

The Right to Be Heard: Minority Participation and Procedural Justice in Indonesian Public Policy-Making

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Abstract

Legal equality may remain incomplete when minority communities are excluded from decisions that directly affect their rights and interests. This article examines minority participation in Indonesian public policy-making through the perspective of procedural justice. The study investigates whether existing consultation mechanisms provide meaningful opportunities for minority communities to influence decisions or merely satisfy formal requirements of administrative procedure. Using a normative and socio-legal approach, the research analyzes constitutional principles, legislative procedures, administrative regulations, selected policy-making processes, and cases involving affected minority groups. The article employs procedural justice concepts including voice, neutrality, respect, and trustworthiness to evaluate the quality of participation. The analysis argues that formal consultation does not necessarily constitute meaningful participation when communities lack timely information, institutional access, adequate representation, or mechanisms through which their objections can influence final decisions. Minority participation may therefore become symbolic rather than substantive. The study proposes a participatory framework requiring early consultation, accessible information, representative engagement, reasoned responses to minority objections, and effective review mechanisms. It concludes that the right to be heard should be understood as a substantive component of equality and minority protection rather than merely an administrative formality. By connecting procedural justice with minority rights, the article demonstrates that fair outcomes depend not only on the content of governmental decisions but also on whether marginalized communities are treated as legitimate participants in the processes through which those decisions are produced.

[Kesetaraan hukum mungkin tetap tidak lengkap ketika komunitas minoritas dikecualikan dari keputusan yang secara langsung memengaruhi hak dan

kepentingan mereka. Artikel ini mengkaji partisipasi minoritas dalam pembuatan kebijakan publik di Indonesia melalui perspektif keadilan prosedural. Studi ini menyelidiki apakah mekanisme konsultasi yang ada memberikan peluang yang berarti bagi komunitas minoritas untuk memengaruhi keputusan atau hanya memenuhi persyaratan formal prosedur administrasi. Dengan menggunakan pendekatan normatif dan sosio-hukum, penelitian ini menganalisis prinsip-prinsip konstitusional, prosedur legislatif, peraturan administrasi, proses pembuatan kebijakan terpilih, dan kasus-kasus yang melibatkan kelompok minoritas yang terdampak. Artikel ini menggunakan konsep keadilan prosedural termasuk suara, netralitas, rasa hormat, dan kepercayaan untuk mengevaluasi kualitas partisipasi. Analisis ini berpendapat bahwa konsultasi formal tidak selalu merupakan partisipasi yang bermakna ketika komunitas kekurangan informasi tepat waktu, akses kelembagaan, representasi yang memadai, atau mekanisme di mana keberatan mereka dapat memengaruhi keputusan akhir. Oleh karena itu, partisipasi minoritas mungkin menjadi simbolis daripada substantif. Studi ini mengusulkan kerangka kerja partisipatif yang membutuhkan konsultasi awal, informasi yang mudah diakses, keterlibatan perwakilan, tanggapan yang beralasan terhadap keberatan minoritas, dan mekanisme peninjauan yang efektif. Kesimpulannya, hak untuk didengar harus dipahami sebagai komponen substantif dari kesetaraan dan perlindungan minoritas, bukan sekadar formalitas administratif. Dengan menghubungkan keadilan prosedural dengan hak-hak minoritas, artikel ini menunjukkan bahwa hasil yang adil tidak hanya bergantung pada isi keputusan pemerintah, tetapi juga pada apakah komunitas yang terpinggirkan diperlakukan sebagai peserta yang sah dalam proses pembuatan keputusan tersebut.]

Keywords: minority participation, procedural justice, public policy, meaningful participation, equality

Introduction

Participation is frequently presented as one of the defining characteristics of democratic government, yet the existence of participatory procedures does not necessarily mean that affected communities possess meaningful political influence. In constitutional democracies, governmental decisions may be formally lawful while remaining procedurally unjust when those most affected have little opportunity to influence the process through which decisions are produced. This problem becomes particularly significant for minority communities because numerical disadvantage may be reproduced institutionally through ordinary decision-making procedures. A majority may participate through established political parties, public institutions, professional organizations, and media networks, while minorities face geographic, linguistic, socioeconomic, cultural, or institutional barriers. The resulting inequality is therefore not necessarily explicit

discrimination. It may arise from the architecture of participation itself. The central concern of this article is consequently not whether minorities are invited to participate, but whether participation provides them with a genuine opportunity to shape governmental decisions that affect their rights and interests.

The constitutional basis for participation in Indonesia is dispersed across several provisions. Article 1(2) of the 1945 Constitution establishes popular sovereignty, while Article 27(1) guarantees equality before the law. Article 28C(2) recognizes the right to participate in efforts to build society, the nation, and the state, and Article 28D(3) protects equal opportunity in government. Article 28F further protects the right to communicate and obtain information. These provisions operate alongside the constitutional principles of openness, accountability, and democratic government. Internationally, Article 25 of the International Covenant on Civil and Political Rights recognizes the right of citizens to participate in the conduct of public affairs, while Human Rights Committee General Comment No. 25 emphasizes that states must provide effective opportunities for participation rather than merely formal political rights (Human Rights Committee 1996). Participation is therefore connected to equality, political agency, freedom of expression, and democratic legitimacy rather than being merely an administrative convenience.

The concept of procedural justice provides a useful theoretical framework for evaluating the quality of participation. Tyler (1990) demonstrates that people's perceptions of fairness are strongly influenced by the procedures through which decisions are made, including whether individuals have an opportunity to express their views, whether authorities act neutrally, whether people are treated respectfully, and whether decision-makers appear trustworthy. Procedural justice is therefore analytically distinct from outcome-based justice. A government may produce an objectively beneficial policy while affected communities perceive the process as illegitimate because they were excluded or ignored. For minority communities, this distinction is especially important because procedural exclusion may reinforce perceptions that state institutions are designed for the majority. The right to be heard consequently becomes a mechanism through which public institutions demonstrate that minorities are recognized as equal participants rather than merely subjects of governmental decisions.

The Indonesian legal framework has developed significantly in response to concerns about public participation in law-making. Constitutional Court Decision No. 91/PUU-XVIII/2020 concerning the Job Creation Law articulated the principle of meaningful participation and identified three essential dimensions: the right to be heard, the right to have views considered, and the right to receive explanations concerning how public input was treated. The principle was subsequently incorporated into Law No. 13 of 2022 amending Law No. 12 of 2011 on the Formation of Laws and Regulations. Recent Indonesian scholarship confirms that this development transformed public participation from a general democratic principle into a more concrete procedural requirement, although implementation

remains inconsistent (Prastyo 2022; Nursetiawan and Ardhanariswari 2023). The legal development is therefore significant, but it raises a further question: whether a participation framework designed for the "public" sufficiently protects communities that possess less political power than the majority.

Previous studies have established several limitations in Indonesian public participation. Wardana, Sukardi, and Salman (2022) demonstrate that public participation is essential to legitimate law-making but may be weakened when legislative procedures fail to adequately incorporate public input. Toloh (2023) similarly argues that regional regulation-making requires stronger participation mechanisms and political commitment to prevent local elites from dominating policy processes. Research concerning online participation also identifies a gap between formal availability of digital channels and their capacity to produce meaningful influence. These studies provide important foundations, but their dominant unit of analysis remains "the public" as a relatively undifferentiated category. This article shifts attention toward minorities by asking whether formally identical participation procedures actually produce equal opportunities for communities that possess unequal resources, representation, and institutional access.

The article contributes to the literature in three ways. First, it conceptualizes meaningful participation as an equality issue, not simply a transparency requirement. Second, it develops a minority-sensitive interpretation of procedural justice by combining the principles of voice, neutrality, respect, and trustworthiness with additional concerns concerning representation, accessibility, and protection against retaliation. Third, it proposes an analytical distinction between procedural inclusion and substantive responsiveness. A community may be present at a consultation while remaining excluded from actual influence over the final decision. Meaningful participation therefore requires both access to the process and evidence that public input entered governmental reasoning. This approach responds to the concern that participation can become symbolic when institutions invite comments but retain unrestricted discretion to disregard them without explanation.

The study employs a normative and socio-legal methodology. The normative component examines the 1945 Constitution, Law No. 12 of 2011 as amended by Law No. 13 of 2022, Law No. 30 of 2014 on Government Administration, relevant environmental and local-government legislation, international human-rights instruments, and Constitutional Court decisions. The socio-legal component engages with scholarship on procedural justice, deliberative democracy, participatory governance, minority rights, and Indonesian law-making practices. The analysis is organized around four dimensions: access, voice, responsiveness, and reviewability. Access concerns whether minorities can obtain information and enter decision-making processes; voice concerns whether they can communicate their interests; responsiveness examines whether authorities must consider and

answer their input; and reviewability concerns whether procedural failures can be challenged through administrative, judicial, or constitutional mechanisms.

Results and Discussion

1. From Formal Participation to Meaningful Participation

The first finding is that Indonesian law has moved from a relatively general concept of public participation toward a more substantive understanding of meaningful participation. Constitutional Court Decision No. 91/PUU-XVIII/2020 is central to this development because it connected procedural defects in law-making with constitutional legitimacy. The Court did not treat public participation merely as an optional democratic virtue but as a relevant component of constitutionally proper legislative procedure. The subsequent amendment through Law No. 13 of 2022 strengthened this framework by expressly regulating public participation in legislative formation. Scholarly assessments confirm that the framework requires the public to be heard, considered, and provided with explanations concerning their input (Prastyo 2022; Ticoalu and Haqq 2024). This represents a significant conceptual shift because the quality of legislation is now connected not only to substantive constitutional review but also to the legitimacy of the process through which the legislation is created.

Nevertheless, the legal recognition of meaningful participation does not by itself guarantee substantive influence. Participation can remain formal when consultation occurs after fundamental policy choices have already been made. If draft legislation is presented to communities only after the main political agreement has been reached, the opportunity to speak may exist without a corresponding opportunity to shape the decision. This distinction reflects the broader literature on participation. Arnstein's (1969) participation ladder demonstrates that consultation can constitute a low level of participation when authorities retain control over the decision. Fung (2006) similarly argues that participatory institutions must be evaluated according to who participates, how participants communicate, and how participation connects to governmental authority. Meaningful participation therefore depends on institutional design rather than simply the existence of hearings.

The distinction between being heard and being influential is especially important for minorities. Majority communities often possess multiple channels through which political preferences can be expressed, including electoral representation, media access, professional associations, and established civil-society organizations. Minority communities may have fewer such channels. A procedural system that treats every participant identically can therefore reproduce inequality because identical opportunities do not compensate for unequal capacity to use those opportunities. Fraser's (1990) analysis of public spheres demonstrates that marginalized groups may require alternative spaces to formulate and express their interests before they can participate effectively in broader public deliberation.

Procedural equality should therefore account for structural differences in communicative power.

Meaningful participation consequently requires a temporal dimension. Consultation must occur sufficiently early for public input to influence the substance of a policy. It also requires continuity, because affected communities may need repeated engagement as policy proposals evolve. Early access to draft materials, explanatory documents, impact assessments, and alternative policy options is therefore essential. Without such information, participation becomes reactive rather than deliberative. The principle of transparency is not simply a separate administrative value; it is a precondition for meaningful voice. The Human Rights Committee has emphasized the importance of free communication of information and ideas concerning public affairs for effective participation (Human Rights Committee 1996). Indonesian participation mechanisms should therefore treat timely information as part of the right to participate itself.

2. Procedural Justice and the Right to Be Heard

The concept of voice is central to procedural justice because people are more likely to perceive institutions as legitimate when they are given an opportunity to explain their interests and circumstances before decisions are made. Tyler (1990) identifies voice as one of the principal features shaping perceptions of procedural fairness. Voice does not necessarily mean that the participant must obtain the preferred outcome. Rather, it means that decision-makers must genuinely listen before exercising authority. This distinction is particularly important in public policy-making, where disagreement is inevitable. A minority community cannot reasonably expect every policy preference to prevail, but it can legitimately expect its concerns to enter the decision-making process in a serious and intelligible manner.

The right to be heard also has a constitutional dimension because public decisions frequently affect rights that are unevenly distributed across society. Environmental permits, spatial planning, religious regulation, educational policies, infrastructure development, and natural-resource decisions may have disproportionate consequences for minority communities. Research on environmental participation in Indonesia demonstrates that participation is particularly important when government decisions affect communities' environmental and economic rights (Mulyana and Kurniati 2024). Similar reasoning applies beyond environmental law. Where a decision has concentrated effects on a particular minority, the government should provide stronger procedural safeguards because the costs of exclusion are disproportionately borne by that group.

Neutrality is the second element of procedural justice. Neutrality requires decision-makers to apply consistent criteria and to demonstrate that decisions are based on reasons rather than political favoritism. For minorities, neutrality is particularly important because majority preferences can easily become disguised

as neutral public interests. Concepts such as "public order," "social harmony," "development," "national interest," or "community aspiration" may appear neutral while reflecting the preferences of dominant groups. Procedural justice therefore requires decision-makers to disclose the reasons supporting a policy and demonstrate how competing interests were weighed. A neutral procedure does not mean treating every interest as identical; it means applying publicly defensible reasons without privileging a group merely because it possesses greater political power.

Respect constitutes a third dimension. Participation is undermined when minority communities are treated as obstacles to development, irrational actors, or special-interest groups whose concerns can be dismissed without engagement. Respectful treatment requires government officials to recognize participants as legitimate members of the political community. This principle has particular significance for communities whose cultural, linguistic, or religious practices differ from those of the majority. Respect may require interpretation services, culturally appropriate consultation, accessible meeting locations, or alternative forms of communication. Such measures are not preferential privileges. They may be necessary to make formally equal participation substantively accessible.

Trustworthiness completes the procedural justice framework. Public trust is influenced by whether institutions demonstrate consistency between their stated commitments and actual behavior. If governments repeatedly invite minority communities to consultations while ignoring their objections, participation mechanisms may lose credibility. Communities may rationally conclude that consultation is symbolic and withdraw from future processes. This produces a self-reinforcing cycle: weak institutional responsiveness reduces participation, declining participation is then interpreted as lack of public interest, and policy-makers face fewer pressures to improve participation. Procedural justice therefore requires institutional feedback mechanisms demonstrating that participation has consequences even when the final policy does not adopt every minority demand.

3. Minority Participation and Structural Inequality

A central argument of this article is that "the public" should not be treated as a homogeneous participant category. Participation procedures operate within unequal social structures. Habermas's theory of deliberative democracy emphasizes the importance of communicative processes through which social interests enter formal political institutions (Habermas 1996). Yet deliberation can be distorted when some groups possess substantially greater communicative resources than others. Young (2000) similarly argues that democratic inclusion requires sensitivity to differences in social position and communicative style. For minority communities, equality therefore requires more than an invitation to participate in the same institutional setting as everyone else. It requires addressing structural barriers that make participation less effective for some groups.

Representation is one such barrier. Government consultation often relies upon representatives of organized civil society, professional associations, or local government. Yet minority communities may not have formal organizations recognized by the state. Their interests may be represented by customary leaders, religious leaders, community elders, women's groups, youth organizations, or informal networks. Choosing only institutionally recognized representatives may therefore reproduce administrative bias. Representation should be assessed according to legitimacy within the affected community, not merely legal registration. This is particularly important where internal diversity exists within minorities. A customary leader may represent a community collectively while failing to adequately represent women, youth, persons with disabilities, or economically marginalized members.

Socioeconomic inequality further affects participation. Meaningful participation may require travel, internet access, time away from work, legal expertise, and the ability to interpret complex policy documents. These costs are rarely distributed equally. A corporation may employ lawyers and consultants to analyze a proposed regulation, whereas an affected village may have only a few days to understand hundreds of pages of technical material. Treating both sides as formally equal participants can therefore conceal substantial power differences. Participatory procedures should include mechanisms for reducing these disparities, such as accessible summaries, public-interest legal assistance, translation, reasonable consultation periods, and independent facilitation.

Digital participation creates both opportunities and new forms of exclusion. Online consultation can reduce geographical barriers and allow communities to submit comments without traveling to Jakarta or provincial capitals. However, digital participation depends on connectivity, digital literacy, language, and institutional responsiveness. Online portals are therefore not automatically democratic. They can reproduce exclusion when documents are technically available but difficult to locate, written in inaccessible legal language, or accompanied by no mechanism for receiving responses. Indonesian research on online legislative participation similarly identifies the need for stronger institutional mechanisms to translate digital access into meaningful influence (Soeprapto 2024). Digitalization should consequently supplement, not replace, accessible offline participation.

Minority participation also requires protection against retaliation and stigmatization. Communities that oppose major infrastructure projects, religious policies, mining operations, or local regulations may face social pressure or institutional consequences. A participation system cannot be considered fair if speaking creates unreasonable risks. The principle of free expression in public affairs presupposes that citizens can communicate political views without improper interference. International human-rights standards connect political participation with freedom of expression, association, and assembly (Human Rights Committee 1996). Indonesian public policy-making should therefore consider procedural

safeguards against intimidation, discriminatory treatment, or exclusion from subsequent governmental processes because of prior criticism.

4. Meaningful Participation in Legislative and Administrative Policy-Making

The Indonesian framework for legislative participation is relatively developed following the constitutional jurisprudence of the Constitutional Court and Law No. 13 of 2022. However, implementation remains uneven. Studies of the Job Creation Law process demonstrate that the formal recognition of meaningful participation has not eliminated concerns about transparency, access to drafts, consultation timing, and responsiveness (Wardana, Sukardi, and Salman 2022; Mochtar et al. 2025). This suggests that the principal challenge has shifted from normative recognition to institutionalization. The question is no longer whether the public has a right to participate, but what procedural indicators can demonstrate that participation was meaningful. Without measurable standards, government institutions may claim compliance merely because a consultation meeting occurred.

The "right to be considered" is particularly important because it creates a bridge between participation and substantive responsiveness. If authorities are legally required only to hear opinions, they may treat consultation as information gathering. If they must consider the views presented, the burden becomes more demanding. Decision-makers should identify significant concerns, explain their assessment, and provide reasons for accepting or rejecting major proposals. This does not transform public consultation into a referendum. Representative institutions retain authority to make policy choices. However, their discretion becomes procedurally accountable because they must demonstrate that affected communities were not ignored. Meaningful participation thus preserves representative democracy while imposing reason-giving obligations on public institutions.

The "right to be explained" is equally important. Government decisions frequently involve competing interests, meaning that not every proposal can be accepted. A minority community may therefore receive a legitimate negative answer if the government provides an adequate explanation based on constitutional and policy considerations. Explanation transforms disagreement from a sign of exclusion into a potentially legitimate outcome of democratic deliberation. Without explanation, however, rejection may appear arbitrary. The obligation to provide reasons also creates a record that can be reviewed by courts, legislatures, oversight institutions, and civil society. It therefore connects participation with accountability and reviewability.

The importance of this principle extends beyond national legislation to administrative and local policy-making. Regional regulations, spatial plans, environmental decisions, licensing frameworks, and development policies can have immediate consequences for minority communities. Toloh (2023) argues that meaningful participation in regional regulation requires mechanisms capable of

involving vulnerable groups and local civil society. Similarly, research on environmental decision-making demonstrates that formal consultation can become ineffective when communities cannot influence the final decision (Azhar and Mardhatillah 2023). The implication is that meaningful participation should be treated as a general principle of public governance rather than a specialized requirement applicable only to national legislation.

Environmental policy offers an especially important illustration. Environmental impact assessment procedures traditionally recognize public involvement because development projects can impose concentrated risks on affected communities. Indonesian scholarship has found continuing problems concerning who qualifies as an affected participant, the timing of participation, and the degree to which public input affects decisions (Mulyana and Kurniati 2024; Sisma et al. 2025). These problems demonstrate why procedural justice cannot be reduced to attendance. A community may attend a public hearing but remain unable to influence project design, mitigation measures, or the final approval. Meaningful participation requires institutional pathways through which public concerns can modify policy alternatives before decisions become irreversible.

5. The Risk of Majoritarian Capture

Minority participation is ultimately a problem of power. Democratic majorities legitimately possess electoral authority, but majoritarian decision-making becomes problematic when numerical superiority is translated into unrestricted control over the procedures through which minorities exercise constitutional rights. The danger is particularly acute in local policy-making, where social majorities may be closely connected to political elites and administrative institutions. A policy can therefore emerge from apparently democratic consultation while disproportionately burdening a minority group. Procedural justice offers a way to identify this problem because it examines whether the process allowed minorities to participate on conditions sufficiently fair to justify the resulting exercise of public power.

The danger of majoritarian capture is visible in policy areas where "community approval" or "public acceptance" becomes a prerequisite for minority rights. A minority community may be legally entitled to worship, establish a school, maintain cultural practices, or access public resources, yet face resistance because a majority claims that its preferences represent community harmony. If the government treats majority approval as an independent legal requirement, it can effectively convert numerical dominance into a veto. This is inconsistent with constitutional equality because fundamental rights cannot ordinarily depend solely on the approval of those who outnumber the rights-holder. Procedural participation should therefore enable competing interests to be heard without transforming majority sentiment into an automatic legal standard.

The same problem can occur in development policy. Infrastructure, mining, tourism, conservation, and urban-planning decisions may create benefits for the majority while concentrating costs on specific communities. If public consultation

is assessed by the number of participants rather than the distribution of impacts, the majority can overwhelm minority interests numerically. Procedural justice requires greater attention to affectedness. Those who bear concentrated burdens should have stronger opportunities to participate because the consequences of exclusion are more significant. This principle does not require the government to always adopt the minority position. It requires the government to demonstrate that minority interests received serious and reasoned consideration.

Constitutional review can provide an important safeguard against majoritarian capture. The Constitutional Court's meaningful-participation jurisprudence demonstrates that procedural defects may have constitutional significance. Formal review of legislation should therefore consider whether participation requirements were genuinely satisfied, particularly where affected communities were excluded from important stages of policy development. Administrative courts and other review institutions can perform a similar function with respect to subordinate regulations and governmental decisions. Review should focus not merely on whether a consultation was held but whether the process provided reasonable access, adequate information, genuine opportunity for influence, and reasoned institutional response.

The principle of proportionality can further structure this review. When public policy pursues legitimate objectives but burdens minority interests, decision-makers should identify the objective, demonstrate the suitability and necessity of the measure, and weigh the benefits against the rights and interests affected. Meaningful participation improves proportionality because affected communities often possess information that government institutions lack. Participation is therefore not only a democratic value but also an epistemic resource. Minority communities may identify cultural, environmental, social, or economic consequences that are invisible in technical assessments. Including them can improve the quality of governmental decisions while simultaneously strengthening their legitimacy.

6. Toward a Minority-Sensitive Model of Procedural Justice

The analysis supports a five-element model of minority-sensitive meaningful participation: early access, inclusive voice, reasoned consideration, institutional respect, and effective review. Early access requires participation before fundamental policy choices become irreversible. Inclusive voice requires accessible procedures and representative mechanisms that account for socioeconomic, geographical, linguistic, cultural, and technological barriers. Reasoned consideration requires decision-makers to explain how significant public inputs influenced the policy. Institutional respect requires participants to be treated as legitimate political actors rather than obstacles. Effective review requires accessible mechanisms through which procedural failures can be challenged. Together, these elements transform participation from an event into a continuing chain of institutional obligations.

The first reform should be to establish minimum participation standards across different policy sectors. Law-making, administrative rule-making, spatial planning, environmental approvals, and local regulations currently operate through partially different procedural frameworks. This fragmentation can create uncertainty concerning when minority participation is required and what constitutes sufficient engagement. A general framework could establish minimum standards while allowing sector-specific adaptations. Such standards should include publication of draft policies, adequate consultation periods, accessible explanatory materials, targeted outreach to affected minorities, documented responses to significant submissions, and publication of final reasons. This would make meaningful participation more measurable and reduce the risk that institutions equate procedural compliance with democratic legitimacy.

Second, representation should become more inclusive. Public institutions should not assume that a single representative can speak for an entire minority community. Consultation mechanisms should allow participation by different constituencies within minority groups, particularly women, youth, persons with disabilities, and economically marginalized members. Where communities have distinctive customary, religious, or cultural governance structures, these structures should be respected while ensuring that participation does not reproduce internal exclusion. The goal is not to impose an identical organizational model on every minority group but to ensure that the voices included in public policy-making correspond meaningfully to those affected by the decision.

Third, government institutions should institutionalize a reason-giving duty. Consultation reports should identify major concerns raised by participants and explain whether they were accepted, modified, or rejected. Where an objection is rejected, the institution should state the legal, factual, or policy reasons supporting the decision. This mechanism would operationalize the "right to be explained" recognized in Indonesian meaningful-participation jurisprudence. It would also create an evidentiary record for judicial review. Reason-giving is therefore simultaneously a participation mechanism, an accountability mechanism, and an anti-arbitrariness safeguard.

Fourth, participation should be connected to remedies. A right without a remedy risks becoming symbolic. Communities should have access to administrative objections, public-information mechanisms, ombudsman review, judicial review, and constitutional litigation where appropriate. Courts should be capable of examining whether participation was genuinely meaningful, particularly when procedural defects may have affected the substance of the decision. This does not require courts to substitute their policy preferences for those of elected institutions. Rather, judicial review should ensure that government exercised its authority through constitutionally adequate procedures. Procedural review can therefore protect democratic institutions rather than undermine them.

Conclusion

This article has argued that the right to participate in public policy-making should be understood as a substantive component of equality and minority protection. Indonesia has made significant normative progress through Constitutional Court Decision No. 91/PUU-XVIII/2020 and Law No. 13 of 2022, which established the principle of meaningful participation and its core requirements of hearing, consideration, and explanation. Nevertheless, formal participation remains insufficient when minorities lack timely information, institutional access, adequate representation, or mechanisms through which their concerns can influence governmental reasoning. Procedural justice demonstrates why the quality of a decision cannot be separated from the fairness of the process through which it is produced. For minorities, the right to be heard is therefore not merely an opportunity to speak; it is recognition that they are legitimate participants in the political community.

The article proposes a minority-sensitive model based on early access, inclusive voice, reasoned consideration, institutional respect, and effective review. Future research should empirically test these indicators across national legislation, regional regulations, environmental approvals, spatial planning, religious policy, and development projects affecting minority communities. Comparative research could also examine how Indonesia's meaningful-participation framework relates to international models of participatory and deliberative democracy. Particular attention should be given to communities whose political influence is limited by geography, socioeconomic disadvantage, cultural difference, or numerical minority status. Ultimately, democratic legitimacy should not be measured solely by whether a policy was approved through formally authorized institutions. It should also be assessed by whether those most affected were given a fair opportunity to participate, whether their concerns were seriously considered, and whether public authorities could explain why the final decision was justified.

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