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Model of Public Participation in Formation of Good Local Regulation in East Kalimantan Province

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Abstract

The Local regulation is a part of the legislation. According to Maria Farida Indrati in the science and legal theory study, there are at least 4 (four) requirements for qualifying of good regulation such as juridical, sociological, philosophical, and technical requirements. Since the era of regional autonomy marked by the establishment of the Law No. 22 of 1999 on the Local Government till to the Law No. 32 of 2004 on the Local Government and to the issuance of the Law No. 23 of 2014 on the Local Government, the regional government has issued various local regulations as a form of implementation of the regional authority. However, in line with government spirit of creating the local regulations, there are a few of local regulations considered to create a problem and arise the resentment through the society. One of the factors is the local regulation made by the local government is not made by applying public participation. Eventhough in the formation process, the public participation has been done through public consultation, but the legal product produced is still bias with the needs of society. This study was based on the academic research with ansing some problems such as (1) The Regulation on Public Participation in Local Regulation Formation Process; (2) The Implementation of Public Participation Model in Local Regulation in East Kalimantan. **The method** of the research was socio legal research. **The result of the research** was (1) the regulation of the public participation in the formation of the local regulation has been begun since the establishment of the Law No. 10 of 2004 on the Local Government and replaced by the Law No. 32 of 2004 of the Local Government. The existing regulation has given the legal certainty and provided a proportional space to the society for participating in the formation of local regulation in order to ensure that there will be the good and participatory local regulation in East Kalimantan Province; (2) In term of implementation of the local regulation in East Kalimantan Province, it can be seen in 4 (four) perspectives for instance: (a) the form of participation; (b) the level of participation; (c) the voluntary participation degree; and (d) the participation typology.

Key Words: public participation, local regulation, and local regulation formation.

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