

Jurnal Hukum Replik

ISSN 2337-9251 (Print) 2597-9094 (Online)

Vol. 13 Issue 2 (2025) 181–212

DOI: <http://dx.doi.org/10.31000/jhr.v13i2.14665>

Available online since: Nov 26, 2025



The Relationship Between Civil Society Movements and Political Parties in Indonesia's Legislative Legal Politics

Sandya Mahendra ✉ 

Program Studi Hukum Program Magister, Universitas Islam Indonesia

✉ 24912044@students.uii.ac.id

Abstract

Public participation in the formation of legislation is a crucial element in realizing the principles of a democratic rule of law in Indonesia. Although regulations such as Law Number 12 of 2011 guarantee the principle of transparency and the right of the public to engage in the legislative process, practical implementation shows that public participation often remains procedural and has yet to influence substantive aspects of decision-making. This study aims to elaborate the concept of meaningful participation within Indonesian legislation and to analyze the relational models between civil society movements and political parties in Indonesia's legislative process. The research employs an empirical legal method with statutory, conceptual, and sociological approaches. The findings reveal that the relationship between civil society movements and political parties in the legislative process demonstrates complex and non-uniform dynamics, depending on the political context, the issues being advocated, and the strength as well as strategies of the actors involved. On one hand, collaborative relations may arise when shared visions and interests exist, as evidenced in the enactment of the Sexual Violence Crimes Law and the Personal Data Protection Law, where public participation positively influenced policy substance. On the other hand, confrontational relations frequently emerge when political parties overlook civil society aspirations, as seen in the formation of the Job Creation Law and the revision

of the Military Law, both of which were characterized by limited transparency and minimal public dialogue.

Keywords: *Civil society, Political parties, Legislative process, Meaningful participation, Legal politics, Public participation.*

Introduction

Legislation that is responsive and accommodates meaningful participation is essentially mandated in Article 5 of the Law on the Formation of Legislation. This article outlines several key principles, including clarity of purpose, proper authority of the competent institution or official, consistency between the type, hierarchy, and substance of the regulation, feasibility of implementation, effectiveness and efficiency, clarity of formulation, and the principle of openness.¹ According to Maria Farida, the principle of openness in the formation of legislation implies that every stage, from planning, drafting, and deliberation to enactment and promulgation, must be carried out transparently and be accessible to the public. Consequently, all elements of society have the broadest possible opportunity to convey their views and contributions throughout the lawmaking process.²

Although the Law on the Formation of Legislation has been established as a reference and guideline, in practice the regulations produced still do not fully meet ideal standards. This is reflected in the

¹ Amin, F., Susmayanti, R., Faried, F. S., Zaelani, M. A., Agustiwi, A., Permana, D. Y., ... & Rizaldi, M. (2023). *Ilmu Perundang-Undangan*. Sada Kurnia Pustaka.

² M Barlian, A. E. A. (2016). Konsistensi Pembentukan Peraturan Daerah Berdasarkan Hierarki Perundang-Undangan Dalam Prespektif Politik Hukum. *Fiat Justitia: Jurnal Ilmu Hukum*, 10(4), 605-622

high number of judicial review petitions submitted to the Constitutional Court. Based on data from the Constitutional Court, between 2003 and 2021 there were 1,501 registered cases of judicial review of laws. This fact indicates that problems still persist, both in terms of formal and substantive aspects of the enacted regulations, prompting the public to file judicial review petitions with the Constitutional Court.³

One example of a regulation that encountered significant issues during its formation process is Law Number 11 of 2020 on Job Creation. This law was submitted for judicial review to the Constitutional Court on the grounds that it was suspected of violating formal principles in the lawmaking process, particularly the principle of openness. In accordance with Article 5 letter g of the Law on the Formation of Legislation, all stages of the lawmaking process, from planning to promulgation, must be carried out transparently.⁴

Furthermore, the Constitutional Court, in its decision, stated that the Job Creation Law contained formal defects. Its legislative process was deemed to have failed to adequately accommodate public participation. In fact, the right of the public to participate is guaranteed under Article 27 paragraph 1 of the 1945 Constitution of the Republic of Indonesia. When the legislative process neglects public involvement,

³ Wafa, M. K. (2023). Peran Dan Partisipasi Masyarakat Dalam Pembentukan Undang-Undang. *Siyasah Jurnal Hukum Tata Negara*, 3(1), 85-100.

⁴ Mahanani, A. E. E., & Maharani, A. E. P. (2024). Urgensi Kewenangan Mahkamah Konstitusi Dalam Pengujian Dan Pengaduan Konstitusional Atas Undang-Undang Non-Meaningful Participation. *Jil: Journal Of Indonesian Law*, 5(2), 199-229.

it may be considered contrary to the principle of popular sovereignty.⁵ Meaningful public participation comprises at least three key aspects. First, the public has the right to express their views (right to be heard). Second, the views submitted must be taken into consideration in the decision making process (right to be considered). Third, the public also has the right to obtain an explanation or response to the views they have conveyed (right to be explained).⁶

Meaningful public engagement cannot be separated from the active role of civil society movements, which continue to shape the dynamics of democracy in Indonesia. Since the Reform Era, these movements have played a crucial role both in advocating for the creation of responsive regulations and in critically examining legal products that tend to be elitist and conservative. The concept of civil society in Indonesia has evolved over a long period, originating from efforts to identify citizens' rights that have been taken away and to build collective awareness that these rights must be fought for and restore.⁷

Civil society movements, originating from university students and the general public, have exerted a significant influence on the quality of democracy in Indonesia through mass actions. From the fall of the New

⁵ Ramur, I. (2023). Analisis Partisipasi Publik Dalam Pembentukan Peraturan Perundang-Undangan Menurut Putusan Mahkamah Konstitusi Nomor 91/Puuxviii/2020.

⁶ Artioko, F. R. (2022). Pengadopsian Partisipasi Masyarakat Yang Bermakna (Meaningful Participation) Dalam Undang-Undang Nomor 13 Tahun 2022 tentang Perubahan Kedua Undang-Undang Nomor 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-Undangan. *Al-Qisth Law Review*, 6(1), 52-83.

⁷ Rinenggo, A. (2020). Peran Dan Tantangan Civil Society Dalam Kehidupan Demokrasi Di Indonesia. *Prosiding Konferensi Nasional Kewarganegaraan V Prodi Pendidikan Pancasila Dan Kewarganegaraan Program Pascasarjana Universitas Negeri Yogyakarta*, 47.

Order to the Reform Era, these groups have maintained a highly critical stance toward various government policies and have actively staged demonstrations at government buildings to demand justice for the people.⁸

Discussions on civil society have generated two perspectives: one views it as closely linked to the state, including political parties, while the other regards civil society as independent from power. Civil society encompasses NGOs, the media, academics, and students who actively monitor the legislative process and advocate for meaningful public participation. In contrast, political parties are oriented toward gaining power through elections. Despite their different functions, both contribute to the public interest.⁹ However, civil society's participation in legislation is often considered symbolic, which is why student movements frequently protest policies that are not pro-people in order to restore democratic principles in lawmaking.

However, in certain instances, civil society and political parties also engage in collaborative public policy-making, such as advocacy and lobbying on issues during the legislative process. Civil society lobbies the parliament to voice its interests, monitors campaign promises and politicians' behavior, and provides a forum for discussing strategic issues. Additionally, civil society contributes to enhancing party capacity

⁸ Sarmiasih, M., & Pratama, P. Y. (2020). Dukungan Kolektif Civil Society Dalam Pengarusutamaan Gerakan Anti Korupsi Di Indonesia. *Thejournalish: Social And Government*, 1(1), 1-11.

⁹ Martiningsih, D. (2018). Peran Masyarakat Madani Mewujudkan Clean Government: Pemerintahan Yang Bebas Korupsi Kolusi Dan Nepotisme. *Jurnal Pusaka*, 5(2), 22-47. legislatif atau eksekutif. Mereka juga berperan dalam memobilisasi pemilih agar mendukung calon yang

through training and by providing potential legislative or executive candidates. They also play a role in mobilizing voters to support candidates aligned with public aspirations. Such collaboration strengthens the democratic process and promotes more meaningful public representation.¹⁰

The relationship between civil society movements and political parties in Indonesia's legislative process reveals an intriguing dynamic. On one hand, they can engage in strategic cooperation, particularly within consultative forums such as public hearings or thematic issue coalitions. However, this relationship is often marked by tension and conflict when public demands articulated by civil society clash with the political interests or pragmatism of parties in parliament. A key trigger is the limitation of structural access, as civil society organizations are frequently excluded from formal stages of discussion, such as at the Working Committee or parliamentary plenary sessions, which are in fact the critical spaces for substantive decision-making.¹¹

Moreover, although public input is formally submitted through petitions, studies, or hearings, the response from political parties and parliament tends to be minimal. The absence of official explanations or substantive integration of proposals results in low accountability in the legislative process. This motivates civil society to demand reforms, including advocating for political parties to not only listen to public

¹⁰ Kuswandro, W. E. (2024). *Kebijakan Publik Perspektif Politik: Advokasi Civil Society Dan Kepartaian*. Universitas Brawijaya Press.

¹¹ Jafar, M. (2009). *Perkembangan dan Prospek Partai Politik Lokal di Propinsi Nanggroe Aceh Darussalam* (Doctoral dissertation, program Pascasarjana Universitas Diponegoro).

aspirations but also incorporate them into campaign platforms and measurable, politically binding legislative agendas.

Given the complexity of the relationship between civil society and political parties, an in-depth study is necessary to optimize their interaction in the legislative process. The objective is to create legislation that is substantively democratic and ensures authentic public participation. Such understanding can serve as a basis for more equitable participatory strategies and regulations. This research is essential for analyzing the dynamics of these actors in promoting meaningful participation in Indonesian lawmaking and for providing a reflective framework to improve legislative practices that are more inclusive, responsive, and people-centered.

Methods

This study is an empirical legal research employing statutory, conceptual, and sociological approaches. The statutory approach involves analyzing positive legal norms related to the process of lawmaking and meaningful public participation. The conceptual approach examines the subject matter with the aid of theoretical frameworks, particularly focusing on the concepts of civil society and meaningful participation. The sociological approach is used to analyze patterns of interaction between civil society and political parties in promoting meaningful participation.

Data were obtained from a literature review, including laws, Constitutional Court decisions, academic documents, and relevant legal and political literature. The investigation covered legal documents, news

articles, journal publications, and studies by non-governmental organizations to assess the extent to which civil society participation affects the substance and procedures of lawmaking. The analytical technique employed in this study involves identifying key patterns and issues in the relationship between civil society and political parties in fostering meaningful participation in the process of legislative formation in Indonesia.

Analysis and Discussion

1. The Concept of Meaningful Participation in the Legislative Process in Indonesia

As a country that upholds democratic values, public involvement in the lawmaking process is both important and crucial. Citizens have the right to oversee government activities and seek the creation of laws and policies that are just in the administration of the state. Opportunities for public participation in the legislative process are regulated in positive law, namely Article 96 of Law Number 12 of 2011 on the Establishment of Legislation.¹² With the application of the principle of transparency in this law, the public has the right to provide input, both orally and in writing, during the legislative process. Such input can be submitted through several channels, including: (a) public hearings; (b) working visits; (c) socialization programs; and (d) seminars, workshops, and/or discussions. The term “public” refers to individuals

¹² Sos, J. P. S. (2020). *Implementasi Dan Evaluasi Kebijakan Publik*. Unisri Press.

or groups who have an interest in the substance of the draft legislation.

13

To enable the public to easily provide input, both orally and in writing, every draft legislation must be made available and widely accessible to the public. Currently, public involvement in the lawmaking process is being progressively developed. Public participation as stakeholders can be realized through the submission of input, either orally or in writing, during the planning, drafting, and deliberation stages of draft legislation, in accordance with the procedures and rules of the House of Representatives.¹⁴

Public involvement in the deliberation of draft legislation represents a form of good governance in accordance with the principles of public participation, accountability, and transparency.¹⁵ According to Rahardjo, transparency and public participation in the legislative process serve to maintain neutrality. This neutrality implies equality, justice, and protection for all parties, especially the public, and reflects the existence of conflicts of interest and power dynamics within society. Decisions and outcomes resulting from such participation both

¹³ Habsari, R. S., & Sumariyastuti, D. (2023, September). The Importance Of Implementing Community Participation In The Formation Of Legislation In The Field Of Nuclear Energy In Bapeten. In *Proceedings Of The 2023 Nuclear Safety Seminar, Improving The Safety And Security Of Nuclear Installations And Ionizing Radiation Sources To Support The Competitiveness Of Nuclear Products And Improve Community Welfare* (No. Inis-Id--115, Pp. 352-360).

¹⁴ Riskiyono, J. (2015). Partisipasi Masyarakat Dalam Pembentukan Perundang-Undangan Untuk Mewujudkan Kesejahteraan. *Aspirasi: Jurnal Masalah-Masalah Sosial*, 6(2), 159-176.

¹⁵ Rahajeng, M. M. (2021). Penerapan Prinsip-Prinsip Good Governance Dalam Pengelolaan Dana Desa Di Desa Wlahar Wetan Kecamatan Kalibagor Kabupaten Banyumas. *Public Policy And Management Inquiry*, 4(2), 163-174.

represent the needs and desires of the public and provide valuable information while reflecting a commitment to the democratic system.¹⁶ The channeling of public aspirations to create legislation that promotes welfare can be achieved by providing broad participatory spaces for all segments of society. As noted by Handoyo, these participatory spaces include the following.¹⁷

- a. Provide access to information for all components of society regarding the process of drafting legislation;
- b. Formulate the rules of the game, particularly those related to the transparency of drafting and formulation of draft legislation;
- c. As an initial step in implementing monitoring, jointly develop procedures and mechanisms to accommodate public aspirations in the deliberation of legislation;
- d. Collaborate with the House of Representatives of Indonesia to establish a code of ethics and form an Honorary Council, with membership composed of representatives from the House of Representatives, the public, academics, and the mass media.

To ensure the implementation of meaningful public participation, three main criteria must be met: first, the right to express opinions (right to be heard); second, the right for those opinions to be considered (right

¹⁶ Riskiyono, J. (2015). *Op.Cit.* 159-176.

¹⁷ Saputra, L. (2021). *Tinjauan Yuridis Pembentukan Undang-Undang Model Omnibus Law Dalam Sistem Hukum Indonesia Perspektif Sijarah Dusturiyah* (Doctoral Dissertation, Iain Bengkulu).

to be considered); and third, the right to receive a response or explanation regarding the opinions submitted (right to be explained). In addition, meaningful public participation should occur at a minimum during three stages: first, during the submission of a draft law; second, during the joint deliberation of the law by the President and the House of Representatives, or by the President, the House of Representatives, and the Regional Representative Council (DPD); and third, during the stage of joint approval of the law between the President and the House of Representatives.¹⁸

Essentially, through Constitutional Court Decision Number 91/PUU XVIII/2020, the Court provided parameters for assessing the formal review of legislation, which include: (i) the procedures for lawmaking; (ii) the format or structure of the law; (iii) the authority of the institutions making decisions in the lawmaking process; and (iv) other matters not covered in material review. Therefore, these three criteria and stages serve as more measurable benchmarks for identifying defects in the legislative process, particularly concerning meaningful public participation. The legal reasoning (*ratio decidendi*) in this decision is considered capable of addressing the need to ensure public participation in the formation of legislation.¹⁹

¹⁸ Nasution, A. I., & Sapii, R. B. S. (2022). Aktualisasi Konsep Meaningful Participation Dalam Pembentukan Peraturan Perundang-Undangan. *Jurnal Surya Kencana Dua: Dinamika Masalah Hukum Dan Keadilan*, 9(2), 202-220.

¹⁹ Wantu, F., Muhtar, M. H., Putri, V. S., Thalib, M. C., & Junus, N. (2023). Eksistensi Mediasi Sebagai Salah Satu Bentuk Penyelesaian Sengketa Lingkungan Hidup Pasca Berlakunya Undang-Undang Cipta Kerja. *Bina Hukum Lingkungan*, 7(2), 267-289.

Upon closer examination, the provisions regarding public participation in Law on the Establishment of Legislation (UU P3) essentially grant the public the right to provide input or suggestions at certain stages of the legislative process. In other words, these provisions do not obligate lawmakers to act on such input or suggestions as a tangible form of public participation. According to Sherry R. Arnstein's theory, participation in Indonesia is currently at the level of consultation. While legislation provides a space for the public to submit input during the lawmaking process, there is no guarantee that such input will be considered in final decision-making. Moreover, there is no assurance that participants represent stakeholders directly affected by the implementation of the law. Therefore, it cannot be denied that many agendas involving public participation in lawmaking often merely fulfill formal procedural requirements.²⁰

In response to this issue, the Constitutional Court, through Decision Number 91/PUU-XVIII/2020, emphasized the importance of implementing the concept of meaningful public participation as a manifestation of the principle of transparency in the legislative process and as a realization of the provisions of Article 22A of the 1945 Constitution of the Republic of Indonesia. This relates to the role of the Constitutional Court as a negative legislator, whose decisions are *erga omnes*, meaning they are binding on all parties, both individuals

²⁰ Guswara, A. B., & Nasution, A. I. (2023). Dinamika Konstitusionalitas Undang-Undang Cipta Kerja Pasca Putusan Mahkamah Konstitusi Nomor 91/Puu-Xviii/2020 Dan 54/Puu-Xxi/2023. *Jurnal Usm Law Review*, 6(3), 1052-1072.

and state institutions. Constitutional Court decisions can be classified into two types: those that are self-executing, which take effect immediately without requiring further action, and those that are non-self-executing, which require follow-up measures. Considering that Decision Number 91/PUU-XVIII/2020 obliges lawmakers to amend the Omnibus Law on Job Creation within a two-year period, it falls into the non-self-executing category. Normatively, the follow-up to Constitutional Court decisions can be regulated through legislation. Therefore, lawmakers are obliged to implement the provisions of this decision as a corrective measure for the Omnibus Law on Job Creation.²¹

2. Model Relasi Antara Civil Society Dan Partai Politik Dalam Proses Legislasi Yang Meaningful Participation Di Indonesia

To understand the relationship between political parties and civil society, Beavis identifies three fundamental aspects: (1) the type of activities connecting political parties and civil society; (2) the strength of these connections, particularly in terms of how close and exclusive the relationship is; and (3) the direction of influence within the relationship. These models, which will be discussed in more depth later, provide a framework for analyzing interactions. There are several activities undertaken jointly by civil society and political parties, with a primary focus on public policy-making, such as advocacy or lobbying

²¹ Fauziah, F., & Arrasuli, B. K. (2023). Putusan Mahkamah Konstitusi Yang Bersifat Self Executing Dan Non-Self Executing Dalam Rentang Tahun 2016-2019. *Unes Journal Of Suara Justisia*, 7(2), 319-334.

on issues under discussion during the legislative process. In this context, civil society, as an interest group, lobbies political parties in the House of Representatives to promote and discuss the interests it advocates. As an organization independent of political interests, civil society also plays a role in monitoring campaign promises made by candidates and parties during election campaigns, as well as the behavior of politicians in the House of Representatives.

In other contexts, civil society is also regarded as a forum for discussing various important issues relevant to the needs of members of the House of Representatives (DPR) at a given time. From the perspective of political parties, civil society also contributes to enhancing party organizational capacity through various forms of capacity-building training. As institutions recognized for their human resources and their role in development, civil society organizations can also provide actors and leaders as competent candidates in elections, both legislative and executive. At the same time, civil society can play a role in mobilizing voters to support political party leaders whose agendas and interests align with those of the electorate. Meanwhile, when examining the relationship between these two institutions in terms of closeness, Beavis identifies four directions of interaction that are interrelated.

From the perspective of civil society, at least three views regarding its relationship with political parties can be identified: (1) avoiding contact with political parties, in which civil society strives not to engage in political activities to ensure it is not perceived as partisan;

(2) fully supporting political parties without bias, where civil society commits to supporting parties whose agendas and issues align with the interests of the civil society group; and (3) forming an alliance with a single political party, in which one or more civil society groups provide information and training exclusively to that party, often maintaining strong ties, such as those seen with labor organizations.

From the perspective of political parties, four approaches can be observed: (1) maintaining distance from civil society, indicating either a lack of relationship or strong competition that prevents a close connection; (2) receiving short-term support from multiple civil society groups, depending on the specific interests that serve as a common ground for collaboration; (3) establishing long-term relationships with one or several civil society groups, evidenced by consistent and enduring support from groups such as think tanks or labor unions; and (4) having a severed relationship with civil society, which may occur if a party member leaves the party and transforms into a civil society group, considering this as more effective for achieving their objectives than remaining within the party.²²

Some argue that political parties also encompass civil society groups that exert influence within their constituencies, thereby granting parties significant power. Conversely, civil society groups generally maintain a higher degree of independence compared to political parties, as their activities are shaped by the socio-political context of the

²² Perdana, A. (2009, July). Civil Society dan Partai Politik dalam Demokratisasi di Indonesia. In *Pervik-Seminar Nasional di Salatiga*.

country. Overall, the model proposed by Beavis represents a type of relationship assumed to exist within countries undergoing democratic transitions. This implies that the relationship is neither singular nor unidirectional, but rather interdependent on the conditions prevailing within the country.

The relationship between civil society movements and political parties in Indonesia takes diverse forms, which can be broadly categorized into two paradigms: collaborative relationships and confrontational relationships. These forms of interaction are highly dependent on existing political dynamics as well as the strength and strategies of advocacy networks possessed by civil society actors. Further explanations of these two types of relationships are as follows:

a. Collaborative Relationships

Collaborative relationships between civil society and political parties occur when both actors share common interests and goals. For example, during the enactment of the Sexual Violence Crime Bill, there was a consensus between political parties and civil society organizations supporting the bill to protect victims of sexual violence. In this context, political parties, as decision-makers in the House of Representatives, collaborated with civil society groups advocating for the rights of victims.²³ Political party factions such as NasDem, PDIP, PKB, and others actively promoted the passage of Sexual Violence Crime Bill.

²³ Adpenalia, K. (2022). *Government Making: Proteksi Dan Penghapusan Kekerasan Seksual (Studi Literatur Dinamika Pengesahan Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual)* (Doctoral Dissertation, Sekolah Tinggi Pembangunan Masyarakat Desa Stpm "Apmd").

According to the Central Java NasDem Regional Leadership Council (DPW), NasDem “persistently supported the enactment of the UU TPKS” and committed to overseeing its implementation in society, including establishing support posts for sexual violence victims. The House of Representatives Legislation Body (Baleg) approved the draft Sexual Violence Crime Bill in December 2021, with seven factions (PDIP, PKB, NasDem, PPP, Gerindra, PAN, Demokrat) expressing approval, one faction (Golkar) delaying, and PKS rejecting it.²⁴ Civil society networks, including the Civil Society Network (JMS), FPL, JPHPKKS, and the National Commission on Violence Against Women, actively promoted the deliberation of the Sexual Violence Crime Bill, urging the House of Representatives to complete it within six months and ensuring the substance of the bill was pro-victim.²⁵

Furthermore, collaborative relationships also occurred during the deliberation of the Personal Data Protection Law (PDPL), enacted in 2022, demonstrating more constructive involvement of civil society. Organizations such as SAFEnet, ELSAM, and ICT Watch actively contributed to the drafting process of this law, participating from the initial preparation of academic manuscripts, providing input in public hearings at the House of Representatives (DPR), to submitting policy briefs and conducting public education. The PDPL explicitly recognizes the role of civil society in assisting data protection through education,

²⁴ Aprimayanti, R., & Erwianti, A. (2023). Aktor Kritis Perempuan Dalam Pembahasan RUU PKS Di DPR Periode 2014–2019. *Setara: Jurnal Studi Gender Dan Anak*, 4(02), 226–246.

²⁵ [Jaringan Masyarakat Sipil Desak DPR Tuntaskan RUU TPKS Dalam 6 Bulan | Tempo.Co](#)

advocacy, and oversight (Article 63). Several of these contributions were accommodated in the PDPL, enacted in September 2022. Article 63 regulates public participation in education, training, advocacy, dissemination, and supervision of personal data protection. This illustrates that civil society interventions can successfully influence both the substance and the legislative process positively.²⁶ The Personal Data Protection Law serves as an example of more substantive public participation. Many core principles of data protection in the PDPL, such as the right of access, the right to be forgotten, and public oversight roles, reflect the outcomes of civil society involvement. In this case, public participation was not merely procedural but had a genuine impact on the content and direction of the policy.²⁷

This collaboration is generally driven by a shared vision and mission on specific issues, as well as a mutual recognition of the importance of producing more inclusive and progressive policies. Civil society involvement in the legislative process can enrich the substance of policies by incorporating broader societal perspectives, rather than being solely guided by political interests. Consequently, civil society serves as an agent that applies pressure on political parties to consider public aspirations, while simultaneously enhancing the credibility of the parties involved.

b. Confrontational Relationships

²⁶ [Peran Masyarakat Bantu Lindungi Data Pribadi Dalam Uu Pdp: Pendidikan Hingga Pengawasan](#)

²⁷ Kurniawan, T. (2022). Urgensi Pengesahan Rancangan Undang Undang Perlindungan Data Pribadi Dalam Digitalisasi Pelayanan Publik Guna Mewujudkan Smart Government. *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal*, 2(2), 264-281.

On the other hand, confrontational relationships arise when political parties fail to accommodate the aspirations or demands voiced by civil society. The enactment of the Omnibus Law on Job Creation (UU Cipta Kerja) exemplifies this type of confrontational relationship. Enacted in October 2020, the law became highly controversial in the context of public participation. Its deliberation process was considered rushed and lacked substantive involvement from civil society. The Constitutional Court, through Decision Number 91/PUU-XVIII/2020, declared the law conditionally unconstitutional due to formal defects, particularly the minimal participation of the public.²⁸ Civil society coalitions, such as WALHI, YLBHI, and labor unions, actively criticized both the substance and the legislative process of the law. Large-scale demonstrations, protests, and judicial reviews at the Constitutional Court were manifestations of their engagement. Although the government subsequently established the Job Creation Law Socialization Task Force, many stakeholders viewed this initiative as more cosmetic than genuinely participatory.²⁹

Furthermore, the revision of the Indonesian National Armed Forces Law has raised concerns among civil society regarding the potential return of the military's dual function (*dwifungsi*). Changes to Article 7 allow the National Armed Forces to conduct Military Operations Other Than War (OMSP) by merely notifying the House of

²⁸ Putra, A. (2024). Pengabaian Prinsip Partisipasi Masyarakat Dalam Undang-Undang Cipta Kerja. *Jurnal Yudisial*, 17(1), 81-105.

²⁹ [Organisasi Masyarakat Sipil Protes Perppu Cipta Kerja: Ancam Lingkungan Dan Masyarakat](#)

Representatives, without requiring formal approval. This is perceived as providing the military with broader opportunities to engage in civilian affairs, reminiscent of practices during the New Order era. In addition, the revision of Article 47 expands the opportunities for active TNI personnel to hold positions in civilian institutions, increasing from the previous limit of 10 ministries and agencies to 16 institutions.³⁰ During the deliberation and revision of the National Armed Forces Law throughout 2023–2024, civil society organizations such as KontraS, Imparsial, and YLBHI voiced sharp criticisms, particularly concerning the military's role in civilian affairs. However, their involvement was highly limited during the decision-making stage. Many public critiques were not addressed substantively or argued within the legislative arena.³¹

Such confrontations often involve demonstrations, petitions, and mass movements as forms of protest against political decisions made by ruling parties. These conflicting interests create tensions that can escalate into open conflict, manifested either as harsh political communication or street protests. Nonetheless, these confrontations are not necessarily destructive; they can also drive policy improvements through the pressure exerted by civil society actors.

Conclusion

³⁰ Ujung, F., Hasan, H., Kumanireng, R. M., Nenabu, R. I., Alelang, Y. T., Nitbani, Y. E. E., & Mas'ud, F. (2025). Kajian Yuridis terhadap Undang-Undang Nomor 3 Tahun 2025 tentang Perubahan Atas UU No 34 Tahun 2004 pada Pasal 47 tentang Tentara Nasional Indonesia. *Jurnal Penelitian Ilmiah Multidisipliner*, 1(03), 309-315.

³¹ [YLBHI, Imparsial, KontraS di Sidang MK: UU TNI Ilegal! | IDN Times](#)

The relationship between civil society movements and political parties in the legislative process in Indonesia exhibits complex and non-uniform dynamics, depending on the political context, the issues being advocated, and the strength and strategies of the actors involved. On one hand, collaborative relationships can emerge when there is alignment in vision and interests, as seen in the enactment of the Sexual Violence Crime Bill and the Personal Data Protection Law (PDPL), where public participation positively influenced the substance of policies. On the other hand, confrontational relationships frequently arise when political parties disregard the aspirations of civil society, as evidenced in the enactment of the Omnibus Law on Job Creation and the revision of the Indonesian National Armed Forces Law, which were characterized by minimal transparency and limited public dialogue.

Public participation in the legislative process in Indonesia remains largely procedural and symbolic, falling short of the principles of meaningful participation as emphasized by the Constitutional Court, which include the rights to be heard, to have input considered, and to receive responses. The lack of transparency in the legislative process, weak representation of vulnerable groups, and limited political accountability constitute major obstacles to substantive public engagement.

Therefore, it is necessary to strengthen participatory mechanisms that are legally and politically binding, such as establishing joint legislative forums, reforming Law No. 12/2011, and enhancing legal literacy and political education. Collaboration between civil society and

political parties should be directed toward strategic and deliberative partnerships to create legislative governance that is inclusive, transparent, and substantively democratic.

References

- Adpenalia, K. (2022). *Government Making: Proteksesi Dan Penghapusan Kekerasan Seksual (Studi Literatur Dinamika Pengesahan Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual)* (Doctoral Dissertation, Sekolah Tinggi Pembangunan Masyarakat Desa Stpm "Apmd").
- Amin, F., Susmayanti, R., Faried, F. S., Zaelani, M. A., Agustiwi, A., Permana, D. Y., ... & Rizaldi, M. (2023). *Ilmu Perundang-Undangan*. Sada Kurnia Pustaka.
- Aprimayanti, R., & Erwianti, A. (2023). Aktor Kritis Perempuan Dalam Pembahasan RUU PKs Di DPR Periode 2014–2019. *Setara: Jurnal Studi Gender Dan Anak*, 4(02), 226-246.
- Artioko, F. R. (2022). Pengadopsian Partisipasi Masyarakat Yang Bermakna (Meaningful Participation) Dalam Undang-Undang Nomor 13 Tahun 2022 tentang Perubahan Kedua Undang-Undang Nomor 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-Undangan. *Al-Qisth Law Review*, 6(1), 52-83.
- Fauziah, F., & Arrasuli, B. K. (2023). Putusan Mahkamah Konstitusi Yang Bersifat Self Executing Dan Non-Self Executing Dalam Rentang Tahun 2016-2019. *Unes Journal Of Suara Justisia*, 7(2), 319-334.
- Guswara, A. B., & Nasution, A. I. (2023). Dinamika Konstitusionalitas Undang-Undang Cipta Kerja Pasca Putusan Mahkamah Konstitusi Nomor 91/Puu-Xviii/2020 Dan 54/Puu-Xxi/2023. *Jurnal Usm Law Review*, 6(3), 1052-1072.

Habsari, R. S., & Sumariyastuti, D. (2023, September). The Importance Of Implementing Community Participation In The Formation Of Legislation In The Field Of Nuclear Energy In Bapeten. In *Proceedings Of The 2023 Nuclear Safety Seminar, Improving The Safety And Security Of Nuclear Installations And Ionizing Radiation Sources To Support The Competitiveness Of Nuclear Products And Improve Community Welfare* (No. Inis-Id--115, Pp. 352-360).

Jafar, M. (2009). *Perkembangan dan Prospek Partai Politik Lokal di Propinsi Nanggroe Aceh Darussalam* (Doctoral dissertation, program Pascasarjana Universitas Diponegoro).

[Jaringan Masyarakat Sipil Desak Dpr Tuntaskan Ruu Tpk Dalam 6 Bulan | Tempo.Co](#)

Kurniawan, T. (2022). Urgensi Pengesahan Rancangan Undang Undang Perlindungan Data Pribadi Dalam Digitalisasi Pelayanan Publik Guna Mewujudkan Smart Government. *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal*, 2(2), 264-281.

Kuswandro, W. E. (2024). *Kebijakan Publik Perspektif Politik: Advokasi Civil Society Dan Kepartaian*. Universitas Brawijaya Press.

M Barlian, A. E. A. (2016). Konsistensi Pembentukan Peraturan Daerah Berdasarkan Hierarki Perundang-Undangan Dalam Prespektif Politik Hukum. *Fiat Justisia: Jurnal Ilmu Hukum*, 10(4), 605-622

Mahanani, A. E. E., & Maharani, A. E. P. (2024). Urgensi Kewenangan Mahkamah Konstitusi Dalam Pengujian Dan Pengaduan Konstitusional Atas Undang-Undang Non-Meaningful Participation. *Jil: Journal Of Indonesian Law*, 5(2), 199-229.

Martiningsih, D. (2018). Peran Masyarakat Madani Mewujudkan Clean Government: Pemerintahan Yang Bebas Korupsi Kolusi Dan Nepotisme. *Jurnal Pusaka*, 5(2), 22-47.

Nasution, A. I., & Sapii, R. B. S. (2022). Aktualisasi Konsep Meaningful Participation Dalam Pembentukan Peraturan Perundang-Undangan. *Jurnal Surya Kencana Dua: Dinamika Masalah Hukum Dan Keadilan*, 9(2), 202-220.

[Organisasi Masyarakat Sipil Protes Perppu Cipta Kerja: Ancam Lingkungan Dan Masyarakat](#)

[Peran Masyarakat Bantu Lindungi Data Pribadi Dalam Uu Pdp: Pendidikan Hingga Pengawasan](#)

Perdana, A. (2009, July). Civil Society dan Partai Politik dalam Demokratisasi di Indonesia. In *Percik-Seminar Nasional di Salatiga*.

Putra, A. (2024). Pengabaian Prinsip Partisipasi Masyarakat Dalam Undang-Undang Cipta Kerja. *Jurnal Yudisial*, 17(1), 81-105.

Rahajeng, M. M. (2021). Penerapan Prinsip–Prinsip Good Governance Dalam Pengelolaan Dana Desa Di Desa Wlahar Wetan Kecamatan Kalibagor Kabupaten Banyumas. *Public Policy And Management Inquiry*, 4(2), 163-174.

Ramur, I. (2023). Analisis Partisipasi Publik Dalam Pembentukan Peraturan Perundang-Undangan Menurut Putusan Mahkamah Konstitusi Nomor 91/Puuxviii/2020.

Rinenggo, A. (2020). Peran Dan Tantangan Civil Society Dalam Kehidupan Demokrasi Di Indonesia. *Prosiding Konferensi Nasional*

Kewarganegaraan V Prodi Pendidikan Pancasila Dan Kewarganegaraan Program Pascasarjana Universitas Negeri Yogyakarta, 47.

Riskiyono, J. (2015). Partisipasi Masyarakat Dalam Pembentukan Perundang-Undangan Untuk Mewujudkan Kesejahteraan. *Aspirasi: Jurnal Masalah-Masalah Sosial*, 6(2), 159-176.

Riskiyono, J. (2015). Partisipasi Masyarakat Dalam Pembentukan Perundang-Undangan Untuk Mewujudkan Kesejahteraan. *Aspirasi: Jurnal Masalah-Masalah Sosial*, 6(2), 159-176.

Saputra, L. (2021). *Tinjauan Yuridis Pembentukan Undang-Undang Model Omnibus Law Dalam Sistem Hukum Indonesia Perspektif Siyasah Dusturiyah* (Doctoral Dissertation, Iain Bengkulu).

Sarmiasih, M., & Pratama, P. Y. (2020). Dukungan Kolektif Civil Society Dalam Pengarusutamaan Gerakan Anti Korupsi Di Indonesia. *Thejournalish: Social And Government*, 1(1), 1-11.

Sos, J. P. S. (2020). *Implementasi Dan Evaluasi Kebijakan Publik*. Unisri Press.

Ujung, F., Hasan, H., Kumanireng, R. M., Nenabu, R. I., Alelang, Y. T., Nitbani, Y. E. E., & Mas'ud, F. (2025). Kajian Yuridis terhadap Undang-Undang Nomor 3 Tahun 2025 tentang Perubahan Atas UU No 34 Tahun 2004 pada Pasal 47 tentang Tentara Nasional Indonesia. *Jurnal Penelitian Ilmiah Multidisipliner*, 1(03), 309-315.

Wafa, M. K. (2023). Peran Dan Partisipasi Masyarakat Dalam Pembentukan Undang-Undang. *Siyasah Jurnal Hukum Tatanegara*, 3(1), 85-100.

Wantu, F., Muhtar, M. H., Putri, V. S., Thalib, M. C., & Junus, N. (2023). Eksistensi Mediasi Sebagai Salah Satu Bentuk Penyelesaian Sengketa Lingkungan Hidup Pasca Berlakunya Undang-Undang Cipta Kerja. *Bina Hukum Lingkungan*, 7(2), 267-289.

[YLBHI, Imparsial, KontraS di Sidang MK: UU TNI Ilegal! | IDN Times](#)