

CORRELATION OF PUBLIC PARTICIPATION AND PUBLICATION IN FORMING LEGISLATION

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ABSTRACT

The formation of legislation is said to be participatory if there is public participation. However, public participation has so far only been procedural. However, after the Constitutional Court Decision Number 91/PUU-XVIII/2020 which stated that the formation of legislation must reflect meaningful participation consisting of the right to be heard, the right to be considered and the right to obtain an explanation. In order for this meaningful participation to run optimally, efforts are needed to optimize it. The method used in this paper is normative legal research with a prescriptive approach. Based on the research conducted, it was found that in order to optimize public participation to achieve meaningful participation, one of the main things that must be done is publication or openness of information, so that the public knows what material the contents of the legislation are being prepared and how far the formation process has progressed.

Keywords: *Participation, Legislation, Publication.*

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INTRODUCTION

The 1945 Constitution of the Republic of Indonesia (UUD 1945), as the basic law, is a general agreement (consensus) of citizens regarding basic norms (grundnorm) and basic rules (grundgesetze) in state life. This agreement primarily concerns shared goals and ideals, the rule of law as the basis for state administration, as well as the form of constitutional institutions and procedures. Based on the 1945 Constitution, Indonesia is a country based on law (rechtstaat), not based on mere

power (*machtsrtaat*).¹ This is in accordance with the provisions of Article 1 paragraph 3 of the 1945 Constitution which states "Indonesia is a country of law".

The concept of the rule of law, apart from meaning that it is not a state of power (*Machtstaat*), also implies the recognition of the principle of supremacy of law and the constitution, the adhering to the principle of separation and limitation of powers according to the constitutional system regulated in the constitution, the existence of human rights guarantees in the law. -the constitution, the existence of the principle of an independent and impartial judiciary which guarantees the equality of every citizen under the law, and guarantees justice for everyone, including against abuse of authority by those in power.²

Bagir Manan stated that the continental legal system prioritizes written law in the form of statutory regulations which are legislative products as the main pillar of its legal system. For this reason, countries that are in the continental legal system always try to compile their laws in written form in a systematic way that is attempted to be as complete as possible in a code of laws (codification), so that it is often called a codification system (codified law).³ The existence of laws in a country has a strategic and important position, whether seen from the conception of the rule of law, the hierarchy of legal norms, or seen from the function of laws in general. In the concept of the rule of law, laws are a form of formulation of legal norms in state life.⁴

In the formation of statutory regulations, the stages that must be passed by the constituting organs of the legislation so that the resulting statutory regulations meet the formal aspects, neglect of the stages that have been determined can result in a formally defective statutory regulation. The planning stage is the initial stage in the process of forming laws and regulations. Based on the provisions of Article 1 point 1 of Law Number 12 Year 2011 concerning the Formation of Legislation, it is stated that the Formation of Legislation is the making of Legislation which includes the stages of planning, drafting, discussion, ratification or stipulation, and promulgation.⁵

The process of forming legislation must be sustainable and participatory, which can be done by taking several steps, namely: (1) the need for planning the formation of legislation through the preparation of academic papers; (2) the

¹ Laurentius Arliman S, Partisipasi Masyarakat Dalam Pembentukan Perundang-Undangan Untuk Mewujudkan Negara Kesejahteraan Indonesia, *Jurnal Politik Pemerintahan*, Vol 10.No1 (2017), h 60.

² Zulkarnain Ridlwan, Negara Hukum Indonesia Kebalikan *Nachtwachterstaat*, *Fiat Justitia Jurnal Ilmu Hukum* Vol 5 No 2 (2012), Hal 143.

³ Laurentius Laurentius Arliman S, *Op.Cit*

⁴ *Ibid*

⁵ Eka N.A.M. Sihombing, Problematika Penyusunan Program Pembentukan Peraturan Daerah (*Problems On Forming Local Regulations Programs*), *Jurnal Legislasi Indonesia*, Vol. 13, No. 03, September (2016), p. 289.

participation of the community or public in the formation of legislation; and (3) the need for conformity between the content of the material and the requirements for the formation of legislation.⁶

I Dewa Gede Atmadja and I Nyoman Putu Budiarta as the full name of Eka N.A.M Sihombing and Muhammad Yusrizal that In relation to the strategy of legal formation, Meuwissen explained explaining the process of connectedness four moments that often call the momentum of theory, four moment: *First*, the moment of idiil philosophy: namely the national verse, cultural culture, religious beliefs, legal philosophy, legal awareness and idiil by this insight both nationality. The moment coincides with the natural and societal history of a nation, and the awareness of the law. *Second*, the political-aspirational moment: it should be a copy of what it is to know and the political purpose of the community of which legal law and ajeg and stability, about its kinty with the aspirations of the real aspirations of society. *Third*, normative moments: components of legal mind, values, constitutions, principles, norms and legal structure. Juridically this is the moment that becomes central to the law's legal objectives, namely justice, law and benefit. Therefore, the normative moment will be the legal work experts to legal principles as ratio legis or nutrition law. Normative moments are both the cornerstones of the juridical enforceability of the rule of law. *Fourth*, the technical moment: it will be the essential aspect that and has with - the rules; Photocopying, widely socialized and/or easily facilitated by the public; Language Using the law which with the language of indonesian rules are good and correct.⁷

In addition, when viewed from a human rights perspective, community participation can be said to be part of right community, both as individuals and as a unified system, which should be fulfilled by the state. The state is obliged to provide space for community participation in all development processes that will or are being implemented. Community participation in the process of forming laws and regulations is related to the right to express opinions as regulated in Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states

⁶ Yuliandri, *Asas-Asas Pembentukan Peraturan Perundang-undangan yang Baik: Gagasan Pembentukan Undang-Undnag Berkelanjutan* (Jakarta: Rajawali Pers, 2010, p. 168.

⁷ Eka N.A.M Sihombing., Muhammad Yusrizal Adi Syaputra, Implementasi Penggunaan Kecerdasan Buatan Dalam Pembentukan Peraturan Daerah (*The Implementation of Artificial Intelligence Usage in Local Legislation Forming*), *Jurnal Ilmiah Kebijakan Hukum*, Vol. 14, No. 3, November 2020

that "Everyone has the right to freedom of association, assembly, and expression of opinion."⁸

This indicates that public participation is very important in the process of forming laws and regulations. Another indication of the importance of public participation in the process of forming laws and regulations can be seen from the many formal tests of laws in the Constitutional Court which argue that the formation of laws does not accommodate public participation.⁹ In the Decision of the Constitutional Court Number 32/PUU-VII/2010 concerning the Testing of Law Number 4 of 2009 concerning Mineral and Coal Mining, it is stated that participation or paying attention to public opinion cannot be done only to fulfill formal procedural provisions. Even in the Decision of the Constitutional Court Number 91/PUU-XVIII/2020 concerning the Formal Testing of Law Number 11 of 2020 concerning Job Creation, it is stated that the formation of laws needs to be based on meaningful participation, which consists of: the right to be heard; the right to be considered; and the right to receive an explanation.

The question then is what efforts can be made to ensure meaningful participation in the formation of these laws and regulations and not just merely procedural in their implementation?

METHOD

The method used in this paper is a normative legal research method that is carried out based on the main legal materials by examining theories, concepts, legal principles, norms, and rules of laws and regulations.¹⁰ The nature of the research used in this paper is prescriptive, adhering to the characteristics of legal science as an applied science, the prescriptives given in legal research activities must be able and possible to be applied. Therefore, what is produced by legal research, even though it is not a new legal principle or new theory, is at least a new argument.¹¹

DISCUSSION

The Urgency of Public Participation in the Formation of Legislation

The drafting of a regulation takes place in a certain social structure and is thus part of a larger social process. In other words, it is highly dependent on the condition

⁸ Eka N.A.M. Sihombing, *Pembentukan Peraturan Daerah Partisipatif* (Malang: Intelegensia Media, 2018), pp. 28 – 29.

⁹ Lailani Sungkar dkk., "Urgensi Pengujian Formil di Indonesia: Menguji Legitimasi dan Validitas," *Jurnal Konstitusi* Volume 18, no. 4 (Desember 2021), p. 759.

¹⁰ Eka N.A.M. Sihombing, "Perkembangan Kewenangan Pembatalan Peraturan Daerah dan Peraturan Kepala Daerah; Kajian Putusan Mahkamah Konstitusi Nomor 137/PUU-XIII/2015 dan Nomor 56/PUU-XIV/2016," *Jurnal Yudisial* 10, no. 2 (Agustus 2017), p. 226.

¹¹ Ali Marwan Hsb, "Putusan Peninjauan Kembali Perkara Pidana sebagai Novum dalam Peninjauan Kembali Perkara Perdata," *Jurnal Yudisial*, Vol. 12, no. 1 (2019). p. 115.

of society.¹² According to Ubbe, the process of forming laws can be divided into three stages, namely: Pre-Legislation, Legislation Stage, and Post-Legislation Stage. The public can participate in one or all three stages. According to Pataniari Siahaan, at the planning and drafting stage of the bill there are four forms of public participation that can be carried out in the law formation process, namely research, discussion, workshops and seminars, submission of initiative proposals, and drafting. At the bill discussion stage, there are six forms of public participation that can be carried out by the public in the law formation process, namely hearings/Public Hearing Meetings (RDPU), alternative bills, input via print media, input via electronic media, demonstrations and discussions, workshops, and seminars.¹³

Thus, community participation is important because society itself knows what their condition is. Community participation in the process of drafting regulations is important because, *First*, it captures the knowledge, expertise or experience of the community so that the regulations truly meet the requirements of good regulations, *Second*, it ensures that the regulations are in accordance with the reality of life in society, *Third*, it fosters a sense of ownership, a sense of responsibility for the regulations.¹⁴

Meanwhile, according to Alexander Abe, direct community participation will bring 3 (three) important impacts, namely: *First*, avoiding the opportunity for manipulation of public involvement and clarifying what the public wants; *Second*, providing added value to the legitimacy of planning formulations, because the more parties involved, the better; *Third*, increasing public awareness and political skills.¹⁵

In addition, according to Sad Dian Utomo, community participation in public policy making has the following benefits:¹⁶

1. Provide a better basis for public policy making;
2. Ensuring more effective implementation because citizens are aware of and involved in public policy making;
3. Increase public trust in the executive and legislative branches ;

¹² Sirajuddin, Fatkhurohman, dan Zulkarnain, *Legislative Drafting: Pelembagaan Metode Partisipatif dalam Pembentukan Peraturan Perundang-undangan* (Malang: Setara Press, 2016) p. 185.

¹³ Pataniari Siahaan, *Legal Politics of the Formation of Laws Post-Amendment of the 1945 Constitution* (Jakarta: Konstitusi Press, 2012).

¹⁴ Sirajuddin, Fatkhurohman, and Zulkarnain. , p. 187.

¹⁵ Alexander Abe, *Perencanaan Daerah Partisipatif* (Yogyakarta: Pembaruan, 2005)., pp. 90 – 91.

¹⁶ Sad Dian Utomo, “*Partisipasi Masyarakat dalam Pembuatan Kebijakan,*” dalam *Otonomi Daerah; Evaluasi dan Proyeksi* (Jakarta: Penerbit Divisi Kajian Demokrasi Lokal Yayasan Harkat Bangsa, 2003)., pp. 267 – 272,

4. Resource efficiency, because with community involvement in public policy making and knowing public policy, the resources used in public policy socialization can be saved.

In line with the above, according to Mas Achmad Santosa, participatory public decision-making is beneficial so that the decision truly reflects the needs, interests and desires of the wider community.¹⁷ And if the formation of legislation is formed as a result of a non-participatory process, it will result in 4 (four) things, namely: *First*, the regulation is ineffective in the sense that it does not achieve the expected goals of the formation of the regulation, *Second*, the regulation is not implementable, in the sense that it cannot be run or fails early on, *Third*, the regulation is not responsive, namely from being designed until it is enacted it receives strong rejection from the community and *Fourth*, regulations that instead of solving social problems actually create new difficulties in society.¹⁸

Basically, public participation is not the ultimate goal. The real goal is to provide a wider space for the public in general to be able to provide a meaningful influence on the government process in a broad sense.¹⁹ So legally, the public's right to participate will be violated if the makers of legislation do not open up space for it. If that happens, a regulation can be said to not meet the formal requirements of legislation. This can be used as a reason to conduct a formal test at the Constitutional Court and the Supreme Court.²⁰

In other words, community involvement in the process of drafting laws and regulations aims to give the community a sense of ownership and responsibility that the existing regulations were made by them so that community compliance with the law can be increased.

Form Public Participation in the Formation of Legislation

If it is connected with the process of forming laws which consists of 3 (three) stages, namely pre-legislation, legislation stage and post-legislation stage, public participation in each stage is certainly different even though there are some that are the same. This means that the form of public participation in the planning and preparation stages is certainly different from the form of public participation in the discussion stage or the stage after becoming a law.²¹

¹⁷ Mas Achmad Santosa, *Good Governance dan Hukum Lingkungan* (Jakarta: Indonesian Center for Environmental Law (ICEL), 2001). p. 138.

¹⁸ Hamzah Halim dan Kemal Redindo Syahrul Putera, *Cara Praktis Menyusun & Merancang Peraturan Daerah; Suatu Kajian Teoretis & Praktis Disertai Manual* (Jakarta: Kencana, 2013). p. 106.

¹⁹ Halim and Putera. , p. 107.

²⁰ Saldi Isra, *Shifting Legislative Functions; Strengthening the Parliamentary Legislation Model in the Indonesian Presidential System* (Jakarta: Raja Grafindo Persada, 2010). , p. 292.

²¹ Pataniari Siahaan, *Politik Hukum Pembentukan Undang-Undang Pasca Amandemen UUD 1945* (Jakarta: Konstitusi Press, 2012). pp. 431 – 432.

At the planning and preparation stage of drafting legislation, there are 4 (four) forms of community participation that can be carried out, namely:²²

- a. Community participation in the form of research, this can be done by the community when they see a problem in the social, national and state order of life that needs to be researched and studied in depth and requires resolution in the form of legislation ;
- b. Community participation in the form of discussions, workshops and seminars, this participation is carried out as a follow-up to the results of research on an object that will be regulated in legislation ;
- c. Public participation in the form of submitting initiative proposals. Submitting this initiative proposal is by submitting an initiative proposal to create a regulation ;
- d. Community participation in the form of designing a legal regulation, this is the final form of community participation in the planning and preparation stage of drafting legal regulations, namely by providing proposals for drafting legal regulations from the community.

At the stage of discussing the draft legislation there are 6 (six) forms of public participation and this is in accordance with the provisions in Article 96 paragraph (2) of Law Number 12 of 2011 concerning the Formation of Legislation. The six forms of participation are:²³

- a. Public participation in the form of an audience/public hearing, where participation in this form can be carried out by the public either at the direct request of the DPR /DPRD or at the public's own request;
- b. Public participation in the form of alternative draft legislation, this alternative draft can be provided when the draft legislation being discussed in the legislative institution is not yet or even not aspirational towards the interests of the wider community;
- c. Public participation in the form of input through print media, this can be done by creating an opinion on a problem being discussed in the legislative body ;
- d. Public participation in the form of input via electronic media, this participation can be done by creating a dialogue by presenting competent resource persons regarding a problem being discussed in the legislative institution ;
- e. Public participation in the form of demonstrations, where demonstrations are held in order to support, reject or suppress material being discussed in the process of forming legislation ;
- f. Public participation in the form of discussions, workshops and seminars. This participation can be done by the public in order to obtain clarity on the issues

²² Siahaan. , pp. 432 – 434.

²³ Siahaan. , pp. 434 – 437.

regarding the material being discussed in the legislative institution, so the resource persons presented are not only from among experts, academics, experts or observers, but also bring in politicians who are directly involved in the discussion of a draft of legislation .

Public participation after becoming a law is carried out in relation to the authority of the Constitutional Court and the Supreme Court , where the public can test laws against the constitution to the Constitutional Court and laws under the law against the law to the Supreme Court. This can be done by the public if they feel that their constitutional rights have been violated by the enactment of a law.

However, if we look at the applicable laws and regulations, especially laws and regulations related to the formation of laws and regulations, public participation has been regulated even though it is only carried out in the discussion process. This regulation can be seen in Article 96 of Law Number 12 of 2011 concerning the Formation of Laws and Regulations as follows:

- (1) The public has the right to provide input verbally and/or in writing in the formation of laws and regulations.
- (2) Oral and/or written input as referred to in paragraph (1) can be made through:
 - a. public hearing;
 - b. work visit;
 - c. socialization; and/or
 - d. seminars, workshops and/or discussions.
- (3) The community as referred to in paragraph (1) is an individual or group of people who have an interest in the substance of the draft legislation.
- (4) To make it easier for the public to provide input verbally and/or in writing as referred to in paragraph (1), every draft legislation must be easily accessible to the public.

In line with the Constitutional Court Decision Number 91/PUU-XVIII/2020 which states that the formation of laws must be based on meaningful participation, consisting of: the right to be heard; the right to be considered; and the right to receive an explanation, the provisions of Article 96 were then amended in Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Legislation to be as follows:

- (1) The public has the right to provide input verbally and/or in writing at every stage of the formation of legislation.
- (2) Providing public input as referred to in paragraph (1) is carried out online and/or offline.
- (3) The community as referred to in paragraph (1) is an individual or group of people who are directly impacted and/or have an interest in the content of the draft legislation.

- (4) To make it easier for the public to provide input as referred to in paragraph (1), every academic manuscript and/or draft legislation can be easily accessed by the public.
- (5) In exercising the rights as referred to in paragraph (1), the makers of legislation shall inform the public about the formation of legislation.
- (6) In order to fulfill the rights as referred to in paragraph (1), the makers of legislation can carry out public consultation activities through:
 - a. public hearing;
 - b. work visit;
 - c. seminars, workshops, discussions; and/or
 - d. other public consultation activities.
- (7) The results of public consultation activities as referred to in paragraph (6) shall be used as consideration in planning, compiling and discussing draft legislation.
- (8) The makers of legislative regulations can explain to the public the results of discussions on public input as referred to in paragraph (1).
- (9) Further provisions regarding community participation as referred to in paragraphs (1) to (8) are regulated in DPR Regulations, DPD Regulations and Presidential Regulations.

Publication and Public Participation

To ensure meaningful and equitable public participation, there are several steps that must be taken even though institutional public participation has been implemented in legislation. The first step in ensuring fair and meaningful public participation is information transparency. Information is the lifeblood in the preparation of legislation. In order for a regulation to ultimately have the ability to change behavior, in-depth information is needed, for example information related to the identification of community behavior itself and its impact on society.²⁴ The second step that needs to be considered by the government in implementing public participation is how to carry out this public participation so that there is two-way communication between participants or between participants and the government.²⁵ After the government has guaranteed the deliberative process in the public participation forum, the third step is to regulate the intensity of the implementation of the public participation forum. The public participation forum needs to be carried out in several stages of each process when: (a) the issues discussed are too complex and technical; (b) the input and/or responses submitted raise new issues or issues that have not been anticipated previously; and (c) there is data that contradicts the

²⁴ Bella Nathania, "Menuju Partisipasi Publik yang Adil dan Bermakna," dalam *Monograf Dekonstruksi Perundang-undangan Indonesia: Menggapai Cita-Cita Ideal Pembentukan Peraturan Perundang-undangan* (Malang: Fakultas Hukum Universitas Brawijaya, 2022), pp. 181 – 182.

²⁵ Nathania. , p. 187.

input and/or responses submitted.²⁶ The fourth step is to prepare a public participation plan. The public participation plan can include the chosen public consultation forum method, time period, and participants involved. This plan is important because after the public consultation forum is completed, the plan can be used as material for evaluation, one of which is to see how the input that emerged in public participation correlates with the provisions in the legislation or ultimately the level of public compliance with the regulations.²⁷

Regarding the optimization of community participation, Rival G. Ahmad et al. put forward 8 (eight) principles that must be used, namely:²⁸

1. There is an effective publication obligation;
2. There is an obligation for systematic, free and easily accessible information and documentation;
3. There is a guarantee of open procedures and an open and effective forum for the community to be involved in monitoring the process from the planning stage;
4. There are procedures that guarantee that the public can submit draft legislation ;
5. There are clear regulations regarding basic documents that must be available and freely accessible to the public, for example academic papers and draft legislation ;
6. A guarantee of appeal is provided for the public if the process of forming legislation is not carried out in a participatory manner;
7. There is an adequate time period for all processes of drafting, discussing draft legislation and disseminating legislation that has been carried out; and
8. There must be clear and adequate accountability for those who create laws and regulations that intentionally close off opportunities for the public to participate.

From the two opinions above, related to the optimization of public participation in the formation of legislation, one of the most important things is publication or openness of information. Without publication or openness of information, public participation in the formation of legislation will not be able to be implemented optimally. How can the public participate effectively if the public when they come to provide input do not know what the content of the legislation to be drafted is and how far the process of forming legislation has been passed.

CONCLUSION

²⁶ Nathania. , p. 188.

²⁷ Nathania. , p. 188.

²⁸ Eka NAM Sihombing and Ali Marwan Hsb, *Eka N.A.M. Sihombing dan Ali Marwan Hsb, Ilmu Perundang-undangan* (Malang: Setara Press, 2021), pp. 165 – 166.

So far, community participation in the formation of laws and regulations has been considered merely procedural, without considering the urgency of community participation. In essence, public participation in the formation of statutory regulations is at least to foster a sense of ownership, a sense of responsibility for a statutory regulation. Apart from that, it can also provide guarantees that the statutory regulations truly meet the requirements for the formation of statutory regulations. In fact, in several Constitutional Court decisions, the absence of public participation is considered a formal defect in a legal regulation. So it can be seen that community participation is an urgent part of the formation of legislation.

Community involvement/community participation in the formation of statutory regulations has been regulated in Law Number 12 of 2011 concerning the Formation of Legislative Regulations. In fact, not only in the provisions of the law, in relation to public participation, the Constitutional Court stipulates that the formation of laws needs to be based on meaningful participation, which consists of: the right to be heard; the right to be considered; and the right to an explanation.

Publication of a legal product is part of fulfilling community participation. Publication is synonymous with openness of information to the entire community. So, looking at the importance of publication for public participation, publication needs to be optimized for a legal product. Without publication or disclosure of information, public participation in the process of forming laws and regulations will remain purely procedural.

REFERENCES

- Abe, Alexander. *Perencanaan Daerah Partisipatif*. Yogyakarta: Pembaruan, 2005.
- Arliman S, Laurensius, Partisipasi Masyarakat Dalam Pembentukan Perundang-Undangan Untuk Mewujudkan Negara Kesejahteraan Indonesia, *Jurnal Politik Pemerintahan*, Vol 10.No1 (2017).
- Halim, Hamzah, dan Kemal Redindo Syahrul Putera. *Cara Praktis Menyusun & Merancang Peraturan Daerah; Suatu Kajian Teoretis & Praktis Disertai Manual*. Jakarta: Kencana, 2013.
- Hsb, Ali Marwan. "Putusan Peninjauan Kembali Perkara Pidana sebagai Novum dalam Peninjauan Kembali Perkara Perdata." *Jurnal Yudisial* Vol. 12, no. 1 (2019).
- Isra, Saldi. *Pergeseran Fungsi Legislasi; Menguatnya Model Legislasi Parlementer Dalam Sistem Presidensial Indonesia*. Jakarta: Raja Grafindo Persada, 2010.
- Nathania, Bella. "Menuju Partisipasi Publik yang Adil dan Bermakna." *Dalam Monograf Dekonstruksi Perundang-undangan Indonesia: Menggapai Cita-Cita Ideal Pembentukan Peraturan Perundang-undangan*. Malang: Fakultas Hukum Universitas Brawijaya, 2022.

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- Ridlwan, Zulkarnain, Negara Hukum Indonesia Kebalikan Nachtwachterstaat, *Fiat Justitia Jurnal Ilmu Hukum* Vol 5 No 2 (2012).
- Santosa, Mas Achmad. *Good Governance dan Hukum Lingkungan*. Jakarta: Indonesian Center for Environmental Law (ICEL), 2001.
- Siahaan, Pataniari. *Politik Hukum Pembentukan Undang-Undang Pasca Amandemen UUD 1945*. Jakarta: Konstitusi Press, 2012.
- Sihombing, Eka N.A.M. *Pembentukan Peraturan Daerah Partisipatif*. Malang: Intelegensia Media, 2018.
- . “Perkembangan Kewenangan Pembatalan Peraturan Daerah dan Peraturan Kepala Daerah; Kajian Putusan Mahkamah Konstitusi Nomor 137/PUU-XIII/2015 dan Nomor 56/PUU-XIV/2016”, *Jurnal Yudisial* 10, no. 2 (Agustus 2017).
- Sihombing, Eka N.A.M., Problematika Penyusunan Program Pembentukan Peraturan Daerah (Problems On Forming Local Regulations Programs), *Jurnal Legislasi Indonesia*, Vol. 13, No. 03, September (2016)
- Sihombing, Eka N.A.M., Muhammad Yusrizal Adi Syaputra, Implementasi Penggunaan Kecerdasan Buatan Dalam Pembentukan Peraturan Daerah (The Implementation of Artificial Intelligence Usage in Local Legislation Forming), *Jurnal Ilmiah Kebijakan Hukum*, Vol. 14, No. 3, November 2020
- Sihombing, Eka N.A.M., dan Ali Marwan Hsb. *Ilmu Perundang-undangan*. Malang: Setara Press, 2021.
- Sirajuddin, Fatkhurohman, dan Zulkarnain. *Legislative Drafting: Pelembagaan Metode Partisipatif dalam Pembentukan Peraturan Perundang-undangan*. Malang: Setara Press, 2016.
- Sungkar, Lailani, Wicaksana Dramanda, Susi Dwi Harijanti, dan Adnan Yasar Zulfikar. “Urgensi Pengujian Formil di Indonesia: Menguji Legitimasi dan Validitas.” *Jurnal Konstitusi* Volume 18, no. 4 (Desember 2021).
- Utomo, Sad Dian. “Partisipasi Masyarakat dalam Pembuatan Kebijakan.” *Dalam Otonomi Daerah; Evaluasi dan Proyeksi*. Jakarta: Penerbit Divisi Kajian Demokrasi Lokal Yayasan Harkat Bangsa, 2003.
- Yuliandri. *Asas-Asas Pembentukan Peraturan Perundang-undangan yang Baik: Gagasan Pembentukan Undang-Undnag Berkelanjutan*. Jakarta: Rajawali Pers, 2010.