

Assessing the effectiveness of public participation in regional regulation formulation: Evidence from South Tangerang City, Indonesia

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Abstract

This study aims to analyze the effectiveness of public participation in the formulation of regional regulations (Perda) in South Tangerang City and to examine how legal, institutional, and sociocultural factors shape the participatory process. It also seeks to determine whether existing legislative frameworks, particularly Law No. 13 of 2022 are implemented as intended in facilitating meaningful participation. The research employs an empirical legal approach supported by qualitative methods, combining normative analysis of legislation with field data obtained through in-depth interviews, participant observation, and document review. Data were analyzed using Miles and Huberman's interactive model, while the effectiveness of participation was assessed through Soerjono Soekanto's five legal effectiveness factors. The study finds that although the legal framework formally guarantees public participation, its implementation within the DPRD of South Tangerang City remains limited, inconsistent, and largely procedural. Participation tends to involve only invited stakeholders, many of whom lack adequate understanding of the substantive issues, resulting in low-quality input. Institutional gaps, particularly the absence of explicit participation procedures in the DPRD Standing Orders and limited access to draft regulations further weaken engagement. Sociocultural conditions indicate a shifting but still uneven participatory legal culture, where public involvement is recognized yet not fully realized in practice.

Keywords:

Public Participation, Regional Regulations, Empirical Legal Research, Legislative Process, South Tangerang City

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INTRODUCTION

Public participation has become a central feature of contemporary governance, particularly in regulatory and policy-making processes at the local level. Over the past two decades, scholars have highlighted the shift from government-centric decision-making toward participatory and collaborative approaches that involve citizens, civil society organizations, and local stakeholders (Bryson et al., (2013); Nabatchi & Leighninger, 2015). In many countries, including Indonesia, this paradigm shift reflects the broader transition toward democratic governance in which the legitimacy and effectiveness of public policies depend on the extent to which citizens can influence policy formulation.

The academic discourse on participation emphasizes not only its democratic value but also its instrumental benefits for policy quality, social acceptance, and long-term sustainability. Arnstein, (1969) classic “ladder of citizen participation” remains foundational in explaining the varying degrees of public influence in decision-making. Later scholarship, such as Fung’s (2006) “democracy cube,” elaborated on how participatory mechanisms must be designed to maximize representativeness, communication, and authority. These frameworks continue to guide empirical research assessing participatory practices in local governance.

In Southeast Asia, including Indonesia, decentralization reforms have further elevated the importance of community involvement in regional governance. Studies show that the success of decentralization initiatives often hinges on whether citizen participation is meaningful, inclusive, and recognized by policymakers (Aspinall & Berenschot, 2019; Mietzner, 2018). Indonesian local governments are required by law to incorporate public input in drafting regional regulations (peraturan daerah), yet implementation varies significantly across regions.

Existing studies on public participation in Indonesia indicate that while institutional mechanisms for citizen involvement have expanded, their effectiveness remains uneven. For example, Talitha et al., (2020) shows that participatory planning spaces at the local level often function procedurally rather than substantively, limiting their impact on policy decisions. Aspinall & Berenscho (2019) argue that local governance processes including regulatory formulation continue to be shaped by patronage networks and elite brokerage, which constrain broad-based participation. In addition, Vel & Bedner, (2015) highlight that community engagement in subnational policy processes is frequently symbolic, as bureaucratic routines and political interests tend to override citizen input. These findings collectively demonstrate that structural, political, and procedural barriers continue to hinder meaningful public participation in Indonesia’s local governance system.

However, despite the growing body of literature, empirical studies specifically examining public participation in the formulation of regional regulations at the city level remain limited. Most existing research focuses on development planning, budget participation, or village-level governance, leaving a gap concerning how public involvement shapes the drafting of legally binding regional regulations. This gap is particularly evident in rapidly growing urban areas such as South Tangerang City, where regulatory needs are expanding alongside population growth and urban complexity.

South Tangerang City represents a relevant and understudied case for examining participatory regulation-making due to its unique characteristics as a relatively young autonomous city within the Jakarta metropolitan area. Established in 2008, the city has experienced rapid population growth, socio-economic diversification, and urban expansion, which have increased both regulatory demands and the complexity of stakeholder interests in local governance. These urban characteristics influence public participation by limiting the formation of stable civic networks and reducing citizens’ capacity to engage consistently in regulatory processes, thereby reinforcing reliance on invitation-based participation mechanisms managed by legislative institutions. As a relatively young autonomous region within the Jakarta

metropolitan area, the city faces increasing demands for responsive and accountable governance. Studies on local governance in Banten Province indicate that institutional arrangements for participation often exist formally but are not always effective in practice (Gusman, 2023). Yet, research rarely analyzes this issue within the specific context of regional regulation formulation, which plays a strategic role in shaping local governance frameworks.

Given this background, the present study aims to assess the effectiveness of public participation in the formulation of regional regulations (peraturan daerah) in South Tangerang City. Effectiveness is examined through dimensions such as inclusiveness, transparency, deliberative quality, and the extent to which public input influences regulatory outcomes. By employing a qualitative case study approach, this research seeks to generate nuanced insights into how participatory mechanisms operate in practice and how stakeholders perceive their roles in the legislative process.

This study contributes to the literature by bridging theoretical perspectives on participatory governance with empirical evidence from a dynamic urban setting in Indonesia. It advances existing scholarship by identifying institutional, sociopolitical, and procedural factors that support or hinder meaningful participation. In doing so, the study not only addresses an important research gap but also provides a relevant analytical framework for evaluating participation in subnational regulatory processes.

Ultimately, the objective of this research is to enhance the understanding of how public participation can be strengthened to improve the quality and legitimacy of regional regulations. The findings are expected to inform policymakers, civil society actors, and scholars interested in participatory democracy and local regulatory governance. By focusing on South Tangerang City, the study offers insights that may be applicable to other rapidly developing urban regions in Indonesia and beyond.

LITERATURE REVIEW

Public participation is widely acknowledged as an essential characteristic of democratic governance and a determinant of policy legitimacy. Arnstein (1969)(2020) remains a foundational conceptualization, illustrating degrees of citizen influence ranging from manipulation to full citizen control. Later scholars such as Fung, (2006) expanded this perspective by demonstrating how participatory processes promote deliberation, collective learning, and improved policy outcomes. In contemporary governance systems, participation functions not only as a democratic norm but also as an instrumental strategy for enhancing accountability and responsiveness, particularly in regulatory decision-making.

Within decentralized governance frameworks, participatory mechanisms gain even greater salience. Indonesia's post-1998 decentralization reforms devolved significant regulatory authority to local governments, enabling them to formulate regional regulations. While this transition expanded opportunities for citizen involvement, numerous studies reveal persistent structural and political barriers that undermine its effectiveness (Aspinall & Mietzner, 2019; Hadiz, 2010).

Although formal mechanisms for public involvement such as hearings and stakeholder consultations are increasingly embedded in Indonesia's legislative procedures, research shows that these channels frequently fall short of facilitating substantive citizen influence. Antlöv et al. (2016) note that participatory processes at the local level often become ceremonial, with limited impact on policy direction due to bureaucratic dominance and weak facilitation. Similarly, Berenschot Et Al., (2018) observe that local decision-making arenas tend to be controlled by political brokers and elite networks, reducing opportunities for meaningful public input. This persistent divergence between formal participatory provisions and their practical realization

underscores the need to analyze how engagement is actually enacted within local legislative environments.

The literature also emphasizes the critical role of institutional design and stakeholder dynamics. Bryson et al., (2014) argue that effective participatory processes require clear objectives, balanced representation, transparency, and opportunities for deliberative interaction. Yet, in many developing contexts, power asymmetries, technocratic dominance, and limited access to information constrain inclusiveness, rendering participation tokenistic rather than substantive. In Southeast Asian contexts, elite-driven political structures often overshadow citizen voices (Mietzner, 2018), highlighting the importance of analyzing institutional and socio-political configurations that determine participatory quality at the local level.

A notable gap persists in the scholarship on public participation within local regulation-making processes. Existing research has tended to focus on participatory planning mechanisms such as community development forums and other deliberative planning instruments rather than on civic engagement in the legislative arena (Vel & Bedner, 2015). As a result, limited academic attention has been directed at understanding how citizens contribute to the drafting of binding regional regulations at the DPRD level. This gap is consequential, given that peraturan daerah exercise formal legal authority, shaping governmental conduct, administrative discretion, and the delivery of public services. Investigating participation in this legislative context is therefore essential for assessing whether regional law-making adheres to democratic standards and accurately reflects community interests.

To address this analytical gap, the present study employs an integrated analytical framework that combines Soerjono Soekanto's legal effectiveness theory with participatory governance perspectives, namely Collaborative Governance (Ansell & Gash, 2008) Arnstein's Ladder of Citizen Participation, and Fung's Democracy Cube. This integrated framework allows the study to assess not only whether participation is legally mandated, but also how participation is designed, practiced, and empowered in the legislative process.

METHOD

This study employs an empirical legal research design that integrates normative legal analysis with field-based inquiry to examine how participatory mandates are operationalized in the formulation of regional regulations (Perda) within the DPRD of South Tangerang City. This design is appropriate because the study assesses not only the 'law in the books' (statutory provisions on participation) but also the 'law in action' (institutional practices, access to drafts, and stakeholder involvement) as experienced by policy actors and the public. The empirical legal approach (empirical legal research/empirisch juridisch onderzoek) is used to identify legal and institutional determinants that shape public participation, including procedural arrangements, administrative practices, and sociocultural dynamics affecting participation quality (Soekanto, 2019).

In this study, the approach is operationalized through (1) legal-document analysis, (2) stakeholder interviews, and (3) participant observation of legislative forums, enabling cross-source verification of participation practices. The study begins with a structured review of secondary legal materials, including Law No. 23/2014 on Regional Government, Law No. 13/2022 (amending Law No. 12/2011) on the Formation of Laws and Regulations, Government Regulation No. 12/2018, and relevant ministerial and local regulations. In addition, document auditing is conducted on DPRD-produced materials (e.g., Propemperda, meeting minutes, invitation lists, drafts/academic manuscripts where accessible, and official announcements) to assess the availability and transparency of participatory documentation. This normative inquiry is complemented with primary field data to examine how participatory provisions are implemented in practice within the DPRD of South Tangerang City, including how stakeholders

are selected, how draft documents are circulated, how consultation forums are conducted, and how public input is recorded and responded to during deliberation. The observation log and document audit were used explicitly to triangulate interview claims. Because empirical legal research requires direct observation of real legal practices, this study adopts a qualitative approach, enabling a detailed understanding of legal effectiveness, institutional behavior, and citizen engagement (Miles & Huberman, 1994).

Primary data were collected through (1) in-depth interviews, (2) participant observation of legislative forums, and (3) documentation analysis. Data collection was conducted in the natural setting of DPRD South Tangerang City and complemented by document auditing of publicly available information channels (e.g., official announcements and accessible legislative documents). Informants were recruited using purposive sampling with maximum variation to ensure diversity of perspectives across institutional and community stakeholders. Informants included: (a) DPRD actors involved in regulation drafting (e.g., members of Bapemperda/committees and DPRD secretariat staff), (b) legislative drafters/legal bureaus and legal experts involved in harmonization (including the regional office of the Ministry of Law and Human Rights), and (c) non-institutional stakeholders who have experience engaging (or attempting to engage) in the legislative process, such as civil society/NGO representatives, local academics, and community members affected by particular draft regulations. To enhance credibility and assess representativeness, each informant's institutional position/role, years of experience, and involvement stage in the legislative process were documented. Informants are anonymized using codes (I1, I2, etc.) to protect confidentiality, and informed consent was obtained prior to interviews.

Interview questions were structured using Soerjono Soekanto's legal effectiveness framework, covering legal substance, legal enforcement, facilities and infrastructure, community factors, and cultural factors influencing participation (Soekanto, 2008). To address participation quality beyond institutional narratives, questions also covered: (a) how participants are selected, (b) access to drafts/academic manuscripts, (c) channels for submitting input, (d) whether feedback is provided on public input, and (e) perceived influence of public input on revisions. Participant observation was conducted during legislative forums relevant to the formation of local regulations, such as hearings/consultations, drafting discussions, and deliberation meetings. Observations focused on: (1) stakeholder presence and representation, (2) communication patterns (one-way vs deliberative exchange), (3) facilitation and time allocation, (4) references to draft documents/academic manuscripts, and (5) how public input was recorded and followed up.

Documentation analysis covered meeting minutes, invitation lists/attendance records where accessible, legislative drafts and academic manuscripts where obtainable, official reports, and archival records (Bryman, 2016). Data were analyzed using Miles and Huberman's interactive model through three iterative steps: (1) data reduction (transcription, initial coding, and thematic consolidation), (2) data display (development of matrices linking themes to evidence from interviews–observations–documents), and (3) conclusion drawing/verification (cross-source checking, negative case consideration, and refinement of themes). To demonstrate the analysis process, the study uses a triangulation matrix and a thematic evidence table as data displays that connect each major finding to at least two types of sources (interview, observation, and/or documentation). This iterative process enabled systematic integration of legal norms, institutional practices, and multi-source empirical evidence, thereby reducing institutional perspective bias and strengthening credibility in assessing participation effectiveness in regional regulation formulation.

RESULTS AND DISCUSSION

Result

This section presents empirical findings on how public participation is practiced in the formulation of regional regulations (Perda) in South Tangerang City. Rather than treating legal effectiveness factors as isolated variables, the results are organized according to key stages of the legislative process planning, drafting, consultation, deliberation, and post-enactment while analyzing how legal, institutional, infrastructural, societal, and cultural factors interact to shape participation outcomes.

Based on empirical evidence, public participation in the DPRD of South Tangerang predominantly corresponds to the ‘consultation’ and ‘placation’ levels of Arnstein’s ladder. While citizens and stakeholders are invited to express views through hearings and FGDs, their input does not carry decision-making authority and is not systematically reflected in regulatory outcomes.

Public Participation at the Planning and Drafting Stages

At the planning and drafting stages of regional regulation formulation, public participation is formally mandated by Law No. 13/2022. However, empirical findings indicate that participation at this stage is largely procedural. While DPRD actors acknowledge the importance of early public involvement, access to key documents particularly academic manuscripts and draft regulations remains limited, constraining the ability of non-institutional actors to engage substantively.

Despite guarantees of openness under Articles 5 and 96, the research found that essential legislative documents particularly draft regulations and academic manuscripts are not easily accessible. As Informant 3 noted: “Academic Manuscripts are rarely open and are difficult to find, even though they could be widely published so the public can participate.”

This condition undermines the principle of transparency, limiting citizens’ ability to contribute substantively.

Moreover, the institution’s internal rules (tata tertib) do not define operational mechanisms for participation, creating a normative gap. Informant 1 confirmed this institutional weakness: “Provisions on public participation are not clearly regulated in the DPRD’s standing orders.” As a result, public participation relies heavily on discretionary practices rather than formal procedures.

This statement illustrates a normative acknowledgment of participation by legislative actors. Nevertheless, document analysis shows that early-stage participation is constrained by weak disclosure practices. While Propemperda lists are publicly announced, draft texts and academic manuscripts are rarely accessible prior to consultation forums, resulting in symbolic rather than informed participation.

Procedural Compliance and Participation during Legislative Deliberation

During the deliberation stage, legislative practice prioritizes procedural compliance, particularly through harmonization and supervision by the provincial office of the Ministry of Law and Human Rights. Empirical evidence suggests that conformity with formal procedures is treated as the primary indicator of regulatory validity.

This demonstrates that procedural legality is well-guarded.

However, participation is not treated as a determinant of legal validity. Informant 3 explicitly stated: “A regional regulation remains legally valid even without public involvement...” This perception significantly weakens efforts toward meaningful public inclusion.

Informant 2 reinforced the emphasis on procedural compliance by noting: “No draft regional regulation has been rejected... because every stage follows the procedure.”

At the same time, he clarified that some drafts were halted due to jurisdictional boundaries rather than participation issues: "Some drafts were discontinued not because of public participation but because they were not under regional authority." This reflects a strictly formalistic approach to legality, where participation does not influence enforcement decisions.

This perception reflects a formalistic orientation in law enforcement, where public participation is decoupled from legal validity. Consequently, participation does not function as a determinant of decision-making but as an auxiliary process, weakening the substantive legitimacy of regional regulations.

Consultation Mechanisms and Access to Participation Channels

Formal consultation mechanisms such as hearings, FGDs, and written submissions are available; however, participation is predominantly invitation-based and constrained by limited preparation time and restricted access to supporting documents.

Time constraints significantly limit the depth of discussions. Informant 3 stated: "FGDs do not provide sufficient time for a comprehensive discussion... they can only produce broad recommendations." This inhibits meaningful deliberation and reinforces superficial engagement.

Access to critical documents is also inadequate. Informant 3 remarked: "Academic Manuscripts are rarely accessible and difficult to obtain, even though online platforms could make them easy to reach." This demonstrates both administrative limitations and missed opportunities to strengthen digital participation.

Participant observations indicate that consultation forums tend to prioritize agenda completion over deliberative exchange, resulting in discussions focused on operational issues rather than substantive regulatory design.

Finally, while DPRD publishes its annual legislative plan (Propemperda), more detailed drafts are rarely uploaded online. This lack of document transparency prevents citizens from preparing substantive contributions before formal hearings.

Community Engagement Patterns and Participatory Legal Culture

Community participation varies based on the relevance of regulations to their direct interests. Informant 2 described this dynamic: "When those invited are directly affected like market vendors they are enthusiastic, but their input focuses more on operational issues rather than theoretical substance." Thus, while engagement occurs, it is often issue-specific and lacks deeper policy comprehension.

A significant obstacle is limited public awareness of how to participate. Informant 3 highlighted this challenge: "The community wants to be involved but does not know how... broader publication is needed so they understand how to participate." This indicates a fundamental information gap that restricts active civic involvement.

Additionally, the attendance and motivation of participants are inconsistent. Informant 2 observed: "Sometimes those invited rarely attend, or they are unmotivated... it depends on who is invited and their level of understanding." This shows that community capacity and knowledge heavily influence participation effectiveness.

While some groups voluntarily approach DPRD through hearings, most issues raised concern public services rather than upcoming legislation. This suggests that the public views DPRD primarily as an institution for problem resolution rather than a participatory policy-making space.

Cultural Factors

Despite expressions of public criticism through hearings, demonstrations, and online platforms, participation in formal legislative drafting remains largely passive unless initiated by

official invitations. This reflects a semi-participant legal culture in which citizens are aware of their rights but hesitant to engage proactively in decision-making processes.

However, field data indicate that participation in legislative drafting remains passive unless citizens are formally invited. This reflects characteristics of a subject political culture, where citizens are aware but hesitant to influence decision-making.

Digital platforms have emerged as alternative channels for expressing public concerns; however, these forms of engagement are weakly institutionalized and rarely translated into formal deliberative influence within DPRD decision-making. As a result, digital participation functions more as public expression than as an integrated component of legislative participation.

Despite this progress, the dominant cultural orientation still reflects hierarchical tendencies, where formal invitations are expected before engagement occurs. This creates barriers to spontaneous participation and reinforces the need for civic education and empowerment to cultivate a fully participatory legislative culture.

Discussion: Explaining Procedural Participation in South Tangerang City

The findings reveal that public participation in the formulation of regional regulations in South Tangerang City is predominantly procedural rather than deliberative. Although participation is formally recognized within the legal framework, consultation mechanisms rarely translate into substantive influence on regulatory outcomes. This procedural orientation reflects a broader pattern in which participation is treated as a formal requirement rather than a deliberative process. In South Tangerang, public involvement is acknowledged normatively, yet its role remains marginal in shaping regulatory substance.

This condition emerges from the interaction of multiple factors. Legal mandates on participation are not supported by clear operational rules within DPRD standing orders, allowing institutional practices to prioritize procedural legality over participatory quality. Limited access to draft regulations and academic manuscripts constrains informed engagement, while invitation-based consultation restricts the diversity of participating actors. These institutional constraints are reinforced by uneven civic capacity and a hierarchical participatory culture, in which citizens tend to engage only when formally invited. As a result, participation becomes reactive and issue-specific rather than continuous and deliberative.

Together, these interacting conditions create what can be described as a procedural participation trap, where participation functions primarily as a legitimizing formality rather than a mechanism for shared decision-making. This finding contributes to participatory governance and empirical legal studies by demonstrating that legal guarantees alone are insufficient to produce meaningful participation without supportive institutional design, transparent information access, and sustained civic empowerment. In practical terms, the South Tangerang case highlights the need to shift from compliance-oriented participation toward deliberative engagement that enables public input to meaningfully inform legislative decisions and enhance the democratic legitimacy of regional regulations.

Legal Factors: Normative Foundation and Practical Gaps

The findings show that the legal framework governing public participation in regional legislation is already comprehensive, particularly after the enactment of Law No. 13/2022. This aligns with scholarly assertions that Indonesian legislation has increasingly mandated public participation as a democratic imperative (Tuhumena et al., 2021; Wafa, 2023). The normative ideal embedded in the law parallels global standards, such as Kravchenko's (2002) argument that effective participation requires early access to information, inclusive consultation, and legal guarantees protecting public involvement.

However, the empirical data demonstrates a substantial gap between normative expectations and real-world implementation. This gap reflects what Jati (2012) describes as the failure of legal frameworks to translate into responsive law-making when institutional practices remain opaque or selectively applied. Similarly, Akerboom & Craig (2022) note that legal guarantees alone do not ensure meaningful participation unless supported by procedural clarity and strong institutional mechanisms. In South Tangerang, the inaccessibility of academic manuscripts and draft regulations significantly weakens the public's ability to engage substantively, resulting in symbolic participation rather than genuine engagement.

The mismatch between formal mandates and practical realities is consistent with findings by Saiya et al., (2021), who argue that despite formal provisions, Indonesian public participation often becomes perfunctory. This reflects a broader pattern in developing democracies, where the legal basis for participation exists, but implementation is burdened by administrative inertia and weak political will. Thus, the participatory mandate risks being reduced to formality rather than functioning as a transformative tool of governance.

Law Enforcement Factors: Procedural Compliance and Substantive Legitimacy

Findings show that procedural compliance in the formation of local regulations is generally observed, consistent with the national mandate that every draft regulation undergo harmonization. This supports the conclusions of Arliiman, (2017), who argues that legal compliance is essential for ensuring the hierarchical coherence of regional legislation. Collaboration with the Ministry of Law and Human Rights reinforces procedural certainty, similar to what McGarity, (1990) identifies as a foundation for regulatory legitimacy in risk-based governance.

Nevertheless, such compliance does not guarantee substantive legitimacy. Informants noted that regional regulations are still considered valid even without meaningful public participation, reflecting the view that participation is supplementary rather than mandatory. This condition mirrors Hidayati's (2019) comparative finding that Indonesia lacks enforceable participation requirements, unlike South Africa where participation is a legal prerequisite. It also aligns with Coglianese, (2003) critique that public participation often emphasizes procedural satisfaction rather than actual influence on policy outcomes.

This raises concerns regarding the meaningfulness of participation as conceptualized in democratic theory. Without clear mechanisms requiring legislators to integrate public input or justify its rejection participation becomes ceremonial. Bobbio (2019) emphasizes that participation must be "designed" to influence decisions; otherwise, procedural compliance alone cannot generate legitimacy, accountability, or democratic responsiveness.

Facilities and Infrastructure: Limited Access and Narrow Participation Channels

While legal instruments provide structured avenues for participation, their effectiveness is undermined by limited administrative and technological capacity. This mirrors what Wolfram, (1977) identifies as structural barriers that prevent effective public participation even when formal channels are available. The reliance on invitation-based forums restricts participation and mirrors Molokwane & Lukamba, (2018) observation that citizen involvement often fails when governments rely on selective engagement.

The limited availability of online documents such as draft regulations and academic manuscripts further restricts public access. This is consistent with Kravchenko, (2002) argument that access to information is a prerequisite for meaningful participation. Additionally, Wu et al., (2020) emphasize that environmental governance increasingly depends on digital access and participatory tools an expectation that remains unfulfilled in South Tangerang due to insufficient digital infrastructure and dissemination.

The quality of participation is also hindered by insufficient preparation time and limited access to documents. This aligns with Kiss et al. (Kiss et al., 2022), who argue that meaningful participation in governance particularly environmental or regulatory matters requires early and continuous engagement, not short, one-time forums. Thus, infrastructural deficiencies not only limit access but also diminish the depth of deliberation and quality of policy feedback.

Societal Factors: Awareness, Capacity, and Engagement Dynamics

Findings indicate that community engagement remains uneven, shaped by participants' capacity and issue-specific interest. This aligns with the conclusions of Ocloo et al., (2021), who state that participation is significantly influenced by awareness, empowerment, and stakeholder readiness. Groups directly affected by draft regulations tend to engage more actively, although their contributions are often technical rather than normative echoing McGarity's (1990) argument that public input in regulatory processes often lacks conceptual depth without adequate support.

Low public awareness of participation rights is another major barrier. Hidayati, (2019) comparative study indicates that Indonesians generally lack knowledge about participatory rights due to minimal civic education and weak institutional outreach. Similar trends appear in global literature, where access to information and civic literacy strongly determine participation quality (Rosenbloom et al., 2022).

Unequal access to information and limited dissemination by policymakers also create barriers. This is consistent with findings by Reynante et al., (2021), who explain that equitable participation requires open channels of communication and systematic integration of public inputs through design-thinking and crowdsourcing approaches. Without transparency, public engagement becomes sporadic and dependent on active civil society actors rather than broad community involvement.

Cultural Factors: Legal Culture and Citizen Orientation

Cultural factors significantly influence participation dynamics. The mixed legal culture observed in South Tangerang ranging from passive to participant orientations reflects what Jati, (2012) and Wafa, (2023) describe as the incomplete transition from a rule-subject culture toward a participatory legal culture in Indonesian governance. Although activist groups and organized civil society demonstrate strong participant culture, the majority of citizens remain passive, shaped by historical patterns of top-down administration.

The rise of digital participation through social media reflects broader global shifts identified by Lahdili et al., (2024), who argue that digital governance expands opportunities for civic involvement—although digital activism often remains informal and not fully integrated into institutional decision-making. This is echoed by Kiss et al. (2022), who emphasize that digital participation must complement formal mechanisms to generate effective governance outcomes.

Building a participatory legal culture requires institutional commitment. International literature shows that trust-building, transparency, and responsiveness are essential for cultivating long-term civic engagement (Akerboom & Craig, 2022; Bobbio, 2019). Without deliberate efforts to embed participatory norms through education and sustained engagement, the legal culture will remain fragmented between passive and active segments of society.

By integrating Soekanto's legal effectiveness factors with Arnstein's participation levels, Fung's participation design dimensions, and collaborative governance conditions, this study demonstrates that procedural participation in South Tangerang is not merely a legal compliance issue but a result of institutional design choices and power distribution within the legislative process.

CONCLUSION

This study concludes that public participation in the formulation of regional regulations (Perda) in South Tangerang City remains predominantly procedural rather than deliberative, despite the existence of a formal legal mandate requiring public involvement. Participation mechanisms are largely confined to invitation-based consultations that fulfill procedural requirements but exert limited influence on regulatory substance. As a result, participation operates at tokenistic levels primarily consultation and placation without meaningful authority in decision-making. This condition reflects a persistent gap between normative legal provisions and their practical implementation within local legislative institutions.

The analysis further demonstrates that this procedural orientation is produced by the interaction of multiple reinforcing factors. Legal mandates are not supported by operational rules within DPRD standing orders, institutional practices prioritize procedural legality over deliberative quality, access to draft regulations and academic manuscripts remains restricted, and civic engagement is shaped by uneven capacity and a hierarchical participatory legal culture. Together, these conditions form a procedural participation trap, in which participation is formally acknowledged but institutionally disempowered, limiting its contribution to democratic legitimacy, regulatory learning, and policy quality. This finding underscores that strengthening participation in local legislative processes requires not only legal recognition but also deliberate institutional design, transparent information systems, and empowered civic engagement.

Recommendations

1. Strengthening Institutional Frameworks for Participation

The DPRD of South Tangerang City should revise its Standing Orders to incorporate a clear and standardized procedure for public participation at each stage of the regulatory process. Such provisions should define mechanisms for consultation, minimum documentation requirements, feedback obligations, and criteria for determining affected stakeholders.

2. Enhancing Transparency and Information Accessibility

To support more substantive engagement, the DPRD should ensure open and timely access to Academic Manuscripts, draft regulations, and legislative schedules through official online platforms. Transparent dissemination of these documents will enable communities, experts, and civil society actors to provide informed and evidence-based input.

3. Encouraging Civil Society and Academic Involvement

Civil society organizations, universities, and research institutions in South Tangerang should adopt a more proactive role in monitoring, analyzing, and engaging in the regional legislative process. Their involvement is crucial for ensuring accountability, preventing misuse of authority, strengthening policy quality, and ensuring that regional regulations align with public interests and sustainable development goals.

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