

STRENGTHENING BAPEMPERDA'S INSTITUTIONAL ROLE IN REGIONAL LAW-MAKING: A SOCIO-LEGAL STUDY OF RESPONSIVE AND EQUITABLE LOCAL GOVERNANCE IN INDONESIA

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ABSTRACT

The formation of regional regulations constitutes a strategic element of decentralized governance in Indonesia and functions as a legal instrument for realizing responsive and equitable local governance. Within this framework, the Regional Regulation Formation Body (*Badan Pembentukan Peraturan Daerah*—BAPEMPERDA) plays an important institutional role in planning, coordinating, and supporting regional legislative processes. Nevertheless, despite the existence of an established legal framework governing regional legislation, regional law-making continues to face challenges related to procedural formalism, limited legislative analysis, insufficient public participation, and the absence of institutional mechanisms ensuring substantive legislative quality. These conditions indicate that BAPEMPERDA's institutional role has not yet been fully optimized to support the formation of responsive and equitable regional regulations. This study therefore aims to analyze the institutional position of BAPEMPERDA and formulate a normative model for strengthening its role in regional regulation formation.

This study employs normative legal research using both a statutory approach and a conceptual approach. Primary legal materials consist of legislation governing regional government and legislative formation, while secondary legal materials include legal doctrines, scholarly literature, and academic publications related to responsive law and legislative governance. Legal materials were collected through library research and analyzed qualitatively using deductive legal reasoning. The findings demonstrate that the existing legal framework remains predominantly procedural and provides limited institutional support for legislative evaluation and quality control. Accordingly, this study proposes a Normative Institutional Strengthening Model consisting of legislative planning, legal and policy analysis, regulatory impact assessment, participatory legislative governance, equity-based legislative review, and post-legislative scrutiny. The study concludes that strengthening BAPEMPERDA should be understood as a normative transformation of regional legislative governance aimed at enhancing legal certainty, responsiveness, accountability, and equitable regulatory outcomes.

Keywords: BAPEMPERDA; Regional Regulation Formation; Normative Legal Research; Responsive Law; Equitable Governance.

Background

Indonesia, as a constitutional state governed by the rule of law, places legislation at the center of public governance and state administration. Within the framework of decentralization, regional governments are granted authority to formulate regional legal instruments as part of local autonomy. Regional Regulations (*Peraturan Daerah* or *Perda*) therefore function not merely as administrative instruments but as legal mechanisms through which local governments respond to public needs, regulate social relations, and pursue development objectives. The authority to enact regional regulations reflects the constitutional commitment to democratic governance by enabling regions to address their unique socio-economic conditions while remaining aligned with national legal principles.¹

The decentralization agenda introduced in post-reform Indonesia was expected to strengthen local democracy and improve governmental responsiveness through enhanced legislative capacity at the regional level. However, the expansion of regional authority has also generated challenges concerning the quality, consistency, and effectiveness of local legislation. The formation of regional regulations frequently encounters issues related to weak legislative planning, overlapping norms, inadequate public participation, and limited integration between legal substance and

¹ Constitution of the Republic of Indonesia 1945, Article 1(3); Law No. 23 of 2014 concerning Regional Government.

actual social conditions. Consequently, regional legislation often fulfills procedural requirements without necessarily producing regulations that are socially responsive or substantively equitable.²

In response to these challenges, Indonesia has institutionalized legislative planning mechanisms and established specialized legislative bodies within regional representative institutions. One of the most significant institutional developments is the establishment of the Regional Regulation Formation Body (*Badan Pembentukan Peraturan Daerah*—BAPEMPERDA) within Regional People’s Representative Councils (DPRD). Under Indonesian regional governance arrangements, BAPEMPERDA is assigned strategic responsibilities in planning, coordinating, harmonizing, and evaluating regional legislative agendas through the Regional Regulation Formation Program (*Program Pembentukan Peraturan Daerah*—Propemperda).³

Normatively, the institutional role of BAPEMPERDA demonstrates that regional law-making is intended to move beyond ad hoc political decision-making toward a more structured and evidence-based legislative process. Law Number 23 of 2014 concerning Regional Government and Law Number 13 of 2022 concerning Amendments to Law Number 12 of 2011 on the Formation of Laws and Regulations emphasize legislative planning, harmonization, public participation, and legal certainty as fundamental principles in regulatory development. These legal reforms indicate a broader shift in Indonesian governance toward more accountable and participatory legislative processes.⁴

Despite these normative developments, empirical realities indicate that legislative effectiveness at the regional level remains uneven. Several studies examining regional legislative practices in Indonesia suggest that procedural compliance alone has not ensured substantive regulatory quality. Challenges continue to emerge in the form of limited legislative capacity, insufficient integration of academic manuscripts into policy formulation, political bargaining within legislative processes, and inadequate mechanisms for incorporating public aspirations into final regulatory outcomes.⁵ These conditions reveal that the existence of formal legal procedures does not automatically guarantee the production of effective and socially responsive regional regulations.

Such conditions become particularly relevant when examined through a socio-legal perspective. Socio-legal scholarship departs from the assumption that law cannot be understood exclusively as a normative system detached from society. Instead, law operates within broader social, political, institutional, and cultural contexts that shape both its formulation and implementation. Accordingly, evaluating regional legislation requires attention not only to legal texts and procedural compliance but also to institutional practices, actor interactions, power relations, and the social consequences generated by legal products.⁶

Within socio-legal inquiry, the distinction between *law in books* and *law in action* becomes essential in understanding regional legislative performance. Formal rules governing BAPEMPERDA may prescribe participatory and responsive law-making; however, the actual implementation of legislative authority often reflects institutional constraints and political realities. Consequently, the effectiveness of BAPEMPERDA should not be measured solely by the number of enacted regulations but also by its capacity to facilitate inclusive deliberation, identify social needs, and translate those needs into effective legal instruments.

This analytical orientation aligns closely with the theory of responsive law developed by Philippe Nonet and Philip Selznick. According to responsive law theory, legal institutions should move beyond rigid procedural formalism and become capable of responding to evolving social demands while maintaining institutional legitimacy. Responsive legal institutions are characterized by openness, adaptability, and meaningful public engagement in legal decision-making processes.⁷ In the context of regional law-making, this perspective implies that BAPEMPERDA should function not merely as an administrative coordinator but as an institution capable of facilitating socially informed and justice-oriented legislative outcomes.

² Saldi Isra, *Pergeseran Fungsi Legislasi: Menguatnya Model Legislasi Parlemeter dalam Sistem Presidensial Indonesia* (Jakarta: Rajawali Pers, 2018), pp. 214–219.

³ Law No. 23 of 2014 concerning Regional Government, Article 149.

⁴ Law No. 13 of 2022 amending Law No. 12 of 2011 concerning the Formation of Laws and Regulations.

⁵ Maria Farida Indrati S., *Ilmu Perundang-Undangan: Jenis, Fungsi dan Materi Muatan* (Yogyakarta: Kanisius, 2020), pp. 267–279.

⁶ Roger Cotterrell, *Law, Culture and Society: Legal Ideas in the Mirror of Social Theory* (Ashgate, 2006), pp. 23–29.

⁷ Philippe Nonet and Philip Selznick, *Law and Society in Transition: Toward Responsive Law* (New York: Harper & Row, 1978), pp. 73–91.

In addition to responsiveness, the principle of equity constitutes another important dimension in assessing the quality of regional regulations. Equitable regulation does not simply refer to equal legal treatment but requires attention to differences in social conditions, access to public services, and distributional impacts of public policy. Consequently, regional legislative institutions must ensure that regulatory processes account for diverse community interests and avoid domination by narrow political or bureaucratic agendas.⁸ From this perspective, strengthening BAPEMPERDA becomes an institutional necessity to improve the substantive quality of regional governance.

The Province of Lampung provides an important context for examining these issues. As a developing province experiencing economic growth, demographic change, and increasing regulatory demands, Lampung requires legislative institutions capable of producing adaptive and socially responsive legal frameworks. At the same time, the complexity of local governance in the province presents practical challenges in balancing political priorities, development agendas, and public expectations. These conditions make Lampung an appropriate site for investigating how institutional arrangements influence regional legislative performance and regulatory outcomes.

Previous studies concerning regional regulation formation in Indonesia have generally focused on normative analysis of legislative procedures, evaluation of regional autonomy policies, or institutional descriptions of DPRD functions. Existing scholarship has contributed significantly to understanding formal legal mechanisms but remains limited in explaining how legislative institutions operate in practice and how institutional dynamics affect the quality of legal outputs. Research specifically examining BAPEMPERDA through a socio-legal lens remains relatively underdeveloped.

Accordingly, a clear research gap emerges. While prior studies predominantly emphasize procedural legality and doctrinal compliance, insufficient attention has been given to the interaction between institutional design, political practices, and social responsiveness in regional law-making. Existing literature also rarely positions BAPEMPERDA as an independent analytical unit for understanding the broader relationship between local legislative governance and equitable legal outcomes.

The novelty of this study lies in its integration of institutional analysis, responsive law theory, and socio-legal methodology to examine regional law-making beyond formal legality. This research proposes that the effectiveness of regional legislation depends not solely on regulatory frameworks but also on institutional behavior, actor engagement, and the extent to which legal processes reflect societal expectations. By situating BAPEMPERDA at the center of analysis, this study seeks to provide a more comprehensive understanding of how regional legislative institutions can contribute to responsive and equitable local governance.

Therefore, this study aims to analyze how BAPEMPERDA performs its institutional role in regional regulation formation, identify factors influencing its effectiveness, and formulate strategies for institutional strengthening to support responsive and equitable regional governance in Indonesia. Through a socio-legal approach, this research is expected to contribute both theoretically to the development of law and society scholarship and practically to improving regional legislative governance.

RESEARCH METHOD

This study employs normative legal research (*doctrinal legal research*) to examine the institutional role of the Regional Regulation Formation Body (*Badan Pembentukan Peraturan Daerah*—BAPEMPERDA) in supporting the formation of responsive and equitable regional regulations in Indonesia. Normative legal research is used because this study focuses on analyzing legal norms, institutional arrangements, and regulatory frameworks governing regional legislative processes rather than observing social behavior empirically. The research applies both a statutory approach (*statute approach*) and a conceptual approach (*conceptual approach*). The statutory approach is conducted by examining relevant legislation, including the Constitution of the Republic of Indonesia 1945, Law Number 23 of 2014 concerning Regional Government, and Law Number 13 of 2022 concerning Amendments to Law Number 12 of 2011 on the Formation of Laws and Regulations, along with other implementing regulations concerning regional legislation.⁹ Meanwhile, the conceptual approach is used to analyze

⁸ Brian Z. Tamanaha, *On the Rule of Law: History, Politics, Theory* (Cambridge University Press, 2004), pp. 91–96.

⁹ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2021), pp. 133–171.

legal doctrines and theoretical perspectives relevant to institutional strengthening, responsive law, and equitable governance in regional legislative processes.¹⁰

The legal materials used in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include legislation and official legal documents governing regional governance and regional regulation formation. Secondary legal materials comprise books, scientific journals, previous studies, and academic literature discussing regional legislation, institutional governance, and responsive law theory, while tertiary legal materials include legal dictionaries and supporting references. The collection of legal materials is carried out through library research and document analysis. Furthermore, the data are analyzed using qualitative legal analysis with deductive reasoning, beginning with general legal principles and theoretical frameworks and subsequently applying them to evaluate the legal framework regulating BAPEMPERDA. The findings are then presented through a prescriptive legal analysis to formulate recommendations for strengthening BAPEMPERDA's institutional role in achieving more responsive and equitable regional law-making.¹¹

Discussion

A. Additional Analytical Section: Reassessing BAPEMPERDA's Institutional Design and Legislative Effectiveness

Although the current legal framework formally recognizes BAPEMPERDA as an institutional mechanism responsible for coordinating regional legislative activities, the existing arrangement remains predominantly procedural rather than strategic. Article 149 of Law Number 23 of 2014 outlines BAPEMPERDA's responsibilities in legislative planning and coordination; however, the provision provides only a limited institutional basis for substantive regulatory evaluation and policy analysis.¹² As a consequence, BAPEMPERDA frequently operates as an administrative facilitator of legislative schedules instead of functioning as a legislative quality assurance institution. From a normative perspective, this institutional limitation creates a structural gap between legislative authority and legislative effectiveness.

This limitation becomes more visible when examined through responsive law theory proposed by Nonet and Selznick. Responsive legal institutions are expected to move beyond rigid procedural compliance and actively align legal outputs with evolving societal needs.¹³ Under this framework, legislative success should not be measured solely by the quantity of enacted regulations but by the extent to which legal products address social realities and distribute public benefits fairly. Therefore, if BAPEMPERDA remains oriented primarily toward procedural completion of Propemperda targets, regional regulation formation risks becoming a formal exercise detached from substantive governance outcomes.

From the author's perspective, the institutional challenge does not originate from insufficient legal authority but from the limited normative construction of BAPEMPERDA's role. Existing legislation emphasizes legislative coordination while providing relatively weak incentives for policy evaluation, regulatory impact assessment, and post-enactment review. This condition creates an imbalance whereby regional governments increasingly rely on legal instruments to govern public affairs, yet institutional mechanisms for ensuring legislative quality remain underdeveloped. Consequently, strengthening BAPEMPERDA should involve redefining its institutional mandate from a coordinating organ into a legislative governance institution.

One possible institutional reform is the incorporation of mandatory regulatory impact assessment (RIA) into regional legislative planning. Comparative legislative governance demonstrates that modern legislative institutions increasingly rely on ex ante evaluation mechanisms to assess anticipated legal, economic, and social consequences before regulatory adoption.¹⁴ Regulatory impact assessment may strengthen BAPEMPERDA's analytical capacity by requiring draft regulations to demonstrate legal necessity, implementation feasibility, and measurable public benefits. Such a mechanism would also reduce the production of symbolic regulations with limited practical value.

¹⁰ Philippe Nonet and Philip Selznick, *Law and Society in Transition: Toward Responsive Law* (New York: Harper & Row, 1978), pp. 73–91.

¹¹ Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: Rajawali Pers, 2015), pp. 13–15.

¹² Law No. 23 of 2014 concerning Regional Government, Article 149.

¹³ Philippe Nonet and Philip Selznick, *Law and Society in Transition: Toward Responsive Law* (New York: Harper & Row, 1978), pp. 73–91.

¹⁴ OECD, *Recommendation of the Council on Regulatory Policy and Governance* (Paris: OECD Publishing, 2012), pp. 8–14.

Comparatively, several jurisdictions have institutionalized stronger legislative support mechanisms at the local level. In many European administrative systems, legislative planning is supported by permanent expert units responsible for legal harmonization and policy analysis before enactment.¹⁵ Although Indonesia's constitutional and administrative context differs substantially, the comparative experience illustrates that institutional effectiveness depends not merely on formal authority but on the availability of expert support and structured legislative review. Therefore, BAPEMPERDA should gradually develop institutional arrangements that integrate legal expertise, policy analysis, and legislative evaluation into regional regulation formation.

Another area requiring reform concerns public participation. Indonesian legislation formally recognizes participation as an essential principle of law-making; however, participation frequently remains procedural rather than deliberative.¹⁶ Public consultation often occurs after major legislative directions have already been determined, limiting the ability of affected communities to shape regulatory substance. In the author's opinion, BAPEMPERDA should institutionalize participation at the legislative planning stage rather than only during public hearings. Such an approach would allow public concerns to influence legislative priorities before draft regulations are finalized.

The strengthening of BAPEMPERDA should also incorporate a stronger commitment to equitable governance. Equity in regional legislation should not be interpreted merely as equal treatment under formal legal provisions but as the capacity of regulations to accommodate different social conditions and distribute regulatory benefits fairly. Regional regulations frequently affect communities unevenly; therefore, legislative institutions must evaluate who benefits and who bears regulatory burdens. In this regard, BAPEMPERDA should adopt equity-oriented legislative indicators, including accessibility, inclusiveness, and social impact considerations.¹⁷

This argument may be further explained through Friedman's legal system theory, which identifies three interconnected components of legal effectiveness: legal structure, legal substance, and legal culture.¹⁸ Applying this framework, BAPEMPERDA represents the structural dimension of regional law-making, while regional regulations constitute legal substance and participatory governance reflects legal culture. Strengthening only procedural authority without improving institutional practices and legislative values would therefore generate limited improvement in legislative outcomes.

These observations become increasingly relevant in the context of Lampung Province. As a developing region with expanding regulatory demands, Lampung requires legislative institutions capable of balancing economic development objectives, social inclusion, and legal certainty. From a normative standpoint, strengthening BAPEMPERDA in Lampung should emphasize institutional professionalism, systematic legislative planning, and integration between academic manuscripts and legislative priorities. Such measures may contribute to transforming regional regulations from administrative instruments into governance mechanisms capable of responding to local societal needs.

Accordingly, this study argues that institutional strengthening of BAPEMPERDA should be pursued through four integrated dimensions: (i) expansion of legislative analytical capacity; (ii) institutionalization of regulatory impact assessment; (iii) enhancement of participatory legislative mechanisms; and (iv) incorporation of equity-based evaluation standards in regional regulation formation. These reforms would reposition BAPEMPERDA from a procedural coordinator into an institutional guardian of legislative quality and responsive local governance.

B. Strengthening BAPEMPERDA Toward Responsive and Equitable Regional Law-Making

The strengthening of the Regional Regulation Formation Body (*Badan Pembentukan Peraturan Daerah*—BAPEMPERDA) should not be interpreted merely as an expansion of formal authority or an administrative improvement within the Regional People's Representative Council (DPRD). Within contemporary legal governance, institutional strengthening refers to the enhancement of institutional capacity to ensure that legislative processes produce regulations that are constitutionally legitimate, socially responsive, and substantively equitable. Therefore, institutional reform in regional law-making should focus not only on increasing legislative output but

¹⁵ Susan Rose-Ackerman and Peter L. Lindseth (eds.), *Comparative Administrative Law* (Edward Elgar Publishing, 2017), pp. 302–315.

¹⁶ Law No. 13 of 2022 amending Law No. 12 of 2011 concerning the Formation of Laws and Regulations.

¹⁷ Brian Z. Tamanaha, *On the Rule of Law: History, Politics, Theory* (Cambridge University Press, 2004), pp. 91–96.

¹⁸ Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975), pp. 14–20.

also on improving the quality, coherence, and effectiveness of regional regulations as legal instruments of governance.¹⁹

Normatively, Indonesia has established a comprehensive legal framework governing regional legislation through Law Number 23 of 2014 concerning Regional Government and Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Laws and Regulations. These legal instruments emphasize legislative planning, legal certainty, participation, transparency, feasibility, and institutional accountability as essential principles of regulatory development. Nevertheless, legislative effectiveness cannot be guaranteed solely through the existence of procedural requirements. A legal system may achieve procedural compliance while still failing to generate regulations that adequately address public needs and governance challenges.²⁰

This limitation illustrates that regional legislative performance should be evaluated beyond the formal enactment of regulations. In many cases, legislative success continues to be measured quantitatively through the number of enacted regional regulations rather than qualitatively through legal effectiveness and social outcomes. Such an approach risks encouraging symbolic regulation and procedural formalism. In the author's view, regional law-making should be evaluated through broader indicators including legislative coherence, constitutional conformity, implementation feasibility, and responsiveness to societal expectations.

This argument aligns with the theory of responsive law developed by Philippe Nonet and Philip Selznick. According to responsive law theory, legal institutions should not operate merely as procedural mechanisms enforcing predetermined legal commands but should maintain institutional openness toward changing social realities while preserving legal legitimacy.²¹ Responsive institutions are characterized by adaptability, accountability, and meaningful engagement with public interests. Consequently, strengthening BAPEMPERDA requires institutional transformation from a legislative coordinating body into a legislative governance institution capable of ensuring substantive regulatory quality.

However, responsiveness should not be interpreted as reducing the importance of legal certainty. Responsive governance and legal certainty should not be positioned as competing legal values. Excessive procedural flexibility may weaken predictability and consistency, whereas excessive formalism may disconnect law from social reality. Therefore, strengthening BAPEMPERDA requires balancing institutional responsiveness with normative coherence so that regional regulations remain adaptive without compromising legal stability.²²

This balance may be examined through the principles of legislation formation under Indonesian law. Law Number 13 of 2022 establishes several legislative principles including clarity of objectives, appropriateness of institutional authority, conformity between regulatory hierarchy and substance, feasibility of implementation, usefulness and effectiveness, clarity of formulation, and openness.²³ These principles indicate that legislative quality should be assessed not only by procedural completion but also by substantive legal performance.

From a normative perspective, several of these principles remain insufficiently institutionalized in current legislative practice. The principle of usefulness and effectiveness requires legislation to demonstrate measurable public benefit before enactment; however, existing legislative arrangements do not consistently require structured evaluation mechanisms. Likewise, openness formally guarantees public participation but does not necessarily ensure meaningful public influence over legislative priorities. Consequently, legislative legitimacy often remains procedural rather than substantive.

To address these limitations, this study proposes a normative institutional strengthening model consisting of four integrated dimensions: (i) strengthening legislative analytical capacity; (ii) institutionalizing regulatory impact

¹⁹ Neil MacCormick, *Institutions of Law: An Essay in Legal Theory* (Oxford: Oxford University Press, 2007), pp. 45–61.

²⁰ Indonesia, Law Number 23 of 2014 concerning Regional Government; Indonesia, Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Laws and Regulations.

²¹ Philippe Nonet and Philip Selznick, *Law and Society in Transition: Toward Responsive Law* (New York: Harper & Row, 1978), pp. 73–91.

²² Lon L. Fuller, *The Morality of Law*, revised ed. (New Haven: Yale University Press, 1969), pp. 39–41.

²³ Indonesia, Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Laws and Regulations, Article 5 and Elucidation of Article 5.

assessment; (iii) improving participatory legislative governance; and (iv) integrating equity-oriented legislative evaluation. These dimensions should function as an integrated legislative cycle rather than isolated reforms.

The first dimension concerns strengthening legislative analytical capacity. Current regional legislative practice tends to prioritize completion of Propemperda agendas without sufficient attention to legal necessity and implementation feasibility. As a result, draft regulations may satisfy procedural requirements while lacking substantive coherence and policy effectiveness. Therefore, BAPEMPERDA should institutionalize legal research functions, expert advisory support, and systematic review of academic manuscripts before legislative deliberation proceeds.²⁴

This recommendation may be explained through Friedman's legal system theory. According to Friedman, legal effectiveness depends upon interaction among legal structure, legal substance, and legal culture.²⁵ Strengthening BAPEMPERDA exclusively through institutional authority would produce limited results if legislative practices and legal values remain unchanged. Institutional strengthening should therefore prioritize analytical competence and evidence-based legislative reasoning.

The second dimension involves introducing mandatory Regulatory Impact Assessment (RIA) within regional legislative planning. Regulatory impact assessment has become increasingly recognized as an instrument of legislative quality control because it evaluates anticipated consequences of legal intervention before regulations are adopted. International regulatory governance standards emphasize that regulation should be supported by systematic evaluation of legal necessity, implementation feasibility, and expected social impact.²⁶

From the author's perspective, regulatory impact assessment should not function merely as a policy evaluation instrument but as a legal mechanism for ensuring conformity with legislative principles. Accordingly, every legislative proposal incorporated into Propemperda should demonstrate constitutional compatibility, legal necessity, anticipated effectiveness, and proportionality of regulatory intervention.

The third dimension concerns strengthening participatory legislative governance. Although Indonesian legislation recognizes participation as a guiding principle in law-making, public involvement frequently remains procedural and occurs only after legislative priorities have already been established.²⁷ Such conditions reduce the ability of communities to influence substantive legislative outcomes.

Therefore, participation should be integrated into legislative planning rather than limited to consultation during deliberation stages. BAPEMPERDA should establish mechanisms for public consultation, stakeholder engagement, publication of legislative priorities, and transparent review procedures. Participation should be understood as a mechanism for improving legal quality rather than merely fulfilling democratic formalities.

The fourth and most critical dimension concerns strengthening equity-oriented legislative evaluation. In this study, equity is not interpreted solely as equal formal treatment but as the capacity of legal institutions to recognize differences in social conditions and distribute regulatory benefits fairly. Accordingly, legislative evaluation should incorporate three dimensions of equity: procedural equity, distributive equity, and representational equity.

Procedural equity refers to equal opportunities for public participation in legislative processes. Distributive equity concerns fair allocation of regulatory benefits and burdens among affected groups. Representational equity requires accommodation of diverse interests during legislative deliberation. These dimensions provide a more operational framework for evaluating whether regional regulations genuinely contribute to equitable governance rather than reproducing institutional preferences.

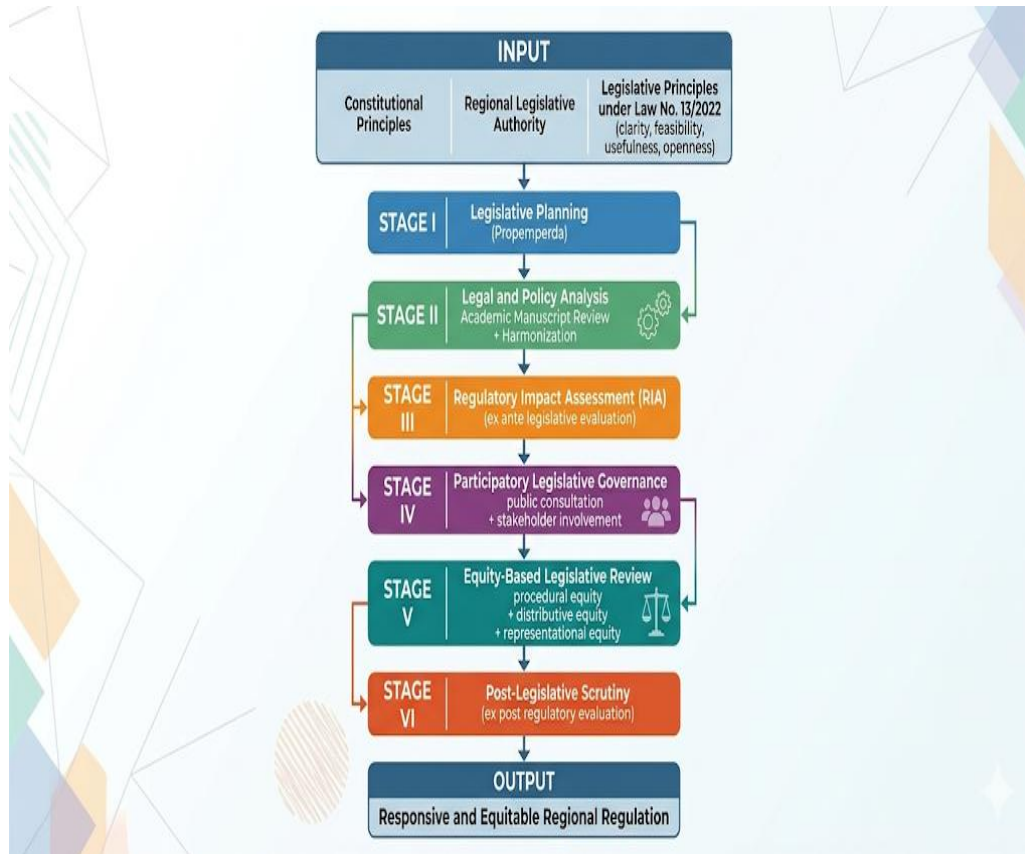
²⁴ Maria Farida Indrati S., *Ilmu Perundang-undangan: Jenis, Fungsi dan Materi Muatan* (Yogyakarta: Kanisius, 2020), pp. 267–279.

²⁵ Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975), pp. 14–20.

²⁶ Organisation for Economic Co-operation and Development (OECD), *Recommendation of the Council on Regulatory Policy and Governance* (Paris: OECD Publishing, 2012), Recommendations 1–4, pp. 8–14.

²⁷ Indonesia, Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Laws and Regulations.

To operationalize these reforms, this study proposes the following institutional model:



This model demonstrates that legislative quality cannot be achieved solely through procedural compliance. Instead, effective regional legislation requires institutional continuity beginning from legislative planning and extending to post-enactment evaluation. The model therefore repositions BAPEMPERDA not merely as a coordinating body but as an institutional guardian of legislative quality throughout the regulatory cycle.

One possible criticism of this model is that expanding legislative evaluation may reduce efficiency and prolong law-making processes. This concern deserves consideration because additional procedural requirements may increase administrative burdens. Nevertheless, this study argues that the long-term costs of ineffective regulation—including legal revision, implementation failure, and declining public trust—often exceed the short-term administrative costs associated with stronger legislative scrutiny.²⁸

These institutional reforms are particularly relevant in the context of Lampung Province. As regional governance becomes increasingly complex, the demand for regulations that simultaneously support development, maintain legal certainty, and accommodate public interests continues to grow. Strengthening BAPEMPERDA institutionally would provide a stronger foundation for ensuring that regional regulation formation contributes to sustainable and equitable local governance.

Accordingly, this study concludes that strengthening BAPEMPERDA should be understood as a normative transformation of regional legislative governance rather than administrative expansion alone. Such transformation requires integrating legislative principles, responsive legal theory, institutional accountability, and equity-oriented evaluation into a coherent legal framework. Through this approach, regional legislation may function not merely as an exercise of governmental authority but as a constitutional mechanism for achieving responsive and equitable local governance in Indonesia.

²⁸ Alexander Horne and Andrew Le Sueur (eds.), *Parliament: Legislation and Accountability* (Oxford: Hart Publishing, 2016), pp. 201–219.

Conclusion

The formation of regional regulations represents a strategic instrument for achieving responsive and equitable local governance within Indonesia's decentralized governmental system. This study demonstrates that BAPEMPERDA occupies a significant institutional position in regional legislative processes through its authority in legislative planning, coordination, harmonization, and support for regional regulation formation. However, the findings indicate that the current legal framework governing BAPEMPERDA remains predominantly procedural and has not fully enabled the institution to perform as a substantive legislative quality control mechanism. Existing arrangements continue to emphasize legislative administration and procedural compliance while providing limited institutional support for policy analysis, regulatory evaluation, and systematic integration of public interests into regional law-making.

Accordingly, this study argues that strengthening BAPEMPERDA should be understood as a normative transformation of regional legislative governance rather than merely expanding institutional authority. To support responsive and equitable regional regulation formation, this study proposes a Normative Institutional Strengthening Model consisting of six integrated stages: legislative planning, legal and policy analysis, regulatory impact assessment, participatory legislative governance, equity-based legislative review, and post-legislative scrutiny. Through this model, BAPEMPERDA is repositioned from a procedural coordinating body into an institutional guardian of legislative quality capable of ensuring legal certainty, responsiveness, accountability, and equitable regulatory outcomes. Such institutional strengthening is expected to contribute to improving the effectiveness and legitimacy of regional governance in Indonesia.

References

1. Alexander Horne and Andrew Le Sueur (eds.), *Parliament: Legislation and Accountability* (Oxford: Hart Publishing, 2016).
2. Brian Z. Tamanaha, *On the Rule of Law: History, Politics, Theory* (Cambridge: Cambridge University Press, 2004).
3. Constitution of the Republic of Indonesia 1945.
4. Fuller, Lon L., *The Morality of Law*, revised edition (New Haven: Yale University Press, 1969).
5. Friedman, Lawrence M., *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975).
6. Indonesia, Law Number 23 of 2014 concerning Regional Government.
7. Indonesia, Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Laws and Regulations.
8. Indrati S., Maria Farida, *Ilmu Perundang-Undangan: Jenis, Fungsi dan Materi Muatan* (Yogyakarta: Kanisius, 2020).
9. Isra, Saldi, *Pergeseran Fungsi Legislasi: Menguatnya Model Legislasi Parlementer dalam Sistem Presidensial Indonesia* (Jakarta: Rajawali Pers, 2018).
10. MacCormick, Neil, *Institutions of Law: An Essay in Legal Theory* (Oxford: Oxford University Press, 2007).
11. Marzuki, Peter Mahmud, *Penelitian Hukum* (Jakarta: Kencana, 2021).
12. Nonet, Philippe and Philip Selznick, *Law and Society in Transition: Toward Responsive Law* (New York: Harper & Row, 1978).
13. OECD, *Recommendation of the Council on Regulatory Policy and Governance* (Paris: OECD Publishing, 2012).
14. Organisation for Economic Co-operation and Development (OECD), *Recommendation of the Council on Regulatory Policy and Governance* (Paris: OECD Publishing, 2012).
15. Rose-Ackerman, Susan and Peter L. Lindseth (eds.), *Comparative Administrative Law* (Cheltenham: Edward Elgar Publishing, 2017).
16. Soekanto, Soerjono and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: Rajawali Pers, 2015).
17. Roger Cotterrell, *Law, Culture and Society: Legal Ideas in the Mirror of Social Theory* (Aldershot: Ashgate, 2006).