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The Use of the Concept of Regulatory Impact Assessment to Prevent the Practice of Autocratic Legalism in the Process of Legislative Formation in Indonesia

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Abstract

The formation of laws and regulations in Indonesia in recent years has raised concerns regarding the rise of autocratic legalism—a practice where law is used as a tool to legitimize undemocratic power, often sidelining public participation and weakening checks and balances. This study aims to analyze the potential of applying the Regulatory Impact Assessment (RIA) framework as a means to prevent such practices in the legislative process. Using a normative juridical method with a conceptual and statutory approach, this research examines the alignment between current legislative mechanisms in Indonesia and the principles of RIA. The findings show that the absence of comprehensive stages such as policy option analysis, cost-benefit evaluation, and public consultation in Indonesia's law-making process facilitates the emergence of autocratic legalism. By adopting RIA systematically, transparency, accountability, and inclusivity in the formation of legislation can be enhanced, thus safeguarding democratic governance and public interest.

Keywords: Autocratic Legalism, Regulatory Impact Assessment, Legislative Process.

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INTRODUCTION

A government in running its government is always faced with policy choices that will be implemented. The policy choices are then translated into regulations, so that their implementation has a legal basis so that it can be carried out properly. In the process of translating public policies to be implemented through the formation of a regulation, a process is needed that has also been regulated in law. Policy formation through the formation of laws in particular has a process that must go through the authority to discuss laws between the government and the legislature.

Law Number 12 of 2011 concerning the Formation of Legislation, as amended by Law Number 15 of 2019 and the second amendment by Law Number 13 of 2022, regulates systematically the procedures for the formation of laws and regulations. The legislative process is interpreted as a series of formal stages in formulating legal regulations, which include: (1) Planning the Bill through the National Legislation Program (Prolegnas), (2) Drafting the Bill, (3) Institutional discussion of the Bill, (4) Ratification of the Bill into law, (5) Enactment in the State Gazette, and (6) Official enactment of the law (Syamsuddin, 2014).

Academically, the process of drafting a law is accompanied by the existence of an academic paper, but in the preparation of the academic paper, the form and content are not required or the determination is not formalized or in other words, the preparation of the academic paper, despite opposition, does not affect the drafting of the law. In addition, nowadays there is a phenomenon that the formation of laws often receives rejection from the wider community, generally the reason is that the laws formed do not think about the social conditions of the community, do not pay attention to the welfare of workers and do not pay attention to environmental aspects.

We can see the rejection of the formation of the law at the time of the ratification of the amendment to the Corruption Eradication Commission Law, the ratification of the Law on the Criminal Code, besides that the formation of the Job Creation Law also tends not to pay attention to the rules and concepts of the formation of existing laws and regulations which are carried out in a short time even though the situation is in a covid pandemic, besides that Article 174 of the Job Creation Law is said to take over the authority of local governments and make the concentration of power in the president even greater (Hadinatha, 2022). In addition, in the formation of the National Capital City Law, which according to many parties did not pay attention to environmental aspects.

In addition, there were also changes to financial policies that were rejected by the public. It is believed that the tendency in the formation of laws that were full of problems and received rejection from the public was because during this period there was no separation between the executive and legislative branches of power. Such a relationship resulted in the two branches of power tending to compromise (Mochtar & Rishan, 2022). This condition is also said by Herlambang P. Wiratraman as a symptom of autocracy, namely when the power of the legislative power is not followed by resistance from the executive power, so that it shows the fullness of authoritarianism. The symptoms of autocracy when examined further will be found in the term autocratic legalism (Wiratraman, 2022).

In general, the term autocratic legalism refers to people who hold power in the executive and legislative branches - in some cases the judiciary - utilizing the sovereignty of the people to vote for bad effects or things that depart from the principles of constitutionalism, through hidden means and acting or taking cover behind (in the name of) the law (Mochtar & Rishan, 2022). This situation has resulted in the community tending not to be a consideration for the government in making laws, in fact the Constitutional Court mentioned in its decision on the formal test of the Job Creation Law that such legislative practices make meaningful public participation neglected. For this reason, a new concept is needed that can prevent the government and the legislative body from continuing practices that do not provide the public with the opportunity to participate or at least the policies outlined in a law can be truly aimed at the wider community.

Regulatory Impact Assessment (RIA), also referred to as Regulatory Impact Analysis, is a structured analytical tool employed during the drafting of regulations, which fundamentally integrates the sequential steps necessary for regulatory formulation. This technique represents a form of policy analysis grounded in the applied social sciences, incorporating a variety of research methodologies and logical reasoning to produce and convey policy-relevant knowledge. Such

knowledge is intended to inform political decision-making processes for the purpose of resolving policy-related issues (Dunn, 2000). Accordingly, this paper seeks to examine the implementation of Regulatory Impact Assessment principles as a mechanism to prevent the emergence of autocratic legalism within Indonesia's legislative development process.

METHODS

The research method used to find solutions to the discussion later is normative juridical with the nature of analytical descriptive research intended to provide a description of existing laws and considered as living norms with systematic and descriptive analysis to answer problems arising from the use of regulatory impact assessment (Pratama & Apriani, 2023). The approach used is conceptual and legislation briefly trying to explain the regulatory impact assessment with the concept of applicable law in Indonesia, especially from positive law, so that later utilizing secondary data sources consisting of primary, secondary and tertiary legal materials (S et al., 2025). The data collection technique is quite simple, namely utilizing literature studies and later the data is processed by classifying the research topic (S et al., 2024).

RESULTS & DISCUSSION

Results

Autocratic Legalism

Autocratic legalism is an autocratic attitude that in carrying out its agenda, uses the law to legitimize its actions. Kim Lane Schepple argues that to recognize the early symptoms of autocratic legalism, you can find out by seeing someone who has been elected through democracy attacking institutions that have the potential to supervise him when running the government later (Scheppele, 2018). Autocratic legalism utilizes constitutional democracy to fulfill its interests. In more detail, citing Corrales, Zainal Arifin Mochtar and Eid Rishan pointed out that, in practice, these symptoms can be recognized at least by paying attention to signs such as: (1) the co-optation of the ruling party in the parliament, (2) the violations of the law and constitution, (3) the undermined judicial independence (Hadinatha, 2022).

Autocratic legalism utilizes constitutional democracy to realize the interests of those in power. It can start by seeking no meaningful opposition in parliament that can balance the power of those with conflicting interests. Secondly, laws are generally made to benefit the political interests of certain groups while ignoring the interests of the public at large. The last sign is to disrupt the institution of judicial power through the turnover of judges, non-transparent selection and not limiting the term of office of judges with the aim that sitting judges can be directly influenced by these policies.

If the concept of authoritarianism ignores legal authority as part of carrying out its activities without rules, autocratic legalism actually uses the law so that its actions appear to have a constitutional basis. Basak Cali said that "legalist autocratic regimes do not routinely resort to brute force (although that is not completely out of the question), but predominantly leverage the power of law and legal institutions to persue their agendas" (Çali, 2021). So in classifying a country

as having practiced autocratic legalism by its government is basically not easy. In addition to the government being controlled by using existing laws. There are also groups that will defend these interests.

Autocratic legalism in another understanding is known as the act of imposing interests beyond the will, wishes and needs of citizens. Following this view, the process of forming a law (UU) that is fast, plus done without sufficient deliberation, or all things that are not in line with the wishes of citizens, means that it can be categorized as legal autocracy. Another thing that is also beyond the needs of the people is the design of a person to occupy a strategic position for a long time, while the door to rotation is trying to be closed. One example of this is by manipulating executive tenure.

In this regard, Andre Cassani says, "autocratization through the manipulation of executive term limits is the process by which incumbents weaken executive limits, so that there is no contestation affecting the possibility of citizens to choose who is in power again, with the aim of not leaving office"(Cassani, 2020). When viewed from a broad angle, illiberal democracy, autocratic legalism, abusive constitutionalism and legalist autocracy all want those who are elected through democratic means, when running their government, to make various policies that have the potential to deprive citizens of basic rights as rejected by liberalism. In fact, not only do they have the potential to do so, but they ignore the principle of the limits of power while depriving people of their basic rights (Glatz, 2024). Based on the above understanding, autorcratic legalism is considered dangerous for a democratic state that upholds the basic rights of the people in the midst of the state, because not only do they lose their basic rights as human beings slowly by laws that are considered correct.

Regulatory Impact Assessment Concept

Regulatory Impact Assessment (RIA) is an analytical document prepared before a government regulation is implemented. In addition, RIA also serves as an evaluative instrument for regulations that have been in effect, in order to review the possibility of adjustments to be in line with the development of current conditions. The main objective of implementing RIA is to provide a systematic and detailed study of the potential impact of a new regulation, in order to assess the extent to which the policy is able to achieve the predetermined goals.

The need for RIA is driven by the fact that a regulation can have various implications, which are often difficult to predict without in-depth study and involvement of affected stakeholders. Historically, RIA first developed as a public policy tool that was widely adopted by OECD member countries - an international organization of 30 countries with a commitment to the principles of representative democracy and free market economy (Satria, 2015).

In practice, RIA assesses the benefits, costs, and various consequences of new or revised regulations. Through an empirical data-based approach and a comprehensive analytical framework, RIA provides the information support needed by policy makers to evaluate policy alternatives and their impacts. Thus, RIA plays a role in identifying the root of the problem precisely, while ensuring that government intervention is proportional and has strong policy legitimacy.

To simplify the description of the use of RIA, basically RIA consists of several principles, namely the Principle of Neutrality in Competition based on the

view that free markets from government intervention provide the best results for consumers and producers compared to markets regulated by government policy mechanisms, the Principle of Minimum Effective Regulatory Needs emphasizes that the government should only issue regulations for things that cannot be achieved in other ways than issuing regulations, the Principle of Transparency Participation is a reflection of democratic culture which emphasizes that the process of formulating a regulation must pay attention to the aspirations of the community, and finally the Principle of Cost-Benefit Effectiveness can also improve the level of public trust in the government.

Discussion

The current condition of Indonesia under the leadership of the President-elect for the 2019-2024 period, can be said that there is no separation between the executive and legislative branches of power. The relationship is such that the two branches of power tend to compromise (Mochtar & Rishan, 2022). Saldi Isra warned that if the majority of political parties in parliament are not different from the President's political parties or most of the political parties in parliament support the President, then in practice the presidential system will easily be trapped in the vortex of authoritarian rule (Isra, 2016).

In recent years, there have been many law-making processes that have been met with great resistance from the public. Starting from processes that tend to only fulfill existing legal formalities. Some of them are the formation of Law Number 3 of 2022 concerning the National Capital City, especially Article 1 numbers 9, 10, and 11, in which there is an IKN authority. Regulating the Period of Office of the Head of the National Capital Authority (Otorita IKNus) Apart from the problem of the conception of the IKNus Authority itself, the matter of the tenure of the person who holds power as the head and deputy head of the IKNus Authority is part of something that shows the operation of autocratic legalism.

Referring to Article 1 numbers 9, 10, and 11, the IKNus Authority is a Special Regional Government in charge of preparing, developing, and moving, as well as organizing the Special Regional Government of the Capital City of the Archipelago, which is carried out by the Head and Deputy Head of the IKNus Authority. Unlike the heads of other special regional governments, where the highest leaders are known as Governors and Deputy Governors, and the method of appointment is through elections, Law 3/2022 does not recognize these common terms. Law 3/2022 designed that the government of the IKNus special region is held by the Head and Deputy Head of the IKNus Authority, who are appointed by the President after consulting with the DPR.

Indonesia's constitutional experience has seen a President serve more than two terms. This can at least be traced from the wording of Article 7 of the 1945 Constitution, “The President and Vice President shall hold office for five years, after which they may be re-elected”. Looking at the stretch of history, there have been facts showing that, as a result of the lack of clarity regarding the period limit, a person sat on the seat of the President for more than two periods. This formulation of Article 7 of the 1945 Constitution, for Saldi Isra, was used as the basis of argumentation to appoint Soekarno as President for life and Soeharto was appointed President for seven periods (1968-1998). Hence, in order to avoid similar practices, the 1945 Constitution expressly regulates the limits of the President's term of office.

Comparing the substance of Article 7 of the 1945 Constitution and Article 10 paragraph (1) of Law 3/2022, both do not explicitly mention the periodization of the term of office. Therefore, the potential to hold office like the Soekarno and Soeharto eras is not closed to the possibility of applying. The normative absence of periodization for the Head of the IKNus Authority opens the door to autocratic legalism. As explained earlier, this understanding tends to direct a person to stay in office for a long time. The absence of clear periodization in Article 10 paragraph (1) of Law 3/2022 means that the Head of the IKNus Authority can be held by the same person without any period limit.

Although it is not easy, there are signs that can be noticed to determine autocratic legalism, including 1) Cooptation of the ruling party in parliament, 2) Law is used to legitimize the desire for unilateral power, 3) Disrupting the independence of the judiciary. Therefore, the symptoms of autocratic legalism in Indonesia are identified based on these three points. First, the co-optation of the ruling party in parliament is related to the lack of opposition in parliament. The presence of the opposition plays a central role in a policy so that a comprehensive policy can be created and minimize errors, emphasizing that the contextualization of the opposition in the sustainability of democracy should be generalized in the existing reality, so that it can be understood that the government and members of parliament who are outside the government can walk together to always control each other's performance (Noor, 2018).

One of the law-making in Indonesia that is full of problems and is in the spotlight is the enactment of the Job Creation Law during the administration of President Joko Widodo and his deputy Ma'ruf Amin, which can be said to have no line of demarcation between the executive and legislative branches. The president has a strong grip on the ruling party and the majority in parliament. In the formation of the Job Creation Law, the Social Justice Party (PKS) was the only opposition party, this was because the Democratic Party voted for or against the Job Creation Law. This makes the President supported by more than 80 percent of legislators (Mochtar & Rishan, 2022).

The Job Creation Law was formed using a method that previously did not exist in the Indonesian law-making system called the Omnibus Law. The use of the Omnibus Law method aims as a policy to cut many norms that are considered to be behind the times and produce losses from the state's interests. In addition, the presence of the Job Creation Law is also to improve the investment climate in Indonesia (Sutrisno & Poerana, 2020). The Job Creation Law tries to compile and integrate 79 laws, but the majority of the laws that are integrated differ in principle. The second is using the law to legitimize one-sided power desires. This sign relates to laws that are made to benefit certain political actors and on the other hand harm the public at large (Hadinatha, 2022).

As democracy shrinks in many countries, autocratic legalism relies on vague legal provisions and weak judicial review to circumvent constitutional limits on their authority. Scheppele cites the case of autocratic legalism in Russia, where the Russian constitution was amended and regional heads were no longer elected, but appointed directly by the President from his confidants in order to consolidate his power. In Indonesia, the case that can be called almost close to what Scheppele exemplifies and as a symptom of autocratic legalism is in the provisions of the

centralization design of regional government affairs in the hands of the President in the Job Creation Law in Article 174. The provision of taking over the authority of local governments is a way to make the President's power even greater. In other laws, it can be seen in Law Number 3 of 2022 concerning the National Capital City (IKN Law). Apart from the problem of the conception of the Nusantara Capital City Authority (Otorita IKNus) itself, the tenure of the person who holds power as head and deputy head of the IKNus Authority is part of something that shows the operation of autocratic legalism.

Third, the last sign of disruption of the judiciary can be seen in the judicial power, through changes in the composition of judges, non-transparent selection, and not limiting the term of office of judges (Hadinatha, 2022). This third mark is basically the most decisive of all the other marks. Because this discussion is directed at the formation of laws, the judicial power referred to in this discussion is that attached to the Constitutional Court. The Constitutional Court is not free from disturbances related to the granting of the formal test of the Job Creation Law.

The disturbance is in the form of replacing Judge Aswanto because he is considered to have often written laws formed by the DPR, in addition to Judge Aswanto being a Constitutional Court Judge who was selected and elected by the DPR. In fact, the logic of the dismissal does not exist by the Constitution, because the DPR is only given the authority to propose Constitutional Judges, not dismiss them. By regulation, the dismissal carried out by the DPR has no legal basis that can justify the decision. The provisions of Article 87 letter b of Law Number 7 of 2020 concerning the third amendment to Law Number 24 of 2003 concerning the Constitutional Court states that Constitutional Judges who are in office and are considered eligible according to this Law and end their term of office until the age of 70 (seventy) years or as long as the entire term of office does not exceed 15 (fifteen) years. This provision automatically removes the periodization of the position of constitutional judge. So seeing these provisions, Judge Aswanto as a Constitutional Judge will end in 2029 or when he is 70 years old (Pusat Studi Hukum & Kebijakan Indonesia, 2022).

In addition, there can also be interference with the Constitutional Court through the position of Constitutional Court Judges, which initially used a periodization system, but after the enactment of Law Number 7 of 2020 concerning the Third Amendment to Law Number 24 of 2003 concerning the Constitutional Court. The change in the term of office is not only for MK Judges, but also the term of office of the chairman and vice chairman from initially 3 years to 5 years. There is also an age requirement for constitutional judges which changes from 47 to 55 years. There is an evaluation mechanism for constitutional judges through the mechanism of recalling constitutional judges through confirmation to the proposing body (DA, 2024). So that the incident with Judge Aswanto will become a frequent occurrence in the event that the supporting institution does not agree with the decision taken by the Constitutional Court judges on a law approval as well as Judge Aswanto.

The revision actually raises the assumption that the Government and the Parliament want to affect the independence of the Constitutional Court Judges and the Judicial Power as a whole. In addition, the revision of the Constitutional Court Law was not included in the National Legislation Program (Proglenas) and

did not meet the carry over. Likewise, the academic paper was relatively poor and the discussion was closed and non-participative, which was only carried out in a short period of only three days (Pusat Studi Hukum & Kebijakan Indonesia, 2022). Based on this, it has been seen that the actions of the government and the DPR have shown actions that seem to want to subordinate the Constitutional Court. In fact, as in a democratic country, the judicial power is an independent power and is as strong as the executive and legislative institutions. The aim is to develop the authority and power of each of these institutions, so that there is no abuse or misuse of behavior in the implementation of each position. With these actions, it can be read that the government and DPR do not want anyone to obstruct their policies, even though they have been constitutionally tested and declared invalid. This is where using the law as if it is in accordance with the law to subordinate judicial power is the definition of autocratic legalism.

OECD explains Regulatory Impact Assessment as a process that systematically identifies and assesses the intended impact of a proposed law with consistent analytical methods such as benefit-cost analysis. RIA is a comparative process based on regulatory objectives that have been set and identifies all possible policies that affect in achieving policy objectives. All available alternatives must be assessed with the same method in order to inform decision makers of effective and efficient options so that they can systematically choose the most effective and efficient option.

According to the OECD, the stages in the implementation of Regulatory Impact Assessment (RIA) include several systematic steps as follows: First, identify the policy context and objectives to be achieved, especially by systematically formulating the problems behind the need for regulatory intervention by the government. Second, formulate and define various policy alternatives, both regulative and non-regulative, as options in achieving these policy objectives. Third, identify and quantify the impact of each alternative considered, including the calculation of costs, benefits, and distribution of impacts. Fourth, develop implementation and compliance strategies for each alternative, by evaluating the effectiveness and efficiency of each option. Fifth, establish a monitoring mechanism to assess the success of the selected policy and provide data/information as a basis for further policy formulation. Sixth, involve systematic public consultation to ensure the participation of all stakeholders in the regulatory process.

This series of stages aims to provide important information regarding the comparison between costs and benefits of various policy options, including the extent of their effectiveness. On the other hand, according to the Bappenas, Regulatory Impact Analysis is a systematic process in analyzing and communicating public policies, both policies that are being designed and those that have been implemented. There are several important points in this definition: the RIA method includes policy analysis and communication activities; the object of study includes policies in the form of regulations and non-regulations; and its application can be carried out on new policies as well as on policies that have been implemented previously.

Stages of RIA method that can help policy makers in formulating policies and reviewing existing policies. The stages are described as follows (Ediawan et al., 2008):

1) Problem Formulation: Analysis of problems before issuing policies is basically important, analysis of problems can provide assistance to the government about whether in issuing policies the government has understood the real problem? Does the problem to be solved really exist? Or can the fundamental problem be known, so that in formulating the policy it can be right on target.
2) Identification of Objectives (Policy Goals): This process tries to find out the goals that the government wants to achieve through policy issuance. In some cases, the goal of a policy is of course to solve the 'problem' that has been identified at the aforementioned stage. But in many cases, a 'problem' may be complicated enough that it cannot be solved by a single action (policy). In such circumstances, government policies are usually made to address only part of the problem. Therefore, policy analysts must clearly identify the objectives that the policy aims to achieve.
3) Identification of Problem-Solving Alternatives (Options): The next process is to try to find out the objectives that the government wants to achieve through policy issuance. In some cases, the goal of a policy is of course to solve the 'problem' that has been identified at the aforementioned stage. But in many cases, a 'problem' may be complicated enough that it cannot be solved by a single action (policy). In such circumstances, government policies are usually made to address only part of the problem. Therefore, policy analysts must clearly identify the objectives that the policy aims to achieve.
4) Benefit and Cost Analysis: In this stage, the policy analyst assesses the benefits and costs (advantages and disadvantages) for each important option or alternative action, from the point of view of the government, society, consumers, businesses, and the economy as a whole.
5) Communication (Consultation) with Stakeholders: A good policy is a policy that is continuously communicated to stakeholders, especially implementers who carry out policies in the field. This consultation must be carried out from the early stages of policy formulation to the implementation and monitoring stages of policy implementation. In our model, consultation has started at the problem identification stage. Consultation at this stage aims to ensure that the government is addressing the right problem, and that the government's perception of the problem at hand is the same as that of the community, business actors, and other stakeholders. Consultation at the alternative development stage mainly aims to get inputs on the options that can be selected, and to test whether certain options are workable.
6) Determination of the best option (policy alternative): After considering the various possible options for action, and after comparing the costs and benefits of these options, the next step is to select the best option for achieving the objectives and solving the problem formulated earlier. The function of the analyst at this stage is to ensure that the government has compared all the costs/benefits and selected the most efficient and effective option.
7) Formulation of policy implementation strategies: After the option is selected, the next step is to formulate a strategy to implement the policy in the field. The implementation strategy includes policy administration, policy socialization, and monitoring of policy implementation.

The description above, when looking at the process of forming laws and regulations in Indonesia, is different in terms of determining various alternative regulatory options that may be chosen. Although this can be included at the time of determining the national legislation and in the material of the academic paper, both the rules on national legislation and academic papers do not clearly mention to reveal various options for certain policies. In addition, in the process of law formation, there are things that cannot be in the RIA process, namely (Suska, 2016):

1) Identify and define all regulatory and other policy options to achieve the policy objectives to be determined. The closest stage to this stage in the preparation of the Law is in the preparation of academic papers where there is an Evaluation and Analysis of Related Legislation stage. However, this stage only evaluates existing regulations in order to describe the level of synchronization, harmonization of existing laws and regulations and the position of the Law to avoid overlapping regulations. So this stage does not identify all alternative or possible regulatory options that may be applied according to the RIA Concept.
2) Identify and quantify the impact of the options considered, including costs, benefits and distribution effects. Basically, this process is accommodated in the preparation of the Academic Paper where in the academic paper, theoretical and empirical studies are also carried out which include theoretical studies, studies of principles related to the preparation of norms which include analysis of the determination of these principles and also pay attention to various aspects of the field of life related to the laws and regulations to be made, which are derived from the results of research, studies of organizational practices, existing conditions, and problems faced by the community as well as studies of the implications of implementing the new system to be regulated in the Law or Regional Regulations on aspects of community life and its impact on aspects of the state financial burden.
3) Develop a law enforcement and compliance strategy for each option, including evaluating the effectiveness and efficiency of each option. Since the drafting of laws and regulations is not based on various options, the enforcement strategy built on the predetermined policy will be regulated. This stage is covered in the Academic Paper, namely the Reach, Regulatory Direction, and Scope of the Content of the Law.
4) Establish a monitoring mechanism to evaluate the success of the chosen policy and provide input information for future regulatory responses. There is no clear monitoring mechanism stipulated in Law No. 12/2011 to evaluate the success of a chosen policy. One process that can accommodate this is through national legislation. Prolegnas is set for the medium term and annually based on the priority scale of the bill.

The RIA mechanism shows a well-organized stage even when there is a stage that prepares an option or a choice. The stages mentioned above show that a systematic process must even be described as the reason why a regulation is changed or formed. Even the stages in RIA that have not been clearly regulated in the Law are mainly related to disclosing and analyzing all regulatory options that may be selected along with an analysis of benefits and costs and a monitoring mechanism to evaluate the success of the selected policy and provide input information for future regulatory responses.

The RIA mechanism through the choice of analysis starting from the objectives and reasons for making changes or forming laws and regulations can prevent autocratic legalism from occurring. Even with the many stages of RIA, it can make it difficult for the formation of laws and regulations to be formed secretly or with a fast process. Because the process as described above requires many parties involved in it. In addition, even if the holders of power, especially the government and the DPR deliberately make changes to the law, it will be easily read by the RIA concept if RIA analysis is applied in the regulation of the formation of laws and regulations.

CONCLUSION

The formation of laws and regulations in Indonesia in recent years has shown a tendency towards the practice of autocratic legalism, where law is used as a means of legitimizing undemocratic power. This phenomenon can be seen from the lack of public participation, weak oversight mechanisms, and the dominance of executive-legislative powers that compromise each other for certain political interests.

Regulatory Impact Assessment (RIA) as a policy analysis approach offers a solution that can prevent the practice of autocratic legalism. Through principles such as transparency, public participation, cost-benefit efficiency, and the preparation of policy alternatives, RIA is able to create a more open and accountable legislative process. Unfortunately, the RIA mechanism has not been fully integrated into the legislative system in Indonesia.

The application of RIA as a whole in the process of law formation in Indonesia is very important so that the resulting regulations are not only formally legal, but also substantially legitimate. By applying this approach, it is expected that the legislative process will be able to reflect the aspirations of the people and avoid the tendency of centralization of power that threatens the principles of democracy and constitutionalism.

CONFLICT OF INTEREST

This research has no interest or is intended for a group or an interest, this research is purely for the development of science, especially in law.

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