decision.(DA 2023)

Furthermore, the principle of accountability The accountability of law-making institutions is often questioned, influenced by political and economic interests, while the rule of law is disrupted by hasty legislation, which creates uncertainty, which threatens the independence and quality of the resulting regulations, especially in the case of the Job Creation Law. And influenced by political interests such as in the case of the Constitutional Court Decision regarding the age requirements for regional head candidates.(Setyawan 2021)

In addition, efficiency and effectiveness in the formation of laws are less than optimal, often resulting in overlapping and irrelevant regulations, leading to waste of resources. Therefore, while there have been some efforts to integrate the principles of good governance, their implementation still needs to be improved, especially in terms of transparency, public participation, and accountability, to create a more inclusive and open legislation process to improve public trust and the quality of the resulting regulations.

The effectiveness of transparency in the legislation process is often less than optimal. Although information on the formation of laws can be accessed through official channels, many cases show that the legislation process, such as in the Job Creation Law, is carried out with a lack of openness to the public. This reduces the effectiveness of good governance principles because people do not get full access to information that can meaningfully affect their participation. One of the core principles of good governance is public participation. However, participation in the formation of laws in Indonesia, although provided, is often ineffective because people feel that they are only formally involved, without considering their input substantially. The Constitutional Court's Decision No. 91/PUU-XVIII/2020 emphasizes the importance of meaningful participation, but the reality shows that there are still gaps in its implementation. This results in laws that may not be fully responsive to the needs of the community. Accountability from parliamentarians is also an important aspect in evaluating effectiveness. The legislative process that is expected to take into account every step of the lawmaking process often faces political constraints and the interests of certain groups, which reduces the effectiveness of accountability itself. When this process is influenced by political intervention, the quality of the resulting legislation becomes low, and this is seen in some cases of acceleration of laws without adequate studies.

Evaluation of effectiveness can also be seen from how the resulting regulations can be implemented in real terms and have a positive impact. However, many laws and regulations in Indonesia are still not effective in their implementation. For example, although the Job Creation Law is promoted as an effort to improve the investment climate, in practice this regulation has actually attracted many protests and lawsuits in the Constitutional Court, showing that its effectiveness is still questionable.

One of the main challenges is the problem of hyperregulation or overlapping regulations that make it difficult to apply the principle of effectiveness. With many conflicting regulations, the legislation process cannot run efficiently, and the quality of the resulting laws is compromised. The concept of the Omnibus Law is expected to be a solution, but its implementation needs stricter supervision to be in accordance with the principles of good governance.

### **The Impact of the Ineffectiveness of the Implementation of Good Governance Principles on the Quality of Laws and Regulations in Indonesia**

The application of Good Governance principles in Indonesia faces various challenges that have a significant impact on the quality of laws and regulations. Ineffectiveness in the implementation of these principles can lead to a number of negative impacts, including:

The ineffectiveness of the implementation of Good Governance often leads to an increase in corruption, collusion, and nepotism (KKN) practices. According to the Corruption Perception Index survey by Transparency International, Indonesia still faces major challenges in reducing corruption levels. This suggests that a weak system of oversight and accountability allows for abuse of power by public officials, which in turn undermines the quality of the resulting regulations.(Rukmi Juwita 2022)

Suboptimal public services are caused by the weak application of Good Governance principles. Many people have complained about complicated and inefficient service procedures, which reflect the government's lack of attention to the public interest. This results in low public trust in government institutions and the quality of the regulations produced.(Jimmy Arief Saud Parsaoran 2018; Titin Rohayatin, Tulus Warsito, Ulung Pribadi and Nurmandi 2017) The ineffectiveness of the implementation of Good Governance also has an impact on the inefficiency of state resource management. Regulatory and bureaucratic ambiguity that is convoluted hinders the decision-making process and policy implementation. As a result, resources that should be used for the public interest are often wasted or allocated ineffectively. Public dissatisfaction with the government's performance due to weak Good Governance can lead to a crisis of trust. The public began to doubt the government's ability to draft fair and effective regulations, thereby reducing public participation in government processes and decision-making.

Laws and regulations made in the context of ineffectiveness of Good Governance tend to be unresponsive to the needs of the community. This is due to the lack of transparency, participation, and accountability in the legislation process, resulting in regulations that are irrelevant or even detrimental to society. Overall, the ineffectiveness of the implementation of Good Governance principles in Indonesia has a wide impact on the quality of laws and regulations and public services. To improve the quality of regulations and the effectiveness of governance, serious efforts are needed to strengthen the principles of Good Governance through increased accountability, transparency, and community participation in the decision-making process.(Jimmy Arief Saud Parsaoran 2018; Rukmi Juwita 2022; Titin Rohayatin, Tulus Warsito, Ulung Pribadi and Nurmandi 2017)

### **Improving the Legislation Formation Process in Indonesia to Realize Good Governance and Increase Public Trust**

The process of forming laws and regulations in Indonesia can be improved to meet the standards of good governance and increase public trust through several strategic steps that focus on transparency, public participation, and accountability of legislative institutions. One important step is to increase transparency in the legislation process by



ensuring that all related documents, including draft laws and meeting minutes, are publicly available. This is in line with the Public Information Disclosure Law which emphasizes the public's right to obtain relevant information.(Afifah 2022; Name n.d.) In addition, the use of digital technology can help disseminate information widely and facilitate public access to data related to the legislation process.(Dania Maulinda et al. 2024)

In addition, public participation in the legislation process is essential to create policies that are responsive to the needs of the community. This can be done through public consultation involving a wide range of stakeholders, including civil society organizations and academia.(Farisa 2022). The development of a public participation index can also be a tool to measure public engagement in the legislation process and identify gaps in participation. In addition, the accountability of legislative institutions must be improved by conducting regular evaluations of the performance of legislative members in terms of public participation and transparency of the law-making process. This annual performance report must be published so that the public can assess the effectiveness of DPR members.(Yozami 2020) External oversight by institutions such as the Ombudsman is also important for monitoring and evaluating public services and legislative processes.

Policy reforms are also needed to support good governance. This includes simplifying the procedure for making laws and regulations to be more efficient and less convoluted, as well as the consistent application of the principle of transparency in every stage of the formation of laws and regulations in accordance with applicable provisions.(Yozami 2020) Finally, public education and awareness of their rights in the legislation process is very important. Educational programs about the legislation process and people's right to participate can improve their understanding of how to contribute to policymaking. By implementing these measures, the process of forming laws and regulations in Indonesia can become more inclusive, transparent, and accountable, thereby increasing public trust in the government and legislative institutions.(Dania Maulinda et al. 2024)

In the establishment of laws and regulations in Indonesia, in order to realize good governance and increase public trust, in addition to focusing on transparency, public participation, and accountability of legislative institutions, the following principles must be met. First, the principle of being able to apply requires that every formation of laws and regulations must consider their effectiveness, both philosophically, juridically, and sociologically. Furthermore, the principle of usefulness and usefulness emphasizes that every law and regulation must be made because it is really needed and useful in regulating the life of the community, nation, and state.(Dr. Tanti Kirana Utami, S.H. 2023)

In addition, the principle of clarity of formulation is very important, because every law and regulation must meet technical requirements in its preparation. Systematics, choice of words or terminology, and legal language used must be clear and easy to understand, so

as not to give rise to various interpretations in its implementation. (Dr. Tanti Kirana Utami, S.H. 2023)

## Conclusion

Based on the analysis conducted, it can be concluded that the implementation of the principle of good governance in the formation of laws and regulations in Indonesia still faces various significant challenges. Despite efforts to implement principles such as transparency, public participation, accountability, and effectiveness, existing practices often fall short of expectations. Overlapping regulations and a substantial lack of public participation show that the legislation process is far from ideal. The ineffectiveness of the implementation of good governance principles has a negative impact on the quality of the regulations produced, increases the risk of corruption, and reduces public trust in the government. This indicates the need for reform in the process of forming laws to be more inclusive and responsive to the needs of the community. Therefore, to improve the quality of regulations and the effectiveness of government, it is important to strengthen the principles of good governance through increasing the accountability of legislative institutions, information transparency, and public participation in every stage of the legislation process. With these measures, it is hoped that public trust in the government can increase and the quality of laws and regulations can be significantly improved.

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