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SMART-LEGISLATION FOR MEANINGFUL PARTICIPATION IN URBAN POLICYMAKING: AN OVERVIEW POST-ISSUANCE OF ACT NUMBER 13 OF 2022

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Abstract

On June 22, the President and the DPR passed Law No. 13 of 2022, which is the second change to Law No. 12 of 2011 about making laws and regulations. One of the significant changes in Law No. 13 of 2022 is that it allows for the use of online technology to achieve more meaningful participation in the legislative process. This rule change was made in response to the decision of the Constitutional Court (No.91/PUU-XVIII/2020) in the case of the Formal Review of Law Number 11 of 2020 Concerning Job Creation against the Constitution. Online technology arrangements to strengthen public participation in Law 13/22 also apply in the local legislative process. Thus, the use of information technology to strengthen governance and public services has grown in regions, particularly in urban areas. ICT has played a role in initiatives to make cities smarter. Under the smart city initiative, ICT-enabled city government could carry out their tasks more effectively and efficiently by engaging citizens and other stakeholders in meaningful ways that encourage collaborative governance. This study examines the concept of meaningful participation in the context of smart cities, with a particular emphasis on analyzing the phenomenon of smart collaboration as a foundation for developing smart legislation. Using existing collaboration and participation concepts in the smart city arena, an empirical analysis of how ICT can support meaningful participation in urban policy and regulation making processes, as well as strengthen collaboration between urban government and citizens, was conducted.

Keywords: meaningful participation; online technology; smart city; collaborative government; smart-legislation.



A. Introduction

As of today, countries around the world are still dealing with the COVID-19 outbreak, and its many implications have yet to be fully understood. From the point of view of Covid-19's disruptive nature, its effects have led to rapid changes in business processes and operational practices.¹ Due to the nature of this crisis, people are compelled to utilize digital media as an efficient form of communication.² The use of digital communication platforms (such as Zoom or MS Teams) and digital technologies for teaching, learning, working, and interacting was much faster and more widespread than before Covid-19.

The Covid-19 pandemic appears to have accelerated digital innovation in most areas of life.³ Moreover, the pandemic situation has become a catalyst for the massive adoption of digital media in a society that is pursuing a transition from a traditional to a digital society. In simple terms, the digital society era refers to how digital technologies such as the Internet, mobile connectivity, cloud computing, big data, machine learning, artificial intelligence (AI), block-chain, Internet of Things (IoT), robotics, smart manufacturing, predictive and data analytics, and other new digital technologies are affecting society life. Digitalization in this context refers to the transformation of interactions, communications, business activities, and business models into (more) digital forms.

As the pandemic spreads and people's attitudes toward technology continue to shift, the way governments are run has been undergoing a turning point. Online public services quickly gained popularity. Various applications, social media, and other digital devices are used to ensure that government administration doesn't really stop due to large-scale social restrictions.

Hence, citizen participation in government tends to be more widespread, accessible, and responsive because of digital

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- 1 Muhammad Mustafa Kamal. "The Triple-Edged Sword of COVID-19: Understanding the Use of Digital Technologies and the Impact of Productive, Disruptive, and Destructive Nature of the Pandemic", *Information Systems Management* 37, no. 4 (October, 2020): 310–17, <https://doi.org/10.1080/10580530.2020.1820634>.
 - 2 Wahyu Kustiningsih and Nurhadi. "Strengthening Social Capital in COVID-19 Mitigation" in *Governance for Handling COVID-19 in Indonesia: Preliminary Study*. (Yogyakarta: Gadjah Mada University Press, 2012), 46–63.
 - 3 Anna A. Mikhaylova, Andrey S. Mikhaylov, and Dmitry V. Hvalev. "Receptiveness to Innovation during the COVID-19 Pandemic: Asymmetries in the Adoption of Digital Routines", *Regional Studies, Regional Science* 8, no. 1 (January, 2021): 311–27, <https://doi.org/10.1080/21681376.2021.1962400>.



technology. The era of digital transformation has created new opportunities for governments to better engage with their citizens.

However, amid the ongoing pandemic and the euphoria of a “new” digital-based life, the public is shocked by the Government’s and the DPR’s achievements in making several political decisions and passing laws. During the government’s own efforts to protect the citizens from the threat of the Covid-19 virus attack, the decision to conduct simultaneous local elections in 2020 and the discussion of the Job Creation Law has become a public question.⁴

The Job Creation Law employs the “Omnibus” method, which consolidates 78 laws into a single bill that is passed instantly, quickly, and with limited participation.⁵ This illustrates that the DPR did not maximize on the public’s enthusiasm for using information technology and virtual meetings during the time of widespread social restrictions.⁶ Hence, the executive branch’s successful consolidation of political power has weakened the legislature’s performance in carrying out legislative functions. Under the excuse of the Covid-19 pandemic emergency, political partisanship has given the executive control of the legislative agenda and even weakened the DPR’s legislative power.⁷

The executive-legislative consolidation has intentionally reduced public participation in the legislative process. The Constitutional Court’s judicial review process for Job Creation Act Number 11 of 2020 made this clear.⁸ According to the judicial review of the P-MK 91 session, Government-DPR did not adequately involve the public in the law consultation process.⁹ The trial revealed that the draft Job Creation Bill was never shown or discussed, even though community groups were present at the public hearing.¹⁰ The substantive

4 Fitra Arsil and Ariesy Tri Mauleny. “Public Participation and Implementation of the Representative Function of the Indonesian Parliament during the Enforcement of the Covid-19 Pandemic Emergency”, *2nd International Conference on Universal Wellbeing*. (December 2020).

5 Dirman Nurjaman. “Application of the Openness Principle in the Making of the Omnibus Law”, *Khazanah Multidisplin* 2, no. 2 (2021): 57–69.

6 Fitra Arsil, Qurrata Ayuni, and Ariesy Tri Mauleny. “The Disappearance of the ‘legislative Model’: Indonesian Parliament’s Experience in Response to Covid-19”, *The Journal of Legislative Studies*, (May, 2022), 1–23, <https://doi.org/10.1080/13572334.2022.2067948>.

7 *Ibid.*

8 Mahkamah Konstitusi RI, Decision Number 91/PUU-XVIII/2020, 1–448 (2021).

9 Fahmi Ramadhan Firdaus. “Public Participation after the Law- Making Procedure Law of 2022”, *Jurnal Ilmiah Kebijakan Hukum* 16, no. 3 (November, 2022): 495, <https://doi.org/10.30641/kebijakan.2022.V16.495-514>.

10 Ramanata Disurya, Suryati Suryati, and Layang Sardana. "Violations of Principle in the Drafting and Ratification of the Job Creation Law", *Solusi* 19, no. 1 (2021): 25–34, <https://>



changes to Act Number 11 of 2020 were unknown to those who attended the public hearing.¹¹ The MK process also revealed that academic papers and draft Job Creation Bills were difficult to obtain.¹² According to Article 96 paragraph 4 of Act Number 12 of 2011, the public must have easy access to the draft bill being discussed so that it can provide oral or written feedback.

Following PMK 91, on June 16th, 2022, the DPR and the President passed Act Number 13 of 2022. This is the second changes to the legislative procedure established by Act Number 12 of 2011. This new law is a consolidation and improvement of Act Number 12 of 2011 and Act Number 15 of 2019. By establishing a constitutional guideline, P-MK 91 allowed for a new wave of citizen involvement in the lawmaking process.¹³

The constitutional mandate for substantial participation is further elaborated in Act Number 13 of 22 by regulating citizens' rights in the formation of laws and regulations. Whereas citizens have three basic rights: the right to be heard, the right to have their opinion considered, and the right to an explanation or answer (right to be explained). Act Number 13 of 22 asserts that online platforms can be used to create laws and regulations at all stages and levels, both central and regional, to preserve the right to participate and respond to technological changes.

Following Act Number 13 of 22, this article discusses how city governments can use online platforms to improve public engagement in local lawmaking. How they use ICT and internet platforms to translate meaningful participation norms in city policy making processes, particularly in the case of Indonesia. This study is also an attempt to fill a gap, as the study of how city governments use internet channels and ICT to strengthen policy processes and citizen relationships is still in the infant stages.¹⁴

doi.org/10.36546/solusi.v19i1.319.

- 11 Ida Bagus Gede Putra Agung Dhikshita, Deni Clara Sinta, and Candra Dwi Irawan. "Legal Politics and the Quo Vadis Formation of Laws in Indonesia Using the Omnibus Law Method", *Jurnal Legislasi Indonesia* 19, no. 2 (2022): 165–84, <https://e-jurnal.peraturan.go.id/index.php/jli/article/view/3>.
- 12 Dian Agung Wicaksono. "The Constitutional Court's Establishment in Assessing the Job Creation Law and Its Implications for Regional Government Uncertainty in Executing Regulatory Authority", *Rechtswinding* 11, no. April (2022): 77–98.
- 13 areq Muhammad et al.. *Constitutional Court Decision on Job Creation Law: Implications and Expectations*. (Jakarta: INTEGRITY, 2021).
- 14 Sofia Serra-Silva. "How Parliaments Engage with Citizens? Online Public Engagement: A Comparative Analysis of Parliamentary Websites", *The Journal of Legislative Studies* 28, no. 4 (October, 2022): 489–512, <https://doi.org/10.1080/13572334.2021.1896451>.



To start the discussion, the following sections provide an overview of relevant research and propose a conceptual framework for examining meaningful participation in policy and lawmaking. This literature review would elaborate on the theoretical construction, international consensus, and empirical research based on constitutional interpretation. This includes civic engagement in policymaking, smart cities, and city 4.0 in terms of Technology and ICT pertaining to Urban Governance and Policymaking. Subsequently, section c discusses the findings considering Smart-Legislation for Urban Policymaking in the Indonesia City Context. Section D concludes with a summary of the findings and suggestions for further study and practice.

Meaningful Participation in Policy and Law-Making in Urban Context: From Theoretical Construction to Constitutional Interpretation

1. Civic Engagement in Policymaking: From Participation to more Meaningful Participation

The idea of having citizens take part in policymaking processes first emerged in the West in the 1960s.¹⁵ It was widely promoted and adopted in the 1970s as a means of elevating people's standard of living through the recognition and satisfaction of their individual needs and values¹⁶. Since the 1980s, public participation has thus become a crucial part of democracies in the United States and Europe.

For many years, academic debates for and against public participation in development theory and policy have been based on empirical literature from various disciplines. From the 1940s to 2004, Hickey and Mohan divided participation in development theory and practices into four stages: (1) Community development participation in colonial times; (2) community development participation in post-colonial times; political participation and emancipatory participation; (3) alternative development and populist/ participation in development; (4) social capital, participatory governance, and citizenship participation.¹⁷ The stages indicate that participation is identified

15 SA. Arnstein. "Ladder of Citizen Participation". *Journal of the American Planning Association* 35, no. 216–24. (1969).

16 Shengnan Chen *et al.*. "Public Participation in Coastal Development Applications: A Comparison between Australia and China". *Ocean & Coastal Management* 136 (February 2017): 19–28, <https://doi.org/10.1016/j.ocecoaman.2016.11.016>.

17 Sam Hickey and Giles Mohan. "Towards Participation as Transformation: Critical Themes and Challenges," in *Participation: From Tyranny to Transformation, Exploring New*



to various functions, but with differing ideologies, purposes, and political goals.

Moreover, the importance of involving citizens in policymaking is widely recognized in the literature. In general, two points of view exist regarding the purpose of citizen participation, one proposing the citizen perspective and the other the administrative perspective.¹⁸

From the point of view of citizens, the public has an important role to play in assisting the government in becoming more responsive and effective, provided that the public participates.¹⁹ Citizens can influence direction and outcomes, increase government situational awareness, and even help carry out government services daily.

From an administrative viewpoint, citizen participation has five main goals: sharing information, educating the community, building support, improving decision-making, and giving the community a voice. Moreover, participatory governance has many benefits, such as more openness, accountability, legitimacy, and trust in government, a fairer distribution of public resources, better service delivery, more interaction between citizens and government officials, and a better way to handle social tensions.²⁰ In short, involving the public in making policy can improve the quality of communication and relationships between the government and citizens.

In addition, Edmund Burke believed that citizen participation could be seen as a strategy that could be utilized to achieve a variety of goals, including education, goal identification, attitude change, and organizational stability.²¹ In addition, a variety of advantages to citizen participation, one of which is that it gives policymakers the opportunity to gain a better understanding of the actual needs and demands of the society.²² With participation, the

Approaches to Participation in Development, ed. Sam Hickey and Giles Mohan (New York: Zed Books, 2004), hlm. 9.

- 18 James J. Glass. "Citizen Participation in Planning: The Relationship Between Objectives and Techniques", *Journal of the American Planning Association* 45, no. 2 (April 1979): 180–89, <https://doi.org/10.1080/01944367908976956>.
- 19 Dennis Linders. "From E-Government to We-Government: Defining a Typology for Citizen Coproduction in the Age of Social Media". *Government Information Quarterly* 29, no. 4 (2012): 446–54, <https://doi.org/10.1016/j.giq.2012.06.003>.
- 20 Kaija Kaitavuori, "Participation in Cultural Legislation," *International Journal of Cultural Policy* 26, no. 5 (2020): 668–80, <https://doi.org/10.1080/10286632.2019.1656202>.
- 21 Edmund M. Burke. "Citizen Participation Strategies," *Journal of the American Institute of Planners* 34, no. 5 (September 1968): 287–94, <https://doi.org/10.1080/01944366808977547>.
- 22 Diogo Correia *et al.*. "Participatory Methodology Guidelines to Promote Citizens



decision-making process can be improved by ensuring that those affected by the policy have a greater voice in it. In summary, public participation has the potential to foster three major democratic values: legitimacy, justice, and the effectiveness of government decision-making.

Furthermore, over the past few years, both in Europe and around the world, standards for participation have changed. To better understand the international consensus on public participation in governance, it is beneficial to examine at key documents adopted by United Nations (UN) agencies and international norms and documents adopted by a variety of multilateral institutions.

Article 25 of the International Covenant on Civil and Political Rights (ICCPR), which was adopted in 1966 by the General Assembly's resolution 2200A (XXI), says that everyone has the right and the chance to take part in the running of public affairs, either directly or through representatives they have chosen themselves.²³ Participation also includes "public and NGOs in particular, as well as other interested parties and stakeholders, who should be able to contribute to the development of policies and legislation which affect or may affect them."

The UN HRC has given strong support to the idea that people should be involved in making policies and decisions. In the 2015 follow-up Resolution on Equal Participation in Political and Public Affairs, the UN HRC notes the emergence of new forms of participation and urges states to ensure the full, effective, and equal participation of all citizens: "h." Exploring new forms of participation and opportunities brought about by new information and communications technology and social media to improve and widen, online and offline, the right to participate in public affairs and other rights directly supporting and enabling it.²⁴ In short, international documents on human rights recognize that everyone has the right to fully participate in participatory processes and that participatory mechanisms should be set up by law.

Participation in Decision-Making: Evidence Based on a Portuguese Case Study". *Cities* 135 (April 2023): 104213, <https://doi.org/10.1016/j.cities.2023.104213>.

23 UN General Assembly, "International Covenant on Civil and Political Rights" (United Nations, Treaty Series, December 16, 1966).

24 UN Human Rights Council. "Equal Participation in Political and Public Affairs : Resolution / Adopted by the Human Rights Council". (October 2013), http://dag.un.org/bitstream/handle/11176/305484/A_HRC_RES_24_8-EN.pdf?sequence=3&isAllowed=yn.



At the level of the EU, the participatory approach of policy and law-making processes was guaranteed by the Lisbon Treaty in 2007. Article 8 A specifies: “Every citizen has the right to participate in the democratic life of the Union.” The decision-making process shall be as transparent and as close to the citizen as possible.” In addition, Article 8 B states: “1. The institutions shall provide citizens and representative associations with the opportunity to express and publicly exchange their views in all areas of Union action through appropriate means; and 2. The institutions shall maintain a regular, open, and transparent dialogue with representative associations and non-governmental organizations.” In addition, the document obligates the European Commission to consult with affected parties and regulates the right of EU citizens to request that the European Commission submit a proposal on matters essential to the implementation of the Treaty.

Moreover, Code of Good Practice for Civil Participation in the Decision-Making Process (INGO Code on Participation), which issues Council of Europe Secretariat General in 2008, describes civil participation as “the engagement of individuals in non- formal institutions such as non-governmental organizations, associations, community services and their participation in the overall public policy-making processes”. The INGO Code on Participation is only concerned with the “contribution of organized NGOs to the democratic process.” It doesn’t pay much attention to the related question of civic participation, i.e., how individuals take part.

In Europe, the regulations for taking part in making policy and laws are written in different kinds of documents and can be regulated by different thematic laws. The main difference between the documents that set rules for participation is that some of them are legally binding, while others are not (laws, regulations). How legal the document is very important because it affects how much the rules can be enforced in real life and what kinds of compliance measures are available. Legally binding documents can show how important participation is, make it clear that people have the right to participate, and strengthen the guarantees that the plan will be carried out. But making rules about how people can take part in law or policy is not enough on its own.²⁵ Participation can be hard to set up sometimes for different

25 Ivana Rosenzweigova and Vanja Skoric. “Civil Participation in Decision-Making Process



reasons. For instance, there may be tight deadlines for passing certain laws. The government might not know who to talk to or work with or how to move forward. People who take part might not know enough about the issues at stake. Also, the process of participation takes time and money, as well as planning and feedback. Lastly, the political environment may not be good for public participation.

On the other side of the world, many laws about participatory governance have been passed in developing countries, along with many civil society initiatives to increase the level and strength of public participation in the policy process. For instance, participatory budgeting in Brazil and Peru, public hearings models in India and Philippines, vigilance committees in Bolivia and Philippines, and forums for participatory planning and decision making over public provision in Bolivia, Mali, Uganda, and Mexico.²⁶ Though, the public's participation in making policy is limited to jargon and sweeteners. Policymakers just stamp the process with "public participation" to show that the right people were involved in making policies and laws.

In Indonesia's case, the reform era has become a political impetus to strengthen guarantees for public participation in public administration. Guarantees for public participation in lawmaking are specifically addressed in Act Number 10 of 2004 concerning Legislation Formation. Article 53 of Act Number 10-year 2004 ensures the public's right to provide oral or written input in the context of preparing or discussing draft laws and draft regional regulations. This clause is captured in a single chapter and is governed by one single article.

Then, Law No. 12 year 2011, which replaced Law No. 10 year 2004, gave the public more rights and streamlined the process for them to participate in lawmaking. Whereas it is stated in Chapter XI, article 96, that the public has the right to provide input orally and/or in writing in the formation of legislation. This oral and/or written feedback can be submitted to a public hearing meeting, a work visit, a socialization event, and/or a seminar,

An Overview of Standards and Practices in Council of Europe Member States (the European Committee on Democracy and Governance (CDDG), May 2016)", <https://rm.coe.int/civil-participation-in-decision-making-processes-an-overview-of-standa/1680701801>.

26 Johanna Speer. "Participatory Governance Reform: A Good Strategy for Increasing Government Responsiveness and Improving Public Services?", *World Development* 40, no. 12 (2012): 2379–98, <https://doi.org/10.1016/j.worlddev.2012.05.034>.



workshop, or discussion. Individuals or groups of people with an interest in the substance of the Draft Legislation are referred to as “people” in this Law. In addition, the law stipulates that each Draft Legislation must be easily accessible to facilitate oral and/or written public comment.

Furthermore, the Constitutional Court decision Number 91/PUU-XVIII/2020 on the judicial review of Act 11 of 2020 has given new driving force to public participation in legislative processes. This decision changes the way public participation is implemented, which is no longer just a formality and a routine.

According to the decision, the parameters of public participation must be meaningful (meaningful participation). As a result, activities that are merely formalities and add no value are not considered public participation. Within the discourse, the Constitutional Court constructs a constitutional framework for public participation in the making of legislation. According to the court’s doctrine, public participation should be aimed at: (i) creating strong collective intelligence that can provide a better analysis of the potential impact and wider consideration in the legislative process for a higher overall quality of output; (ii) building a more inclusive and representative legislature in decision-making; and (iii) bringing more people into the decision-making process. Hence, the Constitutional Court saw that this more meaningful participation met at least three requirements: first, the right to have their opinions heard (the right to be heard); second, the right to have their opinions considered (the right to be considered); and third, the right to get explanations or answers to opinions given (right to be explained). This public participation serves primarily community groups that are directly affected by the draft law being discussed about or have concerns about it.

Furthermore, several scholarly works define meaningful participation as an effort to involve all stakeholders in participating and contributing constructively to the formulation of policies or legislation products throughout the policy cycle.²⁷ Meaningful participation is also seen as a “continuum in attaining better participation” through a two-way flow of information between

27 Ibrahim Z Bahreldin. “Making Participation Meaningful; an Approach to Community Participation Evaluation Framework”, The 1st International DelPhE Conference, no. March 2013 (2013).



both stakeholders and decision-makers.²⁸ It can build shared role contributions, information sharing, equal consultation, cooperation and partnership, consensus making and collective decision making, and collaborations that empower each other.²⁹ To sum up, for public participation to be considered meaningful, it must encourage the creation of relationships by involving, cooperating with, or empowering public participants in such a way that they are able to offer their expertise.

Meaningful participation is a long and complicated process that emerges from the knowledge and relationship of policymakers and stakeholders. To build meaningful participation, both sides should really admit and encourage one another through an effective and constructive participatory mechanism.³⁰ To build meaningful state-citizen engagement, participatory mechanisms must include three components: vision and political commitment; strong public awareness to participate; and positive and effective governance.

The experience of various countries demonstrates that in democratic countries, the opening of space for public participation is determined by the vision and mindset of political leaders, with the support of the commitment and culture of government officials who are open and prevent public participation in the formulation of policies and regulations, as well as decision-making within government institutions.³¹ Government leadership, including political and bureaucratic leadership, is critical in encouraging participation by establishing citizens as holders of sovereignty and owners of knowledge, with ideas and aspirations that must be heard and considered.³²

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- 28 Gemma Stovell and Lisa Warth. “Meaningful Participation of Older Persons and Civil Society in Policymaking Designing A Stakeholders Engagement and Participation Process”, UNECE Population Unit (Geneva: UNECE Population Unit, 2021), <https://unece.org/mainstreaming-ageing>.
- 29 Marilee Karl. “Participatory Policy Reform from a Sustainable Livelihoods Perspective; Review of Concepts and Practical Experiences” (FAO UN, 2002).
- 30 Henrik Serup Christensen. “Trust and Openness: Prerequisites for Democratic Engagement?”, in *Democracy in Transition Political Participation in the European Union Chapter: Trust and Openness: Prerequisites for Democratic Engagement?*, ed. Kyriakos N. Demetriou (New York: Springer, 2013), 109–34.ed. Kyriakos N. Demetriou (New York: Springer, 2013)
- 31 Sameer Goel, Arun Sherry, and Arun Mohan Sherry. “Role of Key Stakeholders in Successful E- Governance Programs : Conceptual Framework”, in *AMCIS 2012 Proceedings. Paper*, 2012, 19, <http://aisel.aisnet.org/amcis2012/proceedings/EGovernment/19>.
- 32 Solitare. “Prerequisite Conditions for Meaningful Participation in Brownfields Redevelopment.” *Journal of Environmental Planning and Management* 48, no. 6 (2005): 917–35. <https://doi.org/10.1080/09640560500294475>.



Furthermore, awareness of participation opportunities among citizens, perceived capacity to participate, and perceived ease of participation are also important factors in citizen participation.³³ The public must have the awareness and responsibility to contribute to policy formulation, as it affects their lives as well as those of the greater community. Moreover, citizens must also commit to participating by making use of the resources and time available. They must also build trust between stakeholders and understand critical issues to find solutions through policies and regulations.³⁴ Hence, Citizens must be able to participate through all of the available channels. Aspirations and ideas should enrich public discourse while discussing policies or regulations.

Furthermore, meaningful participation requires governance support and systems that facilitate interaction between policymakers and stakeholders. The diversity of citizens, with their capacity and knowledge base, requires the right channels to maximize their contribution to the policy process.³⁵ In order to facilitate public participation, engagement media must be easy to use and accessible to people of all socioeconomic backgrounds.³⁶ In short, meaningful participation should be managed appropriately, based on the community's needs, while keeping up with technological trends and facilitating interaction between citizens and policymakers.

1. Smart Cities and City 4.0

The use of new technology is also linked to the vision and tools for citizens to take part in making policy. In the 1970s, state administrators started to think about doing democratic dialogue through teleconferences.³⁷ or citizen meetings with the idea of mini-populi using ICT.³⁸ The rapid development of

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- 33 Kaitavuori. "Participation in Cultural Legislation". *International Journal of Cultural Policy* 26, no. 5 (2020): 668–80. <https://doi.org/10.1080/10286632.2019.1656202>.
- 34 Johannes Euler and Sonja Heldt. "From Information to Participation and Self-Organization: Visions for European River Basin Management", *Science of the Total Environment* 621 (2018): 905–14, <https://doi.org/10.1016/j.scitotenv.2017.11.072.2000>
- 35 Philippa Collin. *Young Citizens and Political Participation in a Digital Society* (London: Palgrave Macmillan UK, 2015), <https://doi.org/10.1057/9781137348838>.
- 36 Iryna Susha and Åke Grönlund. "EParticipation Research: Systematizing the Field", *Government Information Quarterly* 29, no. 3 (July 2012): 373–82, <https://doi.org/10.1016/j.giq.2011.11.005>.
- 37 Amitai Etzioni, Kenneth Laudon, and Sara Lipson. "Participatory Technology: The Minerva Communications Tree", *Journal of Communication* 25, no. 2 (June 1, 1975): 64–74, <https://doi.org/10.1111/j.1460-2466.1975.tb00581.x>.
- 38 Maija Setälä. "Connecting Deliberative Mini-Publics to Representative Decision Making", *European Journal of Political Research* 56, no. 4 (November 2017): 846–63, <https://doi.org/10.1016/j.ejor.2017.11.005>.



e-government in the 1990s and early 2000s generated a wave of optimism about a revolution in citizen participation enabled by advanced ICTs.³⁹

ICT has quickly changed how the government provides public services and interacts with businesses, citizens, and other governments. Technological disruption has transformed digital government from electronic-based government (Gov 1.0) to Government 2.0 with more interactive web 2.0 technology to Government 3.0, which is becoming more digital.⁴⁰ Technology is transforming the government more agile, responsive, and capable while simplifying administration and automation.⁴¹ In summary, digital government initiatives strive to enhance government services while also encouraging citizen-government interaction.

Furthermore, ICT is now being used in city administration. The city, as a government unit, is becoming larger, more complex, and more important as urban populations grow at an increasing rate.⁴² To maximize their socioeconomic and environmental performance, cities require a proper governance system that connects all forces at work, allows knowledge transfers, and facilitates decision-making.⁴³ In short, interaction between city and ICT is wrapped up in the platform of smart cities, which shows how cities use technology to assist of development and contribute to solving many city problems.

The smart cities platform is a multidisciplinary approach shaped by

org/10.1111/1475-6765.12207.

- 39 Maarja Toots “Why E-Participation Systems Fail: The Case of Estonia’s Osale.Ee,” Government Information Quarterly 36, no. 3 (July 2019): 546–59, <https://doi.org/10.1016/j.giq.2019.02.002>
- 40 Maria Katsonis and Andrew Botros. “Digital Government: A Primer and Professional Perspectives”, Australian Journal of Public Administration 74, no. 1 (2015): 42–52, <https://doi.org/10.1111/1467-8500.12144.anywhere>. It can also deepen the democratic process, empowering citizens to participate in policy formulation. In this article Andrew Botros, the director of Expressive Engineering, and Maria Katsonis, from the Department of Premier and Cabinet (Victoria
- 41 Rana Tassabehji, Ray Hackney, and Aleš Popovič. “Emergent Digital Era Governance: Enacting the Role of the ‘institutional Entrepreneur’ in Transformational Change”, Government Information Quarterly 33, no. 2 (2016): 223–36, <https://doi.org/10.1016/j.giq.2016.04.003>.
- 42 Taewoo Nam and Theresa A. Pardo. “Conceptualizing Smart City with Dimensions of Technology, People, and Institutions”, Proceedings of the 12th Annual International Digital Government Research Conference on Digital Government Innovation in Challenging Times - *Dg.o 'II*, 2011, 282, <https://doi.org/10.1145/2037556.2037602>.
- 43 Robert Wilhelm Siegfried Ruhlandt. “The Governance of Smart Cities: A Systematic Literature Review”, Cities 81, no. October 2017 (2018): 1–23, <https://doi.org/10.1016/j.cities.2018.02.014>.



technological advancements and urban development, with six main dimensions that include a smart economy, smart mobility, a smart environment, smart people, smart living, and smart governance.⁴⁴ Hence, the goal of smart cities is to foster information sharing, collaboration, interoperability, and seamless experiences for all citizens throughout the city.⁴⁵ In short, a city is “smart” when its ICT infrastructure can support developing city investment in human and social capital, as well as sustainable development, economic growth, and high-quality of life through participatory governance.

Furthermore, ICT disruption in urban activities and life also has given rise to the concept of participatory urbanism. This conception is more than just the level of participation of citizens in conveying aspirations in public consultation forums; it is interpreted as an effort to “make of city” itself, re-conceptualizing users as citizens and residents as co-creators in a collaborative approach to city-making and urban informatics.⁴⁶

Moreover, urban informatics has energized city life by amplifying participatory urbanism. Where the right to the city includes the right to change and reinvent it according to citizens’ aspirations.⁴⁷ The right to the city is a collective right, not an individual right, and efforts to reinvent the city are based on citizens’ freedom and power to shape the future.

Tabel 1.

The evolution of the relationship between city governments and citizens⁴⁸

Cities Level	City Government	Citizens
Cities 4.0	Collaborator	Co-Creator
Cities 3.0	Facilitator	Participants
Cities 2.0	Service Provider	Consumers
Cities 1.0	Administrator	Resident

44 Margarita Angelidou. “Smart Cities: A Conjunction of Four Forces,” *Cities* 47 (2015): 95–106, <https://doi.org/10.1016/j.cities.2015.05.004>. Gregory Trencher, “Towards the Smart City 2.0: Empirical Evidence of Using Smartness as a Tool for Tackling Social Challenges”, *Technological Forecasting and Social Change* 142, no. October 2017 (2019): 117–28, <https://doi.org/10.1016/j.techfore.2018.07.033>.

45 Vito; Umberto Berardi; Rosa Maria Dangelico Albino. “Smart Cities : Definitions , Dimensions , and Performance”, *Journal of Urban Technology*, 2015, 1723–38.

46 Marcus Foth *et al.*. “From Users to Citizens: Some Thoughts on Designing for Polity and Civics”, in *Proceedings of the Annual Meeting of the Australian Special Interest Group for Computer Human Interaction (OzCHI ’15: The Annual Meeting of the Australian Special Interest Group for Computer Human Interaction, Parkville VIC Australia: ACM, 2015)*, 623–33, <https://doi.org/10.1145/2838739.2838769>.

47 David Harvey. *Rebel Cities: From the Right to the City to the Urban Revolution* (London: Verso Book, 2012).

48 Marcus Foth. “Smart and Sustainable Built Environment Participatory Urban Informatics:



City 4.0 is the level of city development resulting from the relationship between city government and citizens.⁴⁹ At this level, city residents are positioned as co-creators, began as residents, consumers, and participants at the previous level of city life.⁵⁰ Similarly, the identity and *raison d'être* of City Government shift from administrators, service providers, facilitators, to collaborators.⁵¹

Collaboration in development and urban life necessitates positive and constructive interactions among actors. The middle-out approach is more valuable than the top-down and bottom-up approaches.⁵² In Cities 4.0, a key platform for building good relationships between co-creators and collaborators is communication that is inclusive and dialogical, with the goal of reaching a shared consensus and increasing collective productivity.

B. Discussion: Smart-Legislation for Urban Policymaking in Indonesia City Context

Actually, Act Number 13 of 22's mandate to provide meaningful participation in city law-making has more potential. Cities have eligible human and social capital to support meaningful public participation. Similarly, the capacity of political leaders, apparatus capabilities, system support, and management operated by the city government are preferable to carrying out the mandate of public participation in policy and regulation formulation at the regional level. Support for urban infrastructure and technological readiness is more likely to encourage public participation than in rural areas.

Furthermore, the use of ICT in urban areas to strengthen governance and public services makes cities smarter. Under the smart city initiative, ICT-enabled city governments could carry out their tasks more effectively and efficiently by engaging citizens and other stakeholders in meaningful ways that encourage collaborative governance.

However, the smart cities concept, which is widely used by cities in

49 Towards Citizen- Ability". *Smart and Sustainable Built Environment* 7, no. 1 (2018): 4–19.

49 *Ibid.*

50 Marcus Foth, Martin Brynskov, and Timo Ojala. Citizen's Right to the Digital City Urban Interfaces, Activism, and Placemaking, *Citizen's Right to the Digital City: Urban Interfaces, Activism, and Placemaking*, 2015, <https://doi.org/10.1007/978-981-287-919-6>.

51 Foth, *et al.*, Op. Cit. "From Users to Citizens."

52 Foth. Op.Cit. "Smart and Sustainable Built Environment Participatory Urban Informatics : Towards Citizen- Ability."



Indonesia, requires an element of policy or regulation formulation that is supported using ICT. To facilitate the strengthening of policy formulation models at the city level, elements of smart economy, smart mobility, a smart environment, smart people, smart living, and smart governance must be supplemented with smart legislation. Smart governance in smart city elements is more likely to be interpreted as executive power. Meanwhile, the DPRD, as a local parliament, plays a strategic role in facilitating community aspirations, particularly in the drafting of regional regulations, in the legislative process.

Moreover, as mentioned at UU 13/22, local legislation actors must reshape the system and urban governance toward smart legislation to strengthen public rights and implement meaningful participation in law/regulation making. Accelerating public, governance, and technology elements is necessary to fulfil the public's basic rights in law-making: the right to be heard, considered, and explained.

The goal of smart legislation is to improve citizens' access to information, increase transparency, and encourage greater participation in legislation process. The City Government and the DPRD can maximize the role that legislation plays in presenting a process that is more inclusive and constructive for all parties by utilizing the support of information and communication technology (ICT). The availability of smart legislation services enables citizens to be informed about the entire process, have quick and easy access to legislation documents, and participate in the process of improving the overall quality of legislation products by providing their perspectives and ideas.

Local meaningful participation requires national regulatory support and city-level translation of urban governance. The Ministry of Home Affairs' arrangements for developing regional legal products must be revised to include a meaningful participation mandate. As required by Law No. 13 of 2022, regional head regulations must be adjusted to implement meaningful participation, including electronic systems.

Smart legislation requires available technology infrastructure support, such as that provided by the smart cities system. The use of previously developed complaint channels, applications, and public services within the framework of smart cities must be optimized by serving the need to strengthen public participation in the formulation of city-level policies and regulations.



Regional legal documentation and information networks must be developed to serve as information channels for legislation products that the public can easily access. Similarly, the DPRD and City Government websites must be linked and provide up-to-date information on the process of developing regional regulations or their derivative regulations.

Smart legislation should serve as a public space for constructive discourse between city residents and city administrators. The co-creators and collaborators work together to generate solutions to city problems through the regulatory products that are created. The presence of an inclusive and equal interaction arena is hoped to increase the meaning of participation for both the public and the city government.

C. Conclusion

The conceptual and theoretical framework defines meaningful participation as “a process in which citizens should take an active role in all stages of the lawmaking process.” However, taking part in the legislative process in a meaningful way takes time. The public should participate in planning, writing, debating, validating, establishing, and enforcing national and regional laws. Their participation also implies that they have a more powerful voice in all policy cycles and issues. Thus, a system and method are needed to manage meaningful public participation by keeping citizens engaged while not distorting the legislative process in alignment with deliberative democracy.

ICT has initiated to be embraced by city governments in an effort to encourage greater and more in-depth participation on the part of citizens in the political decision-making process in the interest of increasing openness and transparency. Innovative digital and mobile technology enables government to respond to demand participation by informing, consulting, and engaging citizens throughout the legislative cycle process.

Furthermore, using information technology to develop Smart Legislation is one of the best options for enabling meaningful participation at all stages of legislation. The Smart-Legislation platform will integrate the entire legislative process into a single digital ecosystem, including the city government and the DPRD. In short, a smart legislation system would integrate and track the entire process of forming laws and regulations at the municipal level.

