INCLUSIVE DEMOCRACY: PUBLIC PARTICIPATION IN LEGAL DECISION MAKING IN INDONESIA

Oleh:
Anita Marianata

Public Administration, Faculty of Social Science and Political Science University of Bengkulu, Indonesia
Email Korespondensi: anitamarianata@gmail.com

Abstract

In implementing the government system, public participation is an important thing. Where, participation doesn't have an limit who can be involved. Because, a government cannot function as expected if public participation is excluded or if someone who is part of the public is not involved or someone is excluded. If you recall, one of the elements of the founding of a country is the existence of citizens. Citizens of the country as a whole without exception. The research carried out is research by reviewing and using literature or literature studies that are relevant to the situation that occurs in Indonesia as a country that implements the principles of democracy. This research uses qualitative research methods with a descriptive approach. By conducting literature and literature study analysis. As a result of the research conducted, it is known that overall public participation in legislative decision making in Indonesia is still not optimal. There is still a pattern of decision making that does not involve public participation. Public indifference towards the government and legislative policy makers is also part of the public's disappointment with every policy taken. Apart from that, people with disabilities, the elderly, and minority groups, where helplessness is the reason these people isolate themselves and are not involved in any decision making. Decision makers need to pay attention to involving the public from all elements, without anyone being excluded. Of course, this is not an easy thing to implement, but it is also part of the task of state administrators to be able to build public participation in every legislative decision making.

Keywords: Inclusive, Democracy, Participation, Public, Decision.

A. Introduction

Democracy can be interpreted as the highest power in the hands of the people. Where the highest power lies with the people, especially during the decision-making process in the political process. In a democratic process, citizens certainly have the same rights in participating in the process of formulating, developing and making laws. People can also participate directly or through representatives (Legislative Body). The aim of democracy is to create a society that is prosperous, just and prosperous. Of course, a democracy can be said to be successful if the government runs efficiently and fairly, and of course prioritizes the interests and welfare of all citizens.

In implementing a government system, community participation is an important thing. Where participation has no limits on who can be involved. This is because a government cannot function as expected if community participation is excluded or if there are people who are part of the community who are not involved or are excluded. If we remember again, one of the elements of the founding of a country is the existence of citizens. Citizens as a whole without exception.

Indonesia has experienced many changes in the government system. However, of the several government systems experienced by Indonesia, the government system that has survived for quite a long time apart from the centralized system in the New Order era, namely the democratic government system. Even though there are still shortcomings and challenges here and there in this system, some groups feel they have freedom with the implementation of a democratic system in Indonesia. This means that press freedom occupies the space that is as free as possible (still following the rules) so that everyone has the right to express their own opinions and aspirations. Democracy is part of the form or mechanism of a government system in a country as part of efforts to realize the sovereignty of the people or a state run by the government. All citizens have equal rights in making life-changing decisions. Democracy allows citizens to participate either directly or through representatives in the formulation, development and creation of laws. Democracy includes socio-economic and cultural conditions that allow the free practice of political freedom.

Based on this, what is meant by citizen is every citizen without exception, including people with disabilities and the elderly. Where, every citizen's participation is an important part as the main part in forming a policy. Therefore, researchers are interested in conducting research "Inclusive Democracy: Public Participation in Legal Decision Making in Indonesia".

B. Research Methodology

In this research, the researcher narrates through analysis based on literature studies carried out based on several theories and also studies that have occurred in Indonesia in general regarding public participation, especially in terms of inclusive democracy. And field studi to some government especially local government in Bengkulu province.

C. Research Results and Discussion
Research Results

An inclusive society is a condition in which society can accept all diversity and differences and accommodate them into various structures and infrastructure of social life. Realizing an inclusive society really needs to be done through various efforts, such as building and developing an environment that is open to others, inviting and including everyone regardless of differences in background, characteristics, abilities or culture. Social inclusion is important for a person's dignity, security and opportunity to live a better life. It has been proven time and time again how important it is to support individuals to feel connected and valued in society and overcome all forms of social exclusion that people experience every day.

Sensitization and awareness. Sensitization is a key factor in social inclusion, encouraging the creation of positive attitudes, respect, solidarity, appreciation and tolerance. This encourages coexistence, empathy and supports the integration of people with disabilities. Basically, an inclusive attitude helps maintain relationships between people. This attitude needs to be applied to understand differences in ethnicity, culture, background, status and characteristics. Living in a world full of diversity, of course we will never find anything or anyone that is truly the same. Accepting and embracing each employee's differences and individuality creates a sense of belonging. From this point of view, inclusion and belonging are the same thing.

Each individual has a unique sense of identity that comes from various aspects of this diversity. Bringing together a diverse group of individuals will bring new perspectives and experiences, enable innovation, connectivity and encourage a broader mindset. Community participation is a very important component for the success of inclusive education. Because inclusive democracy requires cooperation between society and the government to create and maintain a warm community, accept diversity and respect differences. Community participation in the form of collaboration between the community and the government, as well as other community organizations is protected by law or government regulations. Community participation is very important to realize in the implementation of community participation with special needs, because the community has various resources and at the same time the community is also an important part in making government policies. When community participation can be carried out optimally in supporting inclusive education, the goal of community participation for society at large will be achieved. Community Workers help provide resources, opportunities, knowledge and skills to increase the capacity of community members to participate in and influence the lives of their communities.

Discussion

In Indonesia, the national movement also aspires to establish a democratic state with an anti-feudalist and anti-interialist

character, with the aim of forming a socialist society. Therefore, in this paper the authors will explain the development and implementation of democracy in Indonesia. The Indonesian nation, with all its diversity, is a unique characteristic that other countries do not have. We have the same ideology and legal basis, the same goals, and the same spirit, all contained in Pancasila and the Preamble to the 1945 Constitution.

Basically, the principles of democracy are divided into several groups, namely as follows:

1) Sovereignty in the hands of the people. Popular sovereignty where the highest power is in the hands of the people. This means that the will of the people is the highest will. If every citizen is able to understand the meaning and significance of democratic principles.

2) Recognition and protection of human rights. Recognition that all human beings have the same dignity and dignity, without distinction between religion, ethnicity, race and culture. Recognition of human rights in Indonesia is included in the 1945 Constitution, which actually preceded the UN Universal Declaration. The 1945 Constitution is contained in the preamble to the first and fourth paragraphs of the 1945 Constitution, Body of the 1945 Constitution, the MPR Decree regarding Human Rights has been contained in MPR Decree No. XVII/MPR/1998. After that, Law no. 39 of 1999 concerning Human Rights, the law that regulates and constitutes human rights in Indonesia is Law no. 39 of 1999 concerning Human Rights.

3) Government based on law (constitution) The government is based on a constitutional system (basic law) and is not absolutist (absolutely unlimited power). This constitutional system emphasizes that the government in carrying out its duties is controlled or limited by provisions.

4) Free and impartial justice. Every Indonesian citizen has the right to be treated equally before the law, court and government without distinction of religion, ethnicity and race.

5) Decision making is based on deliberation. Every decision made must be carried out in accordance with a joint decision. (deliberation) to reach consensus.

6) The existence of political parties and social political organizations. The existence of political parties and social political organizations functions to channel the aspirations of the people.

Implementation of Democracy in Indonesia In the course of the nation's history, there have been four types of democracy in the political field that have been implemented in Indonesian constitutional life, namely:

1. Parliamentary (liberal) democracy. This democracy was practiced during the first period of the 1945 Constitution (1945-1949) which was then

continued with the enactment of the Constitution of the United States of Indonesia (UUD RIS) 1949 and the 1950 Constitution. This democracy officially ended on July 5, 1959. coincided with the re-enactment of the 1945 Constitution. During the period of parliamentary democracy (1945 - 1959), political life and government were unstable, so that the program of a government could not be carried out well and sustainably. The emergence of very fundamental differences of opinion between political parties existed at that time.

2. Guided Democracy. Guided democracy was born because there was awareness and belief in the evils caused by the practice of parliamentary (liberal) democracy which gave rise to the division of society, both in political life and in the order of economic life. Conceptually, guided democracy has advantages that can overcome the problems faced by society. This can be seen in President Sukarno's expression when giving a mandate to the constitution on April 22 1959 regarding the principles of guided democracy, including: a. Guided democracy is not a dictatorship. b. Guided democracy is a democracy that suits the personality and basis of life of the Indonesian people. c. Democracy is democracy in all matters of state and society which include the political, economic and social fields. d. The essence of leadership in a guided democracy is deliberation led by wisdom. e. Opposition in the sense of giving birth to healthy and constructive opinions is required in a guided democracy. Based on this main idea, guided democracy does not conflict with Pancasila and the 1945 Constitution as well as the culture of the Indonesian nation. However, in practice, these concepts are not realized as they should be, so they often deviate from the values of Pancasila, the 1945 Constitution and national culture. The cause lies not only with the President but also with the weakness of the Legislature as a partner and controller of the executive as well as the uncertain socio-political situation at that time.

3. Pancasila democracy in Orba era, Pancasila democracy means that in exercising democratic rights it must be accompanied by a sense of responsibility to God Almighty according to one's religion and beliefs, upholding the values of conformity in accordance with human dignity and dignity, must guarantee national unity and integrity, prioritize deliberation in resolving national problems, and must be utilized to realize social justice. The emergence of Pancasila democracy was the result of various abuses and problems experienced by the Indonesian people during the implementation of parliamentary democracy and guided democracy. These two types of democracy are not suitable to be implemented in Indonesia, which breathes kinship and mutual cooperation. Even though this democracy does not conflict with the

principles of constitutional democracy, the democratic practices carried out during the Orba era still contained various deviations that were not in line with the characteristics and principles of Pancasila democracy, including: a. Organizing elections that are not honest and fair. b. Enforcement of political freedom for civil servants. c. Lack of guarantee of freedom of expression.

4. Pancasila Democracy in the Era of the Democratic Reform which was implemented during this reform period was still Pancasila democracy. However, the difference lies in the implementation rules. Based on statutory regulations and the practice of implementing democracy, there have been several changes in the implementation of Pancasila democracy since the Orba era The implementation of democracy during the current reform order is: a. General elections are more democratic b. Political parties are more independent c. Democratic institutions are more functional d. The concept of trias politica (Pillars of State Power) is fully autonomous. With a democratic life, through laws and regulations made based on the will of the people, peace and order will be easier to realize. The procedures for implementing Pancasila democracy are based on constitutional mechanisms because the administration of the Republic of Indonesia government is based on the constitution. Pancasila democracy will only be implemented well if the values contained in it can be understood

and lived as political cultural values that influence the political attitudes of its supporters.

Etymologically, democracy comes from the Greek word "Demokratia" which consists of two words, namely demos which means people, kratos or cratein which means sovereignty or government. Literally, democracy means a form of government where power or sovereignty is in the hands of the people. The principles of democracy are sovereignty in the hands of the people, recognition and protection of human rights, government based on law (constitution), a free and impartial judiciary, decision making based on deliberation, and the existence of political parties and socio-political organizations. The foundations of Pancasila democracy, namely the Preamble to the 1945 Constitution and the Body of the 1945 Constitution. 4. In the course of the nation's history, there have been four types of democracy in the political field that have been implemented in Indonesian constitutional life, namely parliamentary (liberal) democracy, guided democracy, democracy Pancasila in the Orba era, and Pancasila democracy in the Reform era.

In line with field findings, this research also criticizes the effectiveness of participatory approaches in improving the lives of vulnerable communities or encouraging long-term social change. Limited time and funds, the concept of participation in implementing development projects

is often reduced to technical instruments (instrumentality) where community empowerment efforts are often neglected (Cleaver, 1999b). Participatory approaches also often ignore power dynamics and patterns of interaction between individuals and their social structures (Giddens 1984, Long 1990). This has implications for the control of information and access to resources by more powerful groups (Biggs, 1995).

The simplification of local power dynamics encourages a conflict avoidance approach rather than conflict resolution in the negotiation process between various parties. A conflict-avoiding approach has the potential to thwart the achievement of program objectives and/or exclude certain parties who disagree (Oakley 1991, Goebel 1998, Mosse 2001). Community involvement in development does not necessarily encourage inclusion. Participation and inclusion are two different things (Quick and Feldman 2011). Participation seeks to obtain public input on the content of programs and policies. Meanwhile, inclusion is one step beyond participation with continuous efforts to involve the community in determining the process and content of programs and policies (coproducing) (Quick and Feldman, 2011, Moynihan, 2003, Kweit, 2007). Involvement of all parties (inclusion) provides legitimacy to projects, processes and project results which are important for achieving broader and fair impacts and long-term project sustainability (Quick and Feldman 2011, Pascual, Phelps et al. 2014, Loft, Tjajadi et al. 2016). Researchers also examine how the design and implementation of development programs can be pushed from participation to inclusion using three steps adapted from Quick and Feldman (2011):

First, using various ways to obtain information (engaging multiple ways of knowing). Communication practices that only go through the government hierarchy have the potential for elite capture (only benefiting a small group of people) and hinder comprehensive understanding of new information. So sometimes community participation at this level means that not everyone can participate, because the information provided tends to only reach certain groups.

Even though there is socialization, the information conveyed is often difficult for ordinary people to understand, especially people with special needs, and there is usually no follow-up. Besides that, informal exchange of information can also occur in the public domain. However, information exchange in the informal realm tends to be prone to distortion with many sources that may misinterpret the meaning of the information they obtain. Therefore, there needs to be more than one source and channel for obtaining information so that all relevant parties can gain a comprehensive understanding of the policies that the government will take.

Second, be involved together in determining the decision-making process and decision content (co-produced process and content of decision making). All parties, both

implementers (government) and community members, need to be involved in determining the decision-making process and the content of decisions. This involvement starts from the beginning when exploring various existing options, planning, up to the implementation stage. Traditionally, decision making in society is carried out by consensus (Freeman 1981, Wadley 1997). Even though society has the right to object, society tends to accept all government decisions.

Third, maintaining openness (sustained temporal openness). Openness to new things and the possibility of change in the planning and implementation stages of the program needs to be encouraged continuously. This process includes collecting various criticisms from previous stages, which have not been implemented due to limited time and space, and using them as input to make future plans. Nominal participation in groups provides an opportunity to encourage openness and continuous sharing of information between various parties (temporal openness).

D. Conclusion And Recommendations

Field findings show that community participation in the decision-making process is generally normative, passive and sometimes consultative. When the community directly or through representatives interacts with government institutions at a higher level, participation tends to be passive or consultative. The internal dynamics of community groups, on the other hand, tends to be interactive where the community can make suggestions and change or influence the decisions taken. Efforts to achieve development that is sustainable, equitable and pro-marginal groups require inclusive community participation.

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