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The Effectiveness of Priority Prolegnas in the Development of Quality Law in Indonesia

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Article Info	Abstract
Article History: Accepted (March) (2025) Approved (May) (2025) Published (May) (2025)	This study aims to evaluate the extent to which the National Legislation Program (Prolegnas) Priority is able to achieve the legislative formation targets in terms of both quantity and quality for the period 2015 to 2029. As a planning instrument for national legislation, Prolegnas is expected to serve as a foundation for creating a legal system that is harmonious, effective, and responsive to the needs of society. However, in practice, the implementation of Prolegnas often falls short of expectations. This research employs a normative legal method with statutory and conceptual approaches, and the data are analyzed using a descriptive qualitative technique. The data sources include official Prolegnas documents, legislative performance reports, and relevant academic studies. The findings indicate that the success rate of the Priority Prolegnas in recent legislative periods has ranged only between 13% and 20% of the established targets. This reflects a discrepancy between planning and legislative realization. Several key inhibiting factors include sectoral egos among legislative and executive institutions, low public participation in the legislative process, weak synchronization and harmonization of regulations, and a lack of post- enactment evaluation of legislation. The study concludes that there is a pressing need for more realistic and measurable legislative planning, stronger public engagement, and improved legal substance quality. Prolegnas should not only focus on the quantity of legislation but also prioritize the quality of regulations in order to produce fair, relevant, and effective laws that respond to the dynamic needs of society.
Keywords: Law Reform; Proglegnas; Priority Legislation.	
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PENDAHULUAN

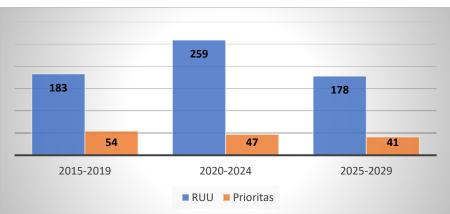
Prioritizing the legal development program is necessary since changes to the Republic of Indonesia's 1945 Constitution have profound and fundamental effects on our constitutional framework, requiring matching changes in the legal field. In addition, rapid globalization, made possible by information technology breakthroughs, has changed the nature of the relationship between the government, the people, and the state(Gray and Warren 2024; Lindman, Makinen, and Kasanen 2023). These changes also require the structuring of the legal system and the legal framework that underlies it, thus significantly strengthening the synergy between the Government and the House of Representatives (DPR)(Rasyid, Maulina, and Manfarisyah 2022; Veenendaal 2020).

Law Number 15 of 2019 on the Amendment to Law Number 12 of 2011 on the Formation of Laws and Regulations explicitly requires the National Legislation Programme (Prolegnas) as a planning instrument for written law formation programmes, which cannot be separated from the important role of laws and regulations that function as regulatory instruments and to direct the dynamic process of societal change (Facchini and Seghezza 2021; Hurka, Knill, and Steinebach 2024). Because of its written nature, its development can be planned to be adjusted to the development of community needs. The scope of written law development is quite broad, and the authority to make laws and regulations within the government is spread across various Departments and Non-Departmental Government Institutions (LPND). Therefore, to ensure harmonisation and prevent overlapping or conflicting arrangements, the integration of the formation programme is required (Furlong et al. 2015).

The existence of the national legislation programme has been recognised by many as having made a significant contribution to national legal development. However, it is not as simple as the problems that must be faced. Based on experience so far, these problems include cooperation mechanisms, clarity of substance, suitability of the national legislation programme with the development of the legal needs of the community (Mcmillan, Kocsis, and Daniere 2022). National legal development is a component of a national development system designed to achieve the state's objectives of safeguarding the entire Indonesian homeland, promoting general welfare, educating the nation, and participating in implementing of a world order based on independence, lasting peace, and social justice. This is achieved through a system of national law (Woodhead et al. 2022).

Indonesia, as a legal state that follows the tradition of the continental legal system, gives high honour to laws and regulations or legislation products as the main joints of its national legal system (Diprose, McRae, and Hadiz 2019; Titaley et al. 2023). Therefore, national development always requires the development of legal substance that is sustainable and integrated with the development of other legal sub-systems, namely the subsystem of legal apparatus and legal structure (Iqbal et al. 2022). The main goal to be achieved is a just and democratic Indonesia. Legislation or legislation products as an important component in the unity of the national legal system, thus must be built through a plan, namely the National Legislation Program to provide assurance that national development can run regularly, legal certainty and provide benefits for the fulfilment of a sense of justice and welfare as mandated by the constitution (Putra et al. 2023; Sujono and Nasution 2023).

Based on the researcher's observations, entering the three periods of Prolegnas. Legal Development should be able to reflect and evaluate Prolegnas. Because even though it has been strictly regulated through the stipulation agreed upon between the DPR and the Government through the Decree of the DPR Rl, Prolegnas has not provided results that are comparable to the quantity that has been determined. Therefore, there should be a repositioning and revitalisation of the role of Prolegnas so as not to make Prolegnas just a wish list that is difficult to realise.



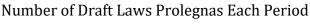


Image 1.

Source : Dewan Perwakilan Rakyat (DPR) Republik Indonesia, Processed

Based on the data in the graph above, it can be seen that the increase in the number of bills increased in the 2020-2024 period and decreased in the 2025-2029 period. Normatively, the bill data above should be the subject of rigorous evaluation in order to obtain more effective results. In a more detailed explanation of the comparison of the number of bills and periodic priority bills, the 2015-2019 period with a percentage of 29.51 per cent, then in the 2020-2024 period with a percentage of 18.15 per cent, and the last period 2025-2029 with a percentage of 23.03 per cent. If viewed carefully, there is a decrease in the number of Priority Bills from each period, so that the decline is expected to be a marker of efforts to create more quality proglegnas effectiveness and not get stuck on quantity which actually burdens legal development efforts in Indonesia. The objective conditions of the implementation of the 2016-2024 national development programme in general illustrate that it still does not show the results of legal development in accordance with the expectations and sense of justice of the community, namely laws that truly take sides with the interests of the people, laws that do not only protect the interests of individuals and certain groups / groups, laws that continue to implement legal values that live in society.

In the aspect of legal material, there are still overlapping and inconsistent legal materials, both vertically and horizontally, which have not shown a commitment and character that is responsive to the issue of protecting human rights, weak and marginalised communities, the value of gender justice, and the formation process that is less aspirational and participatory (Stoyanova 2023). Meanwhile, in the aspect of legal apparatus, among others, the lack of integrity, morals and professionalism of law enforcement officers, and the realisation of strong and integrated legal institutions. Problems with legal materials, facilities and infrastructure have an impact on the problem of public legal awareness, namely low public confidence in the law, which is marked by a disconnection or gap between legal norms and community behaviour.

The aforementioned problems are caused by a system of legislation formation that ignores the importance of inventory, synchronisation, harmonisation of all laws and regulations, and lacks dissemination of laws and regulations to open access and increase public participation in the formation of laws. Such a process illustrates a Prolegnas that does not have a clear vision, mission, policy direction and method in preparing the list of draft laws contained in the Prolegnas . Prolegnas is narrowly translated into a collection

of lists of draft laws without having a direction that ensures the sustainability of national legal development. According to Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which declares that the Indonesian state is a state of law, Prolegnas is required to organize the national legal system in a thorough and integrated manner that must always be founded on the principles of the proclamation and the constitutional foundation. Thus, the principle of the rule of law means upholding the supremacy, equality before the law, and making law as an operational basis in running the system of organising the life of society, nation and state (Loughlin 2024).

The national legislation programme (Prolegnas) as part of legal development is a planning instrument for law-making programmes that is prepared in a planned, integrated and systematic manner (Valvoda, Cotterell, and Teufel 2023). Operationally, Prolegnas includes a catalog of proposed laws that are prepared based on certain methods and parameters and are imbued with the vision and mission of national legal development (Kuenzler and Stauffer 2023). In the Prolegnas, a priority scale is prepared in accordance with the development of the legal needs of the community. For this purpose, the Prolegnas contains the Medium and Short Term Legislation Programmes. The Prolegnas only contains the programme for the preparation of legislation at the central level. In preparing the programme, it is necessary to determine the subject matter to be regulated and its relation to other laws and regulations. Therefore, Prolegnas is prepared in a coordinated, directed, and integrated manner jointly by the House of Representatives and the Government (Robb, Candy, and Deane 2023; Stead 2021).

There are at least two main problems in the Prolegnas 2025-2030 passed by the DPR together with the Government. Firstly, the number is unrealistic. Second, the content of material that should not be regulated in law. Third, there are many titles or scope of regulation of the same bill. The reason is that the achievement of the number of bill completions has never been close to the target as in the drafting. On the other hand, the large number of Prolegnas bills will have a major impact on the inefficiency of the legislative budget for five years, which will certainly be very conflicting with the interests of the current government related to the Presidential Instruction of the Republic of Indonesia Number 1 of 2025 concerning Efficiency of Spending in the Implementation of the State Budget and Regional Budget for the Fiscal Year 2025, not to mention that there are political dynamics that occur at any time so that they can shift changes in political

priorities and focus on certain issues that often divert attention from the planned bill. Based on the legal issues raised, the purpose of this study is to assess the extent to which the Priority National Legislation has achieved the target of completing the Draft Law (RUU) within a certain period.

The review in this paper refers to recent developments in the study of the effectiveness of the National Legislation Programme (Prolegnas), both from the perspective of normative law, legislation policy, and political implementation in Indonesia. This article analyses the effectiveness of Prolegnas in shaping quality laws and the obstacles faced, especially from the aspects of quantity, quality, sectoral ego, public participation, and post-legislation evaluation. This article reinforces previous findings on the ineffectiveness of Prolegnas in shaping quality legislation, but also adds a new perspective with the latest empirical data. Further studies are needed to explore more systematic legislative reform strategies, especially in terms of simplifying the Prolegnas agenda, public participation, and improving regulatory quality. Based on the state of the art described earlier, this article offers a novelty analysis based on the latest empirical data, which shows the trend of legislation from 2015 to 2029. A quality-based approach to legislation, not just quantity, in assessing the effectiveness of Prolegnas. Concrete recommendations to improve the effectiveness of Prolegnas, which are not only normative, but also based on the real conditions of the legislative system in Indonesia.

This article offers scientific novelty through an evaluative approach that combines quantitative and qualitative dimensions in assessing the effectiveness of the Priority National Legislation Programme (Prolegnas). The main novelty lies in the use of empirical data across periods (2015-2029) to analyse legislative trends that do not only focus on the number of bills passed, but also on the quality of the resulting regulations, such as conformity to community needs, legal consistency, and the level of public participation. The article also provides a sharp critique of legislative practices that tend to be symbolic and unrealistic, and points out the gap between the quantity ambition of the National Legislation and the institutional capacity of the DPR-Government. In addition, the article proposes strategic recommendations based on a shared vision and more substantial public involvement in the legislative process, as a response to the weaknesses of the previous Prolegnas.

METODE

This research uses a type of Normative Legal Research that focuses on analysing legislation, official documents, and policies related to the National Legislation to evaluate the formal and material legal aspects of the National Legislation (Hamzani et al. 2024). There are 2 approaches used in this research: First, the Statute Approach, which analyses the laws and regulations governing the National Legislation, such as Law Number 12/2011 on the Formation of Legislation and its derivative regulations. Second, Conceptual Approach, which uses legal theories and concepts such as legal effectiveness, legislation, and legal planning (Marikar 2023). The data used in this research is Primary data that analyses official documents related to the current Proglegnas, as well as secondary data, namely scientific articles related to this research. Then it will be analysed using qualitative data analysis, which is analysing data using descriptive-analytical methods to evaluate the effectiveness of Prolegnas in the formation of laws.

HASIL DAN PEMBAHASAN

HASIL

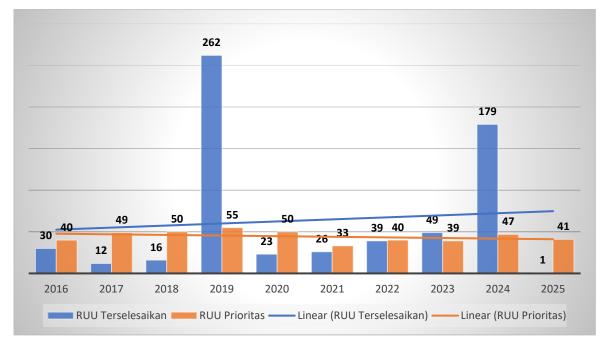
To carry out the mandate of the Constitution, the Prolegnas policy aims to create laws in the areas of economic law, politics, religion, education, science and technology, socio-culture, regional development, natural resources and the environment, defense, and security., then accelerate the process of completing draft laws that are in the process of discussion and form laws ordered by law.vBased on the framework, purpose and objectives as well as the policy direction of Prolegnas described above, the determination of the priority scale of the Draft Law is determined based on several considerations, namely: is an order from the 1945 Constitution of the Republic of Indonesia; is an order of the Decree of the People's Consultative Assembly of the Republic of Indonesia; related to the implementation of other laws; encourage the acceleration of law reform; which involves revision or amendment of laws that conflict with other laws; which are ratifications of international agreements; which are orientated towards regulating the protection of human rights with due regard to the principles of gender equality and equity; that support the recovery and development of an equitable people's economy; and which directly touches the interests of the people to restore and improve the conditions of social welfare of the community.

4.1 Periodic Evaluation of Proglegnas against Priority Bills

The criteria for determining the Priority Bill List for each year were developed not solely based on the fulfilment of technical and substantive requirements, but the Government and DPR Rl also agreed to take a realistic approach, namely in accordance with the ability of the Government and DPR Rl to complete the bill programme each year, as was done for the Prolegnas for the 2020-2024 period and the 2015-2019 period. However, based on the level of achievement of the programme, both the discussion and drafting of bills in reality have not been directly proportional to the established programme.

Image 2.

Status of Periodic Prolegnas Stages Statistics of Prolegnas Periodic Proposers Number of Priority Proglegnas and Draft Laws Completed in the Last 10 Years



Source : <u>Dewan Perwakilan Rakyat (DPR) Republik Indonesia</u>, Processed by comparing the data obtained in <u>BPHN KEMENKUMHAM</u>

Prolegnas is prepared for a certain period of 5 years, and is evaluated and updated periodically every year. This process involves several stages, from planning, discussion, implementation, to evaluation. At the initial stage, the DPR and the Government compile a list of bills to be included in the National Legislation. This stage includes identifying legal needs, determining priorities, and the urgency of lawmaking. Once drafted, the list of bills is discussed and agreed upon, and then stipulated as the National Legislation. Based on the graph above, it can be seen that the bills included in the national legislation and completed based on the data of the last 10 years have experienced significant fluctuations, the most of which were completed in 2019 with a total of 262 bills, then again experienced an increase in 2024 with 179 bills, while in other years the completion of the bill was only below 50.

Furthermore, the bills included in the Prolegnas are discussed according to priorities. The discussion process includes the preparation of academic papers, discussions in commissions, working meetings, and ratification. If a bill has not been discussed in one period, it can be re-entered into the next period's Prolegnas. The status of the periodic Prolegnas stages indicates the position of a bill in the legislative process. For example, a bill can have the status of 'proposed' if it has just been proposed, 'priority' if it is prioritised for discussion, 'under discussion' if it is being discussed, 'passed' if it has become a law, or 'pending' if it has not been completed and will be discussed in the next period.

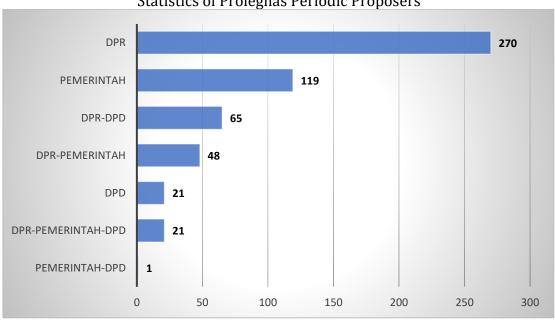


Image 3. Statistics of Prolegnas Periodic Proposers

Source : <u>Dewan Perwakilan Rakyat (DPR) Republik Indonesia</u>, Processed. Based on the data above, it can be seen that the proposal of DPR has the highest number of proposals of 270 bills with a percentage of 49.54%, then the second most proposed bill by the Government as much as 119 with a percentage of 21.83%, the third most is the proposal of DPR together with DPD as much as 65 with a percentage of 11.93%, then the fourth position is the proposal of DPR together with the Government as much as 48 with a percentage of 8.81%, next is the proposal of DPD together with the government which is equal to the proposal of DPD which is 21 with a percentage of 3.85%, and the last is the proposal of the Government and DPD as much as 1 proposal with a percentage of 0.18%. Prolegnas which is dashing on paper was not able to give a dominant colour to the legislative process. From the quantity aspect, the target bill listed in Prolegnas is always not achieved, even the achievements are not purely from the bill that was originally planned. From the quality aspect, the existence of a list of bills in a Prolegnas does not reflect a planned, integrated and systematic legal politics. Prolegnas is like a wish list, which dominantly highlights the sectoral ego of stakeholders, whether DPR, Government, DPD, or the community. The stakeholders try to include their aspirations bill in Prolegnas without being able to adjust it to the national development policy direction documents, such as RPJMN. This condition is exacerbated by the weak selection process of bills to be included in the Prolegnas, resulting in the formation of an ambitious priority list of bills. The idea of building a quality Prolegnas is actually not new, but it is still relevant, because it has never been seriously realised by the DPR in the three proglegnas periods, from 2015 to the present. The first idea is to increase the time for the formation of legislation at the beginning of the DPR's term. In fact, the House could allocate its first year to focus on the Prolegnas alone, so that the process of creating a legislative planning document through the synchronisation and harmonisation stages can be more comprehensive and in-depth. The additional time would also be beneficial for members of the Legislative Body, especially those who have just taken office, in adapting to their duties. This is based on the classic problem of the unsustainability of the legislative process, which has always been a major challenge in the process of legal development in Indonesia. The new DPR always ignores the results of evaluations conducted by the previous DPR. As a result, everything seems to be running from scratch, just like the first DPR in Indonesia.

The second idea is that in establishing the Prolegnas, it is necessary to first build a vision in compiling legislative priorities. In the process, there needs to be an agreement between the DPR, the Government, and the DPD on one benchmark for determining which bills can support the shared vision to be included in the Prolegnas, and which are not appropriate. That way, the formation of Prolegnas is no longer like accommodating a wish list of bills, which will then only recreate an ambitious Prolegnas, making it unrealistic in its implementation. The vision in the formation of Prolegnas can also be a tool to evaluate the Prolegnas at the end of each year. The annual evaluation is useful to accommodate the latest developments of issues related to a bill. The evaluation process can inform the decision on whether the Prolegnas needs to be adjusted or not.

The last idea is to open the door to broad public participation. Elements of public participation are often overlooked, which has the potential to create an exclusive process in the formation of Prolegnas. The bills included in the Prolegnas will then become laws that will bind all Indonesian people. Therefore, the public has the right as citizens to actively participate in every legislative process. In its implementation, community participation can be realised if there is support from the lawmakers. The support in question is the political will of the DPR, Government, and DPD to open the door to the widest possible public participation. In addition, the process of forming Prolegnas must be widely published and socialised to the public. In addition, there must be an effort to educate the public to be willing and able to actively participate.

Based on the three ideas above, the DPR, Government, and DPD should be able to make breakthroughs in the formation of Prolegnas 2025-2029. It is important that the formation of Prolegnas is carried out not only as a fulfilment of obligations, but is able to get out of previous mistakes. The DPR, Government, and DPD have the option to postpone the ratification of Prolegnas 2025-2029, and extend the synchronisation and harmonisation process, by opening the door to broad public participation. However, if it continues, then an evaluation mechanism must be opened every year for Prolegnas 2025-2029. While specifically for Prolegnas 2025, it must be strictly selected, so that the quantity does not exceed 32 bills. In terms of quality, the bills included in Prolegnas 2025 are those that have urgent content material, either to run the government or protect the human rights of citizens. That way, the process will be more accountable and participatory and able to support the creation of quality Prolegnas in the face of the demands of the current situation.

4.2 STRATEGIC MODEL OF PRIORITY PROGLEGNAS EFFECTIVENESS IN QUALITY ASPECTS

The periodic National Legislation Program (Prolegnas), both in the form of the Medium-Term Prolegnas and Priority Prolegnas, is a legislative planning instrument that aims to ensure the formation of laws in a structured and measurable manner. However, the effectiveness of Prolegnas is often measured from the quantity aspect, i.e. the extent to which the target number of planned bills can be completed within a certain period. From the aforementioned data, it can be seen that the level of bill completion in periodic Prolegnas tends to be low, with an average of only 13-20% of the planned target, of course this is due to the large number of bills included in the Priority Prolegnas causing focus and resources to be divided, not to mention the political situation influenced by the fluctuating political coalition map.

Departing from the quantity aspect described earlier, the effectiveness of the priority Prolegnas also needs to be assessed from a quality perspective. The quality of the laws produced is an important indicator to assess the extent to which Prolegnas is able to produce regulations that are responsive, comprehensive, and able to answer the needs of society. Conformity with Actual Issues The number of bills included in the Priority Prolegnas is not always in accordance with the urgent needs of the community. For example, the Personal Data Protection Bill has long been discussed but has not yet been passed, even though the issue of data privacy is increasingly crucial. Improvement of effectiveness is also required to evaluate Responsiveness Several bills passed, such as the Job Creation Law (Omnibus Law), have drawn controversy because they are considered to involve less public participation and do not fully answer the needs of the community, as a result they were submitted to the Constitutional Court for judicial review because they were considered unconstitutional because they almost eliminated public participation, besides that they also have a social impact, which has drawn protests from the community because they are considered detrimental to certain groups, such as workers and small business people.

The same study on efforts to improve the national legislation is to ensure the depth and completeness of the content material of the Proglegnas Bill which is prioritised. Recommendations to Improve Quality are:

- 1. Increase Public Participation: The process of discussing the bill must be more open and involve substantial public participation.
- 2. Strengthening Academic Papers: Each bill must be supported by an in-depth and comprehensive academic paper.
- 3. Legal Consistency: Ensure that every bill discussed is consistent with the constitution and other laws and regulations.
- 4. Post-Approval Evaluation: Evaluating the implementation of the passed law to ensure its positive impact.

From a quality perspective, the effectiveness of periodic Prolegnas in the formation of laws in Indonesia still needs to be improved. Many of the laws produced are considered less responsive to the needs of the community, lack public participation, and are not always consistent with legal and constitutional principles. To improve the quality of laws produced, improvements are needed in the planning, deliberation and evaluation processes, as well as increased public participation and legal consistency. Thus, Prolegnas can become a more effective tool in producing quality laws that are able to answer the challenges of national development.

The urgency of improving the quality aspect in future Priority National Legislation Programmes (Prolegnas) is crucial, as quality laws not only address the increasingly complex needs of society, but also build public trust in legislative institutions, ensure legal certainty, and encourage sustainable development. With global challenges such as data protection issues, cybercrime, as well as local needs for social justice and political stability, Priority Prolegnas must produce regulations that are responsive, consistent with the constitution, and involve substantial public participation. Quality laws will also improve national competitiveness, attract investment, prevent social conflicts, and meet international standards, ultimately improving the quality of life of the people and Indonesia's reputation in the global arena. Therefore, the focus on quality in the Priority Prolegnas is not only a necessity, but also a strategic step to realise equitable and sustainable legal development.

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From a quality perspective, the effectiveness of periodic Prolegnas in lawmaking in Indonesia still needs to be improved. Many of the laws produced are considered less responsive to the needs of the community, lack public participation, and are not always consistent with legal and constitutional principles. To improve the quality of laws produced, improvements are needed in the planning, deliberation and evaluation processes, as well as increased public participation and legal consistency. Thus, Prolegnas can become a more effective tool in producing quality laws that are able to answer the challenges of national development. The effectiveness of the Priority National Legislation Programme (Prolegnas) in the formation of laws in Indonesia needs to be assessed from two main aspects, namely quantity and quality. From a quantity perspective, Prolegnas still faces challenges in achieving the bill completion target, with an average of only 13-20% of bills successfully passed in one period. This is due to factors such as political dynamics, time constraints, and weak coordination between the DPR and the government. Meanwhile, from a quality perspective, many of the laws produced are considered less responsive to the needs of society, lack public participation, and are not always consistent with legal and constitutional principles. To improve the effectiveness of Priority Legislation in the future, a comprehensive strategy is needed, including agenda simplification, improved coordination, broader public participation, and a focus on the quality of the laws produced. Thus, Prolegnas can be a more effective tool in producing regulations that are not only numerous, but also of high quality, responsive, and able to answer the challenges of national development and improve people's welfare.

To increase the effectiveness of Prolegnas, a paradigm shift in legislative planning is needed, from the quantity to quality approach. The DPR, Government, and DPD must agree on a common vision, actively involve the community, and conduct continuous evaluation of each regulation passed. By implementing the strategic recommendations proposed in this article, future Prolegnas can become a more responsive, accountable, and quality legislative instrument in supporting equitable and sustainable national legal development. Additional Recommendations for Future Research Comparative studies with other countries that have continental legal traditions. Analysis of the social and economic impacts of laws that have been passed through Prolegnas. The use of digital technology in encouraging public participation in the legislative process.

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