

The Complexity of Developing Responsive Regional Regulations in Malaka Regency, East Nusa Tenggara

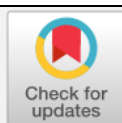
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ABSTRACT

This research examines the complexity of challenges in developing responsive regional regulations in Malaka Regency, East Nusa Tenggara, Indonesia. The study was motivated by the rejection of Malaka Regency's draft regional regulations by the Ministry of Law and Human Rights. Using the theoretical framework of regional autonomy, the mechanisms of regulation formation, and Arnstein's "Ladder of Community Participation" theory, the research explores the sociological, philosophical, and juridical foundations underlying the regulation development process. This descriptive qualitative study employed methods such as observation, interviews, focus group discussions (FGDs), triangulation, and snowball sampling. Data were analyzed using Creswell's qualitative techniques. The findings reveal several key issues in the regulation development process, including insufficient adherence to sociological considerations, lack of academic manuscripts to guide regulatory content and significant political party interventions. These factors have resulted in unresponsive regulations that fail to address the community's needs adequately. Moreover, the low level of community participation – due to limited power redistribution – has further hindered the process. The research highlights the need for more inclusive and collaborative mechanisms to ensure that regional regulations are representative, practical, and aligned with the socio-political context. This study contributes to the field of governance and policy-making by emphasizing the importance of responsive regulation as a tool for addressing local societal challenges. Future research should explore strategies for improving community involvement and addressing political barriers in the formation of regional

regulations.

Keywords: *Community Participation; Political Intervention; Regional Autonomy; Responsive Regulations; Sociological Foundations*

1. Introduction

The formulation of responsive regional regulations is an essential aspect of governance in Indonesia, particularly within the framework of decentralization and regional autonomy. Regional regulations are designed to address specific local needs, accommodate community aspirations, and reflect societal values while ensuring alignment with higher legislative frameworks. However, the process of forming these regulations often encounters challenges, including insufficient community participation, political interference, and technical inconsistencies. These obstacles highlight the need to critically examine the mechanisms and barriers that hinder the development of responsive regional regulations to meet community expectations better and address societal problems.

This study analyzes the challenges faced by Malaka Regency in the formation of responsive regional regulations. The research contributes to advancing social science knowledge, particularly in the fields of political science, governance studies, sociology, and law, as they pertain to regulatory development. The formation of regional regulations is a planned and systematic activity that requires responsiveness to societal needs (Sihombing, 2016). These regulations emerge from the social needs of local communities and are inherently political, representing the consolidation of diverse interests into legal frameworks (Beecher, 2019). Their primary functions include supporting regional autonomy, facilitating delegated tasks, and accommodating region-specific conditions while preserving local values, norms, and wisdom.

Regional regulations are systematically established based on trust. Communities delegate authority to legislative and executive bodies through democratic mechanisms such as elections, enabling these institutions to represent their voice. As stipulated in Law No. 23 of 2014, the Regional People's Representative Council (DPRD) and executive institutions are empowered to formulate regional regulations (Suparto, 2021). This process is further guided by Minister of Home Affairs Regulation No. 120 of 2018, which emphasizes that regional regulations must conform to the constitutional hierarchy of laws and align with higher legislative frameworks (Anggraini et al., 2020).

Despite these structured processes, Indonesia has numerous issues in forming regional regulations. The Ministry of Home Affairs has annulled 3,143 regional regulations on the grounds that they hinder economic growth, rendering them unresponsive and inconsistent with constitutional principles (Sekretariat Kabinet Republik Indonesia, 2016). A regulation is considered responsive when it represents the community's needs and serves as a basis, guide, and solution for societal issues. Achieving this requires active community participation. According to Arnstein, participation is fundamentally about redistributing power to citizens, which enables them to influence decision-making. Arnstein's typology identifies three levels of participation: non-participation due to lack of power, tokenism as fake participation, and genuine participation where citizens hold actual power (Dermott & Main, 2017; Haricharan et al., 2021).

The procedural guidelines for forming regional regulations, as outlined in Law No. 15 of 2019, Law No. 23 of 2014, Presidential Regulation No. 87 of 2014, and Ministerial Regulation

No. 120 of 2018, emphasize the importance of both material and formal requirements. Material requirements focus on the content and substance of the regulations, while formal requirements mandate the inclusion of academic texts to ensure scientific validity (Telaumbanua, 2018). The stages of regional regulation formation include planning, drafting, discussion, determination, and clarification. These stages are influenced by factors such as budgetary constraints, time, community involvement, and legislative expertise (Lasatu, 2020; H. B. Sari et al., 2020). Figure 1 illustrates these stages.

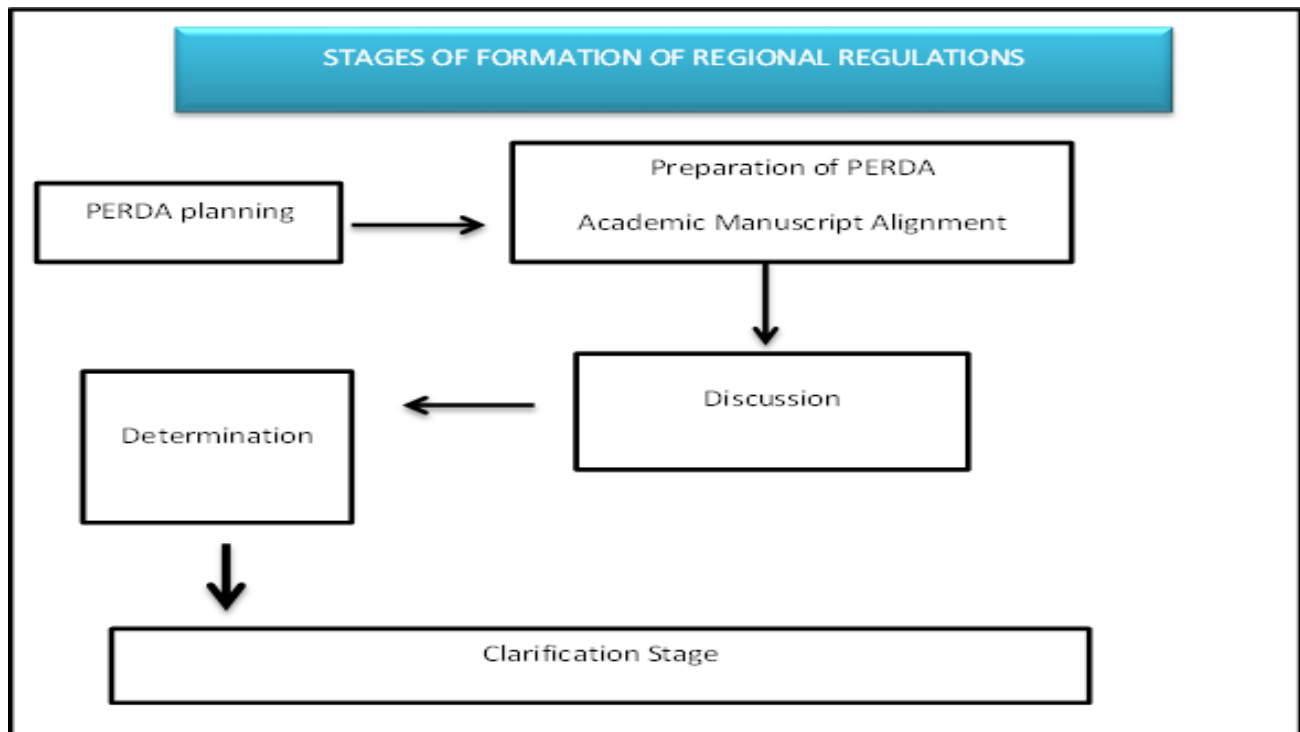


Figure 1. Stages of Formation of Regional Regulations

The formation process is inherently complex and lengthy, often encountering numerous obstacles. While regional regulations are intended to serve as legal instruments that address community needs, many fail to represent public interests or resolve societal issues such as poverty, environmental degradation, public health concerns, and governance inefficiencies (Erowati & Astuti, 2023; Farizal & Koenti, 2020; Hasibuan, 2022). The creation of responsive regulations necessitates thorough academic studies to diagnose and address the societal challenges that influence regulatory development (Pratiwi et al., 2023).

Several scholars have conducted studies on the formation of regional regulations. Suparto and Santos focused on spatial planning and regional development in Riau Province (Suparto & Santos, 2024). Rizki Jayuska and Ismail Marzuki examined challenges in Central Kalimantan using juridical and sociological approaches (Jayuska & Marzuki, 2021). Anggita Yudanti investigated the synchronization of laws with regional development planning, and Anang Dwi atmoko explored challenges in harmonization during regulation drafting in centralized systems (Dwi atmoko & Nursadi, 2022; Yudanti & Setiadi, 2022). However, these studies primarily adopt a legal perspective and often fail to integrate interdisciplinary approaches.

This research addresses these gaps by adopting an interdisciplinary perspective, incorporating insights from political science, governance studies, and sociology. The focus is on Malaka Regency, which has faced numerous challenges in regulation formation. Between 2009

and 2016, 262 discriminatory regulations were recorded nationwide (Sandiata, 2018). In 2016, the Ministry of Home Affairs annulled 1,143 regional regulations, including five from Kupang, East Nusa Tenggara, for violating higher legislative frameworks (NTT Terkini, 2016). In 2020, two draft regulations from Malaka Regency were rejected by the Ministry of Law and Human Rights due to inconsistencies with superior legislation (Kantor Wilayah Kementerian Hukum dan Hak Asasi Manusia Provinsi Nusa Tenggara Timur, 2020).

This study employs juridical, philosophical, and sociological frameworks to analyze the rejection of draft regulations in the Malaka Regency. Using Arnstein's "Ladder of Community Participation" theory, this research assesses the level of public involvement in the regulatory process. Additionally, snowball sampling techniques are employed to identify the root causes of these issues, providing a comprehensive understanding of the challenges and proposing actionable solutions.

2. Literature Review

2.1. Regional Autonomy

The implementation of regional autonomy in Indonesia was formalized through several legislative frameworks, starting with the issuance of MPR RI Decree No. XV/MPR/1998, followed by Law No. 22 of 1999 and Law No. 25 of 1999. These laws significantly reduced the role of the central government by granting authority to local governments to manage their regions independently. The primary objective of these reforms was to transform local governments, which were previously underdeveloped and excluded from key administrative functions, into self-reliant entities with sufficient resources and capabilities (Raysid, 2003). The reforms aimed to encourage local creativity, provide space for policy innovation, and foster active community participation in governance (Holtzappel, 2009).

Benjamin Smith argues that the emergence of regional autonomy in Indonesia, from a political perspective, was influenced by the lack of historical experience in calculating the potential electoral benefits of decentralization (Smith, 2008). During the New Order era, Jakarta's political elite adopted regional autonomy based on recommendations from a team of experts. These experts advocated for decentralization as a reformist strategy to strengthen political credentials ahead of Indonesia's transition to free elections. This political gamble resulted in the establishment of a new institutional system that fundamentally reshaped democracy in Indonesia.

An important implication of regional autonomy is the redistribution of authority between the central and local governments. This redistribution, as stipulated in Law No. 23 of 2014, divides governmental responsibilities into three categories: obligatory affairs, concurrent affairs, and absolute affairs. This framework enables local governments to manage their administrative functions while adhering to national priorities. In the context of regional regulations, local governments are granted the authority to draft and implement regulations tailored to their specific needs, as outlined in Minister of Home Affairs Regulation No. 120 of 2018.

2.2. Formation of Regional Regulations

2.2.1. Basis for the Formation of Regional Regulations

Regional autonomy has allowed the central government to delegate authority to local governments, a process defined as the division of central and regional responsibilities, including obligatory, concurrent, and absolute affairs, as stipulated in Law No. 23 of 2014. This authority extends to the local government's ability to formulate regional regulations, guided by Minister of Home Affairs Regulation No. 120 of 2018.

Regional regulations are grounded in theoretical validity, embodying fundamental legal values. According to Gustav Radbruch, legal values are categorized into justice, utility, and legal certainty (Radbruch, 2006). Justice requires that regional regulations be impartial and address societal demands equitably. Utility refers to the benefit laws provide to society; as Syams El-Din Qassem Al-Khazaleh argues, laws should meet diverse individual needs, foster comfort, and avoid becoming obstacles or sources of insecurity (Al-Khazaleh, 2018). Legal certainty emphasizes clarity, coherence, and alignment with norms to prevent conflict or ambiguity.

Rosjidi Ranggawidjaja further asserts that legislation must be based on three primary foundations: juridical, philosophical, and sociological (Ranggawidjaja, 1998). These foundations are detailed in Table 1.

Table 1. Basis for the Legitimacy of Legislation

Basis	Description
Juridical	Regional regulations must address legal issues or fill legal gaps, ensuring legal certainty and reflecting the community's sense of justice.
Philosophical	Regional regulations must reflect societal values, moral principles, and philosophical ideals, aligning with the community's outlook on life and legal norms.
Sociological	Regional regulations must address societal needs and reflect the community's social, economic, and cultural conditions.

2.2.2. Requirements and Principles in Forming Regional Regulations

The formation of regional regulations must adhere to principles of good legislative drafting, which include the following:

- 1) The purpose of the regulation must be unambiguous.
- 2) Institutions involved in the formation must be well-defined, as outlined in Law No. 23 of 2014.
- 3) The type and content of the regulation must align with academic texts and existing laws.
- 4) Regulations must be implementable.
- 5) The benefits and results must be representative of community needs.
- 6) The formulation must be precise and logically consistent.
- 7) Transparency in the process is essential.

Furthermore, consistency must be maintained in the hierarchical relationship between regional regulations and higher-level laws. The regulations must also respect natural conservation and local wisdom. The material content of regional regulations must incorporate principles such as protection, human values, kinship, archipelagic unity, justice, equality before the law, diversity, legal order, and balance.

To ensure that the regulatory material is comprehensive and responsive, it is imperative to include academic texts. Academic texts provide a scientific basis for the proposed regulations, incorporating research on the community's social conditions. These texts serve as critical references for decision-making and ensure that the regulations are aligned with societal needs (Supriyanto, 2017).

2.2.3. Mechanism for Forming Regional Regulations

The stages of forming regional regulations are outlined in Minister of Home Affairs Regulation No. 120 of 2018. The process involves collaboration between the Level II Regional Executive Institutions (e.g., regents and regional apparatus) and the Regency DPRD. These institutions have the legal authority to propose draft regulations (Ranperda) under the Regional Regulation Formation Program (Propemperda), which is harmonized with academic texts.

The process begins with an academic study, which serves as the foundation for planning regional regulations. The draft regulation is then aligned with the academic text and included in the Propemperda. This program is established for one year based on priority scales determined by Bapemperda (for DPRD) and the legal department (for regional government). Propemperda focuses on four key areas:

- 1) Regulatory mandates from higher laws,
- 2) Regional development plans,
- 3) Implementation of regional autonomy and delegated tasks and
- 4) Community aspirations.

Draft regulations are prepared collaboratively by the DPRD and the executive, with pre-discussion activities including harmonization, refinement, and finalization. The finalized drafts are submitted for formal discussions, which occur in two stages:

- 1) Level One Discussion: Involves initial review and debate of the draft.
- 2) Level Two Discussion: Focuses on finalizing the draft for approval.

If the draft regulation fails to gain collective approval, it cannot be reintroduced in the same DPRD session. Upon approval, the regulation undergoes evaluation and facilitation by the Governor, who assigns a registration number. Once registered, the draft regulation is promulgated into law and published in the Regional Gazette.

The entire formation process, including the associated costs, is funded by the Regional Revenue and Expenditure Budget (APBD) (Suparman, 2023). The systematic flow of this process is depicted in Figure 1.

2.3. Responsive Regional Regulations

In essence, a regional regulation (Perda) serves as a legal product that acts as a foundation and guide while providing protection and solutions to societal problems. A regional regulation is considered responsive if it is accepted by the community it governs. Achieving responsive regional regulations requires one key factor: community participation. Participation is broadly defined as people's involvement in activities that foster interaction with others in their community or society (Levasseur et al., 2022). Participation in collective activities, both psychological and behavioral, can yield extraordinary results, especially when addressing shared challenges. Even simple acts of participation can significantly impact policy development and play a role in resolving conflicts (Child, 2021).

According to Cohen and Uphoff, as cited by Isma Rosyida, participation occurs in three main stages. The first is the decision-making stage, where community members are involved in planning activities, such as attending meetings to contribute ideas. The second is the implementation stage, where participation is realized through tangible contributions, such as sharing ideas, providing resources, or taking direct actions like implementing agreed-upon programs and setting examples for others. The final stage is the evaluation stage, which

involves gathering feedback to improve future programs and policies (Rosyida & Tonny Nasdian, 2011).

In this study, the author examines the level of community participation in Malaka Regency using Arnstein's Ladder of Citizen Participation, a theory proposed by Sherry Arnstein in 1969. Arnstein developed a typology of citizen participation, represented metaphorically as a "ladder" with eight rungs, each reflecting a higher degree of citizen power and influence (Arnstein, 1969). This theory remains one of the most influential models in the study of democratic public participation. It provides valuable insights for local leaders, organizers, and facilitators seeking to understand the basic principles of public engagement and the dynamics of power distribution. Furthermore, Arnstein's ladder has inspired subsequent models, including Elizabeth Rocha's Ladder of Empowerment and Roger Hart's Ladder of Children's Participation (Hart, 1992; Rocha, 1997).

Citizen participation, as defined by Arnstein, requires a redistribution of power to be meaningful. Without genuine power redistribution, participation often becomes performative, allowing those in authority to claim inclusivity while benefiting only a select few. True participation involves empowering marginalized communities to influence decision-making, resource allocation, and policy implementation actively. Arnstein emphasizes that participation without this redistribution is futile and frustrating for disempowered groups. Her ladder categorizes participation into eight rungs, ranging from non-participation (manipulation and therapy) to tokenism (informing, consultation, and placation) and finally to citizen power (partnership, delegated power, and citizen control). The Ladder of Citizen Participation is shown in Figure 2.

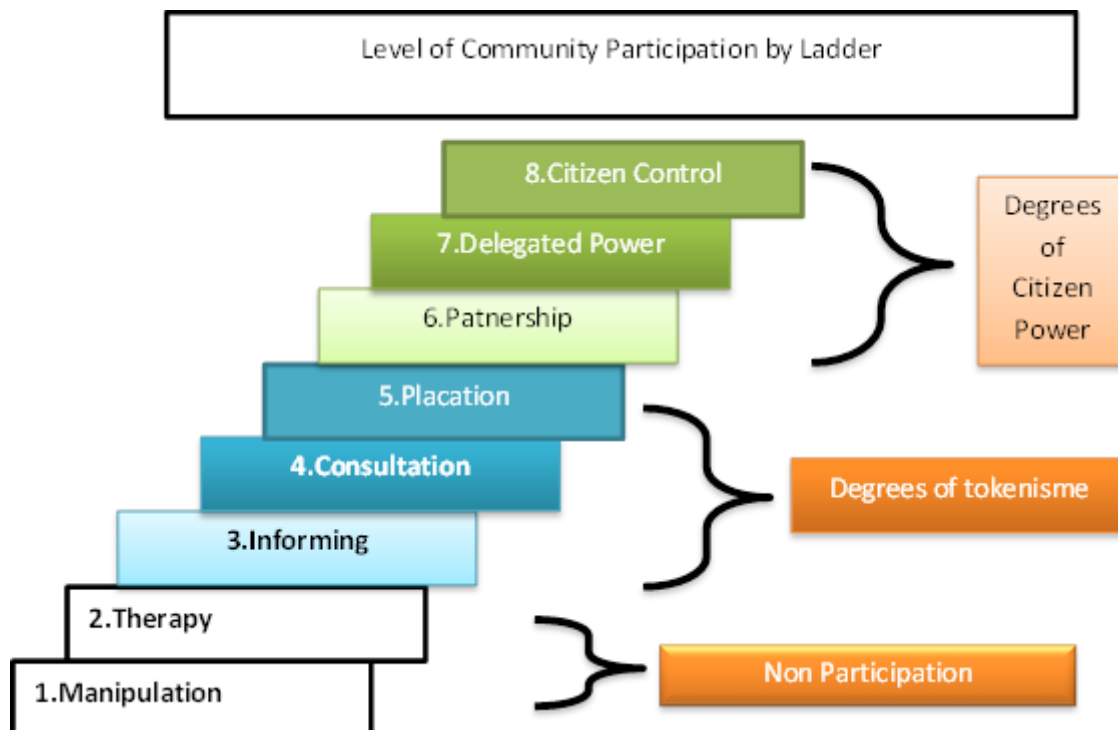


Figure 2. Ladder of Citizen Participation by Sherry Arnstein

Source: (Arnstein, 1969)

Arnstein's ladder begins with manipulation, where government institutions mislead citizens into believing they have influence, creating the illusion of participation. The second

rung, therapy, reinforces this illusion by promoting pseudo-socialization programs that shift blame for societal problems onto the community rather than addressing institutional failures. These first two rungs represent non-participation, where citizens lack any real agency or power.

The next three rungs represent tokenistic participation, where community involvement is superficial. The third rung, informing, involves providing citizens with information about their rights, responsibilities, and options but does not include mechanisms for feedback or negotiation. The fourth rung, consultation, allows citizens to provide input through surveys, public hearings, or meetings. However, this feedback is often disregarded, reducing participation to a formal exercise. The fifth rung, placation, acknowledges community suggestions but rarely implements them. Tokenism creates the appearance of inclusion but lacks genuine power redistribution.

The final three rungs of the ladder represent genuine citizen participation, where citizens gain increasing levels of influence and control. Partnership, the sixth rung, occurs when public agencies and citizens negotiate decisions together, share responsibilities, and establish mutual agreements through structures like joint policy boards or planning committees. Delegated power, the seventh rung, grants citizens significant control over specific programs or policies, such as managing resources or creating independent decision-making councils. Finally, citizen control, the eighth rung, represents the highest level of participation, where communities assume full responsibility for managing programs, allocating resources, and defining terms for external involvement. At this stage, citizens hold complete authority, ensuring that policies reflect their needs and priorities.

For this research, Arnstein's model provides a framework to assess the level of community participation in the formation of regional regulations in Malaka Regency. By determining where the current practices fall on the ladder, the study aims to identify strategies to promote more inclusive and responsive governance.

3. Research Methodology

This research was conducted in Malaka Regency from June to October 2022 using a qualitative descriptive approach. The study adopts a case study method to examine the complexity of challenges in the formation of local regulations in the Malaka Regency. According to Sugiyono, a case study is an empirical inquiry that analyzes phenomena within their real-world context, where the boundaries between phenomenon and context are not clearly defined and utilizes data from various sources (Sugiyono, 2018).

The data collection methods employed in this research include observation, interviews, documentation, focus group discussions (FGD), snowball sampling, and triangulation. These methods were selected to ensure a comprehensive understanding of the issues and to enhance data reliability. To obtain accurate data, the author identified several key informants, including:

- 1) 10 members of the Malaka Regency DPRD,
- 2) The Chairperson of Bapemperda (Regional Regulation Drafting Board),
- 3) The staff of the Malaka Regency Secretariat,
- 4) The staff of the Malaka Regency DPRD Secretariat,
- 5) The Regent of Malaka Regency,
- 6) The Regional Secretary of Malaka Regency,
- 7) The Legal Department of Malaka Regency, and
- 8) Representatives from the community of Malaka Regency.

The community informants consisted of representatives from the 12 subdistricts in Malaka Regency. From each subdistrict, ten individuals were randomly selected to participate in FGDs, serving as a form of data triangulation and ensuring diverse perspectives were captured.

The stages of data processing in this research included the following steps:

- 1) Data collection
Gathering information through the aforementioned methods.
- 2) Data grouping
Organizing data into categories for analysis.
- 3) Connecting themes with theory
Identifying relationships between data themes and the theoretical framework.
- 4) Coding
Assigning codes to data for systematic analysis.
- 5) Data analysis
Interpreting and explaining the data based on the theoretical framework.
- 6) Triangulation
Validating findings by comparing data from multiple sources and methods.
- 7) Conclusion drawing
Summarizing findings based on the analysis (Creswell, 2014).

This methodological approach ensures a detailed and robust examination of the challenges in the formation of local regulations in the Malaka Regency, contributing to the reliability and validity of the research findings.

4. Results and Discussion

Malaka Regency was established as a result of the division of Belu Regency. It was officially ratified during the plenary session of the Indonesian House of Representatives (Dewan Perwakilan Rakyat, DPR) on December 14, 2012. The administrative center of Malaka Regency is located in Betun, within the Malaka Tengah Subdistrict. Geographically, Malaka Regency is situated between 9°18'7.19" and 9°47'26.68" South Latitude and 124°38'32.17" and 125°5'21.38" East Longitude, encompassing an area with significant strategic and administrative importance.

The territorial boundaries of Malaka Regency are as follows:

- Northern Boundary
Borders Belu Regency, including areas such as Nanaet Duabesi Subdistrict and Raimanuk Subdistrict.
- Southern Boundary
Borders the Timor Sea, providing access to maritime resources and economic activities.
- Eastern Boundary
Borders the Democratic Republic of Timor-Leste, underscoring its role in international relations and cross-border cooperation.
- Western Boundary
Borders Timor Tengah Utara Regency and Timor Tengah Selatan Regency, connecting Malaka Regency to neighboring administrative regions.

This geographical position places Malaka Regency in a unique strategic location, serving as a gateway for cross-border interaction with Timor-Leste and contributing to its economic and cultural significance within East Nusa Tenggara Province. The administrative division into

subdistricts ensures effective governance and resource distribution, addressing the diverse needs of its population.

4.1. Formation of Regional Regulations in Malacca Regency

4.1.1. Basis for Forming Regional Regulations

This research analyzes the problems faced by Malacca Regency in forming regional regulations based on three foundations: philosophical, sociological, and juridical. The philosophical foundation reflects the awareness, outlook on life, and philosophy of the Indonesian nation as outlined in Pancasila and the Preamble to the 1945 Constitution. The formation of regional regulations must incorporate the cultural outlook and values of the people in the region. The sociological foundation focuses on societal needs, emphasizing empirical facts, social realities, and community conflicts. The juridical foundation strengthens the urgency of regulation to address legal issues by adhering to statutory laws, ensuring the substance and material comply with hierarchical legislative structures and procedural flows (Ira, 2024; D. N. Sari & Zakiruddin, 2024).

In Malacca Regency, the philosophical foundation is closely tied to the “*Sebete Seladi*” tradition, which prioritizes brotherhood and kinship among all levels of society. This tradition, which translates to “sitting cross-legged,” emphasizes dialogue and mutual respect to resolve conflicts and find solutions. The Malacca Regency DPRD integrates this cultural value into its legislative process by holding individual and group discussions with community members and conducting hearings within their respective electoral regencies. These activities aim to capture community aspirations, as evidenced by annual recess reports.

The sociological foundation highlights how the DPRD, as the body responsible for forming regional regulations, should address the real and immediate needs of the people in the Malacca Regency. However, findings from interviews and FGDs show that this function is not carried out consistently. While the DPRD conducts working visits and consults with the community to fulfill the philosophical foundation, it often fails to translate these aspirations into drafts or finalized regional regulations. For instance, between 2019 and 2022, the DPRD did not initiate any regional regulations, demonstrating a lack of legislative activity (Santoso et al., 2021).

The juridical foundation emphasizes three main aspects: (1) regional autonomy, which includes mandatory and optional governance functions; (2) elaboration of higher regulations, including delegated tasks; and (3) specific regional conditions (Palullungan, 2023). The legal framework for forming regional regulations in Malacca Regency is based on Pancasila, the 1945 Constitution, Law No. 12 of 2011, Presidential Regulation No. 87 of 2014, Government Regulation No. 59 of 2019, and Government Regulation No. 12 of 2018. Despite these guidelines, the formation process often lacks adherence to these principles.

In 2022, Malacca Regency submitted four draft regional regulations (Ranperda), two of which were rejected due to non-compliance with statutory regulations. The details are presented in Table 2.

Table 2. Status of Malacca Regency Draft Regional Regulations during Harmonization

No	Draft Regional Regulation	Accepted	Rejected
1	Changes to the 2020 Regional Revenue and Expenditure Budget	✓	
2	Second Amendment to Regional Regulation No. 19 of 2016 concerning the Formation and Composition of Local Apparatus	✓	

No	Draft Regional Regulation	Accepted	Rejected
3	Second Amendment to Regional Regulation No. 14 of 2016 concerning Business Service Levies		✓
4	Amendments to Regional Regulation No. 22 of 2016 concerning the Establishment of Reserve Funds for Regional Elections		✓

The rejection of the third draft concerning business service levies was due to its inconsistency with Law No. 28 of 2009 on regional taxes and fees. If the amendment involved changing levy rates, it should have been regulated through a regional head decree, not a regional regulation. The fourth draft, concerning reserve funds for elections, was rejected for conflicting with Law No. 23 of 2014 and Law No. 17 of 2003 on state finances. These laws require budget surpluses to prioritize debt repayment and intergenerational accountability, not election-related expenditures. The local government misinterpreted the permissible use of reserve funds, proposing allocations for regional elections, which contradicted higher regulations.

The rejection of these drafts highlights insufficient attention to substantive aspects during the legislative process. Both the DPRD and the executive must understand mandatory, optional, and absolute governance functions to avoid such issues.

Table 3. Analysis of Juridical, Philosophical, and Sociological Foundations in Malacca Regency

No	Criteria	Results
1	Philosophical Foundations	The process aligns with the cultural outlook of Malacca Regency, particularly the “ <i>Sebete Seladi</i> ” culture.
2	Sociological Foundations	Community aspirations are collected but are not consistently translated into actionable regulations.
3	Juridical Foundation	Substantive issues often conflict with higher regulations, demonstrating inadequate compliance with legal hierarchies.

Based on these findings, two key research questions emerge:

- 1) Why does the process of forming regional regulations fulfill the philosophical foundation by collecting community aspirations but fail to translate them into actionable drafts?
- 2) Why does the implementation of regional regulations in Malacca Regency pay insufficient attention to substantive legal and procedural aspects?

These questions point to a need for further research into the mechanisms and principles underpinning the legislative process in the Malacca Regency, particularly with respect to adherence to juridical and sociological foundations.

4.1.2. Terms and Principles in Forming Regional Regulations in Malacca Regency

Government Regulation No. 12 of 2018 emphasizes that draft regional regulations, whether proposed by the DPRD or regional heads, must be accompanied by explanations, statements, or academic texts. Gusman highlights the indispensable role of academic papers in the formation of good laws and regulations, asserting that their existence is mandatory (Gusman, 2011). Academic texts serve as essential references, providing direction and material

considerations to ensure the resulting legal product meets the standards of good public governance (Gusmoi & Wulananzani, 2023).

However, the formation of regional regulations in Malacca Regency lacks a standardized academic text to serve as a reference and basis for decision-making. Academic texts are frequently neglected due to several reasons. First, the DPRD and the Regional Government of Malacca Regency exhibit limited openness to academic collaboration, as evidenced by the absence of any memorandum of understanding (MOU) or partnerships with universities. Geographically, Malacca Regency hosts several higher education institutions, including the University of Timor, the Fajar Timur College of Political Science, and the College of Teacher Training and Education, which could serve as potential partners for preparing academic texts. Nevertheless, these opportunities remain unutilized due to miscommunication.

Second, the Malacca Regency DPRD lacks expert staff who could assist in preparing academic texts. According to Article 421 of Law No. 17 of 2014, the DPRD Secretariat may form a team of experts comprising up to three individuals per DPRD apparatus to support the legislative council's tasks and functions. These expert staff should possess relevant expertise to aid in drafting academic papers, reviewing regulations, and providing scientific input. However, interviews and observations reveal that the DPRD has not taken steps to engage with the academic community or recruit expert staff, thereby undermining the quality of regional regulations. Over the past eight years, the formation of regional regulations in Malacca Regency has consistently lacked the required academic texts, resulting in a weak sociological foundation.

From an administrative perspective, the absence of expert staff significantly hampers the DPRD's performance. Expert staff play a crucial role in supporting the DPRD's activities, such as meetings, working visits, and legislative reviews. They also provide critical assistance in drafting academic papers. However, from a political perspective, the presence of expert staff is sometimes viewed ambivalently, as it may expose the DPRD's weaknesses or perceived incompetence in fulfilling its duties, potentially creating political vulnerabilities.

In the formation of regional regulations, several principles must be observed to ensure the creation of high-quality laws and regulations. These principles include:

- 1) The purpose of the regional regulation must be unambiguous.
- 2) Institutions involved in forming regional regulations must adhere to the provisions outlined in Law No. 23 of 2014.
- 3) Synchronization between types of regional regulations and their content must align with academic texts.
- 4) Regulations must be implementable.
- 5) The intended uses and outcomes must be clearly representative of societal needs.
- 6) The formulation must be precise and systematic.
- 7) The process must be transparent.

While regional regulations in the Malacca Regency are generally formed with these principles in mind, several points remain unfulfilled. Specifically:

- Point 3 (synchronization with academic texts)
Academic texts, a mandatory component, are frequently overlooked.
- Point 5 (representative uses and outcomes)
Draft regulations do not adequately reflect the aspirations of the community.
- Point 7 (transparency)
The legislative process lacks transparency, as evidenced by the absence of initiative regulations from the DPRD representing the people's aspirations.

The neglect of these principles indicates a systemic issue in the legislative process in the Malacca Regency. To address these shortcomings, greater collaboration with academic institutions, recruitment of expert staff, and adherence to the foundational principles of regulation formation are imperative.

4.1.3. Mechanism for Forming Regional Regulations in Malacca Regency

The formation of regional regulations in Malacca Regency follows three critical stages: planning, discussion, and determination. **Table 4** outlines the flow and indicators of the regional regulation formation process in Malacca Regency, along with the observed results.

Table 4. The Flow of Regional Regulation Formation in Malacca Regency

No	Formation Stages	Indicator	Results
1	Planning	Regional Regulation Formation Program	Propemperda was established in 2020 by the DPRD and the regional government.
		Draft Regional Regulations Proposal	Since 2019, the Malacca Regency DPRD has not submitted any regional regulations, while the regional government has submitted nine.
		Academic Texts	No academic texts were included in the formation of regional regulations from 2019–2022.
		Harmonization	Harmonization, rounding, and strengthening were consistently conducted with the Ministry of Law and Human Rights of NTT Province (2019–2022).
2	Discussion	Level I Discussion	Always conducted according to established procedures.
		Level II Discussion	Always conducted according to established procedures.
3	Determination	Determination	Regional regulations agreed upon are always registered to obtain a regional registration number (noreg) according to procedure.

In the formation of regional regulations, there are three important stages: the planning stage, the discussion stage, and the determination stage. However, irregularities were observed during the planning stage, as the Malacca Regency DPRD did not submit any draft regional regulations between 2019 and 2022. This indicates an inability to fulfill its legislative function effectively. The causes of this issue can be categorized into three aspects:

1) Human Resources (HR) Aspect

Most members of the Malacca Regency DPRD have only a high school education, which limits their ability to translate community aspirations into legal products. While Government Regulation No. 12 of 2018 provides a mechanism to overcome this through the appointment of expert staff, budget limitations and internal communication issues have prevented the recruitment of such staff, leaving the legislative process inadequately supported.

- 2) **Political Aspect**
Political intervention within parties hinders the representation process, as individual and party ideologies often conflict. This leads to inefficiency in fulfilling legislative duties. Olaniyi (2023) argues that political parties should focus on enhancing the capacity of their representatives to better align with legislative responsibilities.
- 3) **Accountability Aspect**
There is no regulation requiring the DPRD to provide accountability for failing to propose draft regional regulations. Moreover, the absence of sanctions allows the DPRD to neglect its responsibility to draft initiative regulations. In Malacca Regency, there is a pressing need for regulations addressing local culture, small- and medium-scale enterprises (SMEs), food security, and recurring flood disasters. These issues, identified through DPRD work visits and recess activities, should be transformed into actionable regional regulations.

Based on these findings, it is recommended that future regulations emphasize the DPRD's obligation to propose initiative regional regulations that address the community's needs.

4.2. Responsive Regional Regulations

The regional regulations in the Malacca Regency are categorized as responsive based on the level of community participation throughout their formation and implementation. However, the level of participation in Malacca Regency remains low, as assessed using Arnstein's ladder of participation.

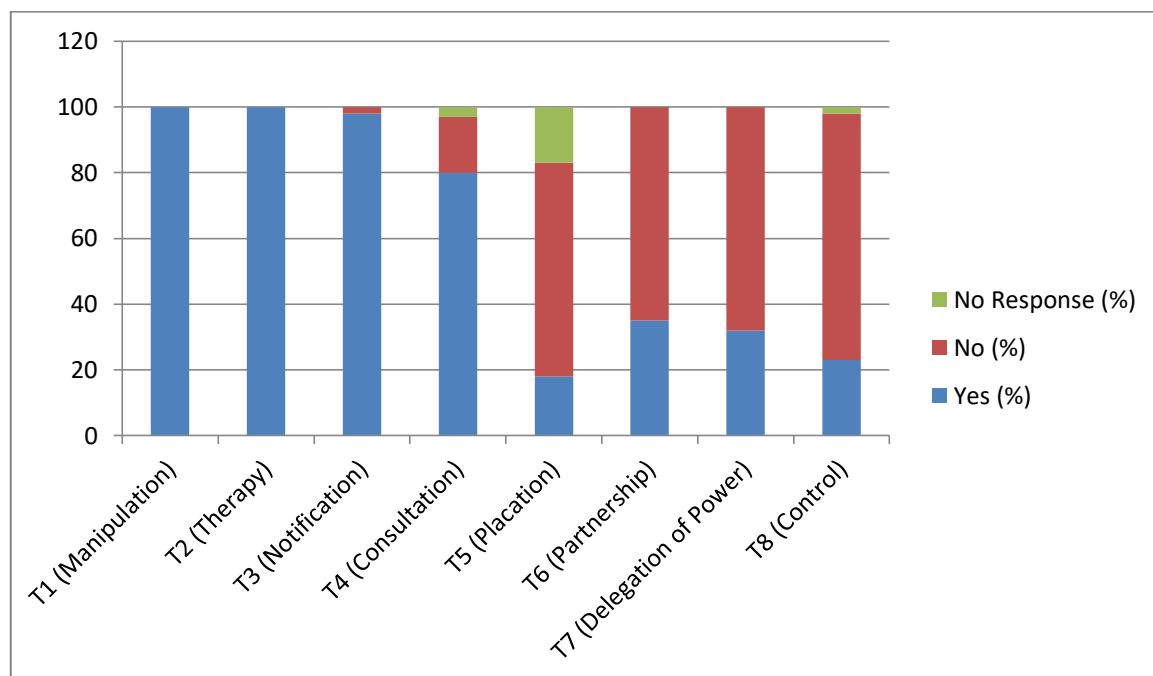


Figure 3. Results of the Community Participation Ladder Survey in Malacca Regency

The first step is "illusion," and the second step is "therapy." In the formation of regional regulations in Malacca Regency, the community is entirely convinced (100%) that the DPRD has the legal authority to establish regional regulations. However, these institutions fail to provide accountability to the community regarding their legislative responsibilities. This is evidenced

by the absence of regional regulations designed to address the specific needs of the people of Malacca Regency. At this level, the people of Malacca Regency are classified as non-participants because the institutions merely provide confidence in their authority but do not empower the community to be actively involved.

The third ladder is “notification,” the fourth ladder is “consultation,” and the fifth ladder is “appeasement.” In these stages, the community is consistently reminded during recess sessions and working visits that it is their responsibility to convey issues requiring government attention to their representatives. Approximately 80% of the community in Malacca Regency participates in consultation activities during socialization programs, recess sessions, and working visits conducted by regional representatives. Key issues raised during these activities include annual flooding, stunting, the development of local products such as shallots and Nona Malaka rice, and the preservation of local cultural heritage, including woven fabrics and traditional institutions. Despite positive responses from representatives, these issues are rarely translated into regulations that provide effective solutions. At this stage, the community is classified as token participants, as their involvement is limited to reminders and consultations without any tangible outcomes or solutions.

The sixth ladder is “partnership,” the seventh ladder is “delegation of power,” and the eighth ladder is “community control.” At these levels:

- 35% of the community participates as partners in various activities offering solutions, primarily consisting of party members or individuals with close affiliations to representatives.
- 32% of the community is involved in the implementation of regional regulations, particularly through development programs funded by the Malacca Regency APBD.
- 23% of the community engages in monitoring and supervising the implementation of regional regulations under the APBD.

This distribution shows a very low level of participation beyond the fifth ladder. Higher levels of participation, such as partnership, delegation of power, and community control, are limited to individuals with privileged access, such as political colleagues, party members, or business partners. Consequently, there is a clear gap in the distribution of power in the Malacca Regency, with most community involvement ending at the justification stage rather than progressing to the controlling or decision-making stages.

5. Conclusion

The formation of regional regulations in Malacca Regency is fraught with complexities that result in unresponsive outcomes. Three key factors primarily cause this. First, the lack of active community participation significantly hinders the legislative process, preventing regulations from addressing the real needs and aspirations of the people. Second, the legislative process often neglects the inclusion of academic texts and sociological foundations, which are critical for ensuring that regulations are grounded in empirical evidence and social realities. Third, political party intervention disrupts the objectivity of regulation formation, often prioritizing party interests over community welfare. These challenges highlight systemic issues that need to be addressed to create more effective and responsive regional regulations. While this study sheds light on the factors affecting the legislative process in the Malacca Regency, it acknowledges certain limitations. Future research is encouraged to delve deeper into mechanisms for enhancing community participation, integrating academic inputs, and

minimizing political interference to ensure that regional regulations effectively serve the public interest.

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The authors have declared no potential conflicts of interest concerning this article's research, authorship, and/or publication.

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