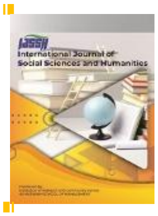

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Legal Construction of Public Participation and Transparency in the Formation of Regional Regulations on the Regional Budget: A Study on the Bima City Government for the 2019–2024 Period

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Abstract

This study aims to analyze the legal construction of public participation and transparency in the formation of Regional Regulations on the Regional Revenue and Expenditure Budget (APBD) in Bima City during the 2019–2024 period. The research is motivated by a gap between normative legal provisions that guarantee public participation and transparency in regional budgeting and the empirical practice of APBD regulation-making, which tends to be procedural and elitist. The main issue examined concerns how the legal construction of public participation and transparency is implemented in the formation of APBD regulations and to what extent these principles are realized substantively. This research employs a normative-empirical legal research method with a qualitative approach. The data consists of secondary data, including statutory regulations, Bima City APBD regional regulations for fiscal years 2019–2024, and relevant academic literature, as well as primary data obtained from musrenbang documents, minutes of RAPBD deliberations, and APBD documents published by the local government. All data were analyzed using a juridical-critical method through systematic and teleological legal interpretation and comparison between normative standards and empirical practices. The findings indicate that, normatively, the principles of public participation and transparency have been incorporated into the formation of APBD regulations in Bima City. However, empirically, their implementation remains largely formalistic and has not yet reflected meaningful public participation and substantive transparency. This study concludes that strengthening participatory mechanisms and enhancing budget information transparency are essential to realizing democratic and accountable regional financial governance.

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Contents

Introduction

The establishment of Regional Regulations on the Regional Revenue and Expenditure Budget (*Anggaran Pendapatan dan Belanja Daerah/APBD*) is one of the most strategic manifestations of the implementation of regional autonomy, because it accommodates public policy choices, development priorities, and the distribution of fiscal resources that have a direct impact on the welfare of the community. From the perspective of constitutional law and state administrative law, the Regional Budget Regulation is not solely understood as a technocratic product of regional financial management, but as a legal product that is loaded with the dimensions of democracy, public participation, and transparency in the implementation of local government (Patra, 2019; Rizkisyah & Triadi, 2024).

Normatively, the principles of public participation and transparency have become fundamental principles in the formation of laws and regulations at the regional level. The principle of openness requires that all stages of the formation of regional regulations, including the Regional Budget Regulation, can be accessed, understood, and monitored by the community in a meaningful way. However, various studies show that the implementation of this principle still faces structural, procedural, and cultural problems that cause public participation to often be formalistic and symbolic, without substantial influence on the substance of the established budget policy (Rizqi, 2022; Pattalongi et al., 2024).

In the context of regional budgeting, public participation cannot be separated from participatory development planning mechanisms such as development planning deliberations (musrenbang). Musrenbang is positioned as an instrument of deliberative democracy that allows the community to be involved from the planning stage to budgeting (Purwaningsih, 2022). However, various studies have confirmed that musrenbang is often unable to bridge the interests of the community with the budget decisions stipulated in the APBD, both due to limited access to information, the dominance of elite actors, and the weak integration between the results of the musrenbang and the budget legislation process.

Along with the development of information technology, innovations such as e-musrenbang are expected to be able to expand access to public participation in regional planning and budgeting. This participatory digital model is considered to be able to increase transparency, accountability, and inclusivity in the budget decision-making process (Anindito et al., 2021). However, the implementation of digital mechanisms also poses new challenges, especially related to technology access gaps, public literacy capacity, and institutional readiness of local governments in managing digital participation substantively (Pamungkas et al., 2023).

Transparency in the formation of the Regional Budget Regulation has an equally important position. Budget transparency is the main prerequisite for the realization of public accountability and public supervision of regional financial management (Azfirmawarman et al., 2024). Various studies show a strong correlation between budget policy transparency and the effectiveness of APBD management and increased public trust in local governments (David et al., 2019; Nurhalisa et al., 2024). However, in practice, transparency is often limited to the provision of formal information without clarity of substance, data accessibility, and effective feedback mechanisms (Tanjung et al., 2024). In a responsive legal framework, the establishment of the Regional Budget Regulations ideally reflects the balance between the interests of local governments, the DPRD, and the community as holders of people's sovereignty at the local level. The concept of meaningful participation emphasizes that people not only have the right to be heard, but also have the right to have their views considered rationally and affect the final decision (Rizqi, 2022; Pattalongi et al., 2024). Without meaningful participation and adequate transparency, the Regional Budget Regulation has the potential to become an instrument of elitist power and move away from the real needs of the community (Rochmawanto et al., 2022).

This condition is relevant to be studied in the context of the Bima City Government for the 2019–2024 period. As an autonomous region with distinctive social, political, and economic dynamics, Bima City faces its own challenges in constructing a mechanism for public participation and transparency in the formation of the Regional Budget Regulation. The complexity of the relationship between the executive and the regional legislature, the limited capacity of community participation, and the bureaucratic culture that still tends to be closed are factors that have the potential to affect the quality of budget democracy at the local level (Kehik & Mbiri, 2024; Siar et al., 2024). In addition, strengthening public financial governance requires synergy between public participation, information transparency, and the supervisory function of the DPRD as a political representation of the people (Gaol et al., 2024; Sudarsono et al., 2024). Without a clear and implementable legal construction, these principles risk being reduced to normative jargon that is ineffective in preventing budget irregularities and improving the quality of public services.

Based on this description, this study is important to critically analyze how the legal construction of public participation and transparency is implemented in the formation of Regional Regulations on the Regional Budget in Bima City for the 2019–2024 period. This analysis aims not only to assess the suitability between legal norms and empirical practices, but also to identify gaps, challenges, and opportunities for strengthening regional budget democracy within the framework of a democratic state of law and equitable regional autonomy.

Methods

This study employs a normative-empirical legal research method, integrating normative legal analysis with empirical investigation of law implementation in local government. The method addresses public participation and transparency in the formulation of Regional Budget Regulations (APBD) in Bima City during 2019–2024, examining both the legal norms (das sollen) and their practical application (das sein). Normative analysis focuses on laws, good governance principles, and legal doctrines to construct an ideal framework for meaningful public participation and transparency in regional budget policy. Empirically, the study investigates how these normative provisions are operationalized through development planning deliberations, RAPBD discussions between local government and DPRD, and public access to budget documents. Data include secondary sources such as laws, APBD documents, and literature, and primary sources including musrenbang records and RAPBD minutes. All data are analyzed qualitatively using juridical-critical methods, comparing normative provisions with actual practices to identify implementation gaps and provide recommendations for improving local laws and policy.

Results and Discussions

The results of the study show that the legal construction of public participation and transparency in the formation of Regional Regulations on Regional Revenue and Expenditure Budgets in Bima City for the 2019–2024 period has normatively obtained a fairly strong legitimacy within the framework of laws and regulations and the general principles of good governance. However, at the implementation level, the construction of the law still shows a number of tensions between normative ideals and empirical realities that affect the quality of budget democracy at the local level.

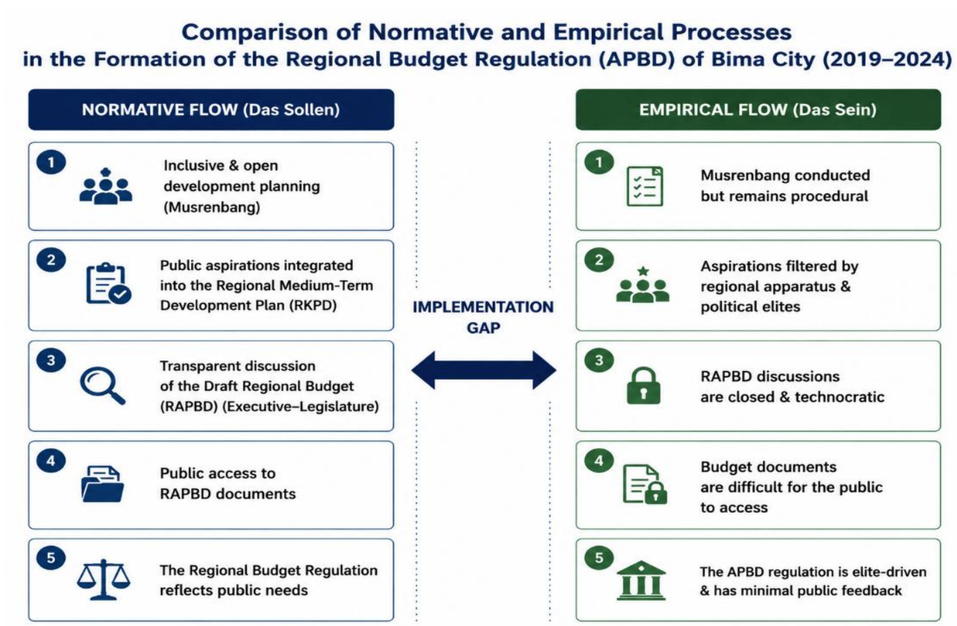

Figure 1. Comparison of the Normative Flow (Das Sollen) and the Empirical Flow (Das Sein) of the Formation of Regional Regulations on the Regional Budget in Bima City for the 2019–2024 Period

This picture illustrates the gap between the normative construction of the formation of the Regional Budget Regulation which places public participation and transparency as fundamental principles, and the empirical practice in Bima City which still shows the dominance of bureaucratic and political actors in the budgeting process. Normatively, public participation is idealized to take place from the musrenbang to the determination of the APBD openly and accountably. However, empirically, public participation tends to be procedural and does not have a substantive binding force on budget decisions, so transparency and legal accountability have not been optimally realized.

1. Implementation of the Legal Construction of Public Participation and Transparency in the Formation of the Bima City Regional Budget (2019–2024)

Normatively, the legal construction of public participation and transparency in the formation of the Regional Budget Regulation in Bima City relies on the national regulatory framework and the principle of good governance that places the community as a subject in the regional budgeting process. However, empirical findings show that the implementation of the principle still shows a formalistic tendency. To clarify the gap between norms and practices, the results of the study are summarized in the following analytical table.

Table 1. Comparison of Normative Constructs and Empirical Implementations of Public Participation

Aspects	Normative Construction	Empirical Implementation in Bima City (2019–2024)	Juridical Analysis
Position of the community	Participatory subjects in planning and budgeting	Participants of the musrenbang forum	Participation is still procedural
São Paulo	Deliberative and decision-making forums	Aspiration screening forum	Not binding on APBD decisions
The Role of the DPRD	Representation of public aspirations	Dominance of technocratic discussions	Representation is not yet substantive
Right to information	Constitutional rights of citizens	Information available but limited	Transparency has not been effective

Source: Author's normative-empirical analysis, 2025.

The table shows that although normatively the community is placed as a participatory subject, in the practice of the formation of Regional Budget Regulations, the community is more often positioned as a formal participant without direct influence on budget decisions. This confirms the gap between *das sollen* and *das sein* in the construction of public participation laws.

2. Budget Transparency and Public Information Disclosure

In terms of transparency, the local government of Bima City has formally carried out the obligation of information disclosure through the publication of APBD documents and regional financial information. However, this transparency is still oriented towards fulfilling administrative obligations, not fully supporting substantive public accountability.

Table 2. The Level of Transparency in the Formation of the Bima City Regional Budget

Transparency Indicator	Normative Obligations	Empirical Practice	Legal Implications
Publication of the APBD	Must be announced	Available on the official website	Limited access
Document readability	Easy for the public to understand	Technical	The right to information is not yet effective
Public feedback	Guaranteed in principle	Not systematic	Weak public oversight
Digitization	Means of participation	Not yet integrated	Formalistic transparency

Source: Bima City APBD document and the author's observations.

From the table, it can be seen that transparency is still interpreted as *the availability of information*, not the *accessibility and usability of information*. From an administrative law perspective, this condition has not met the principles of accountability and openness as part of the AUPB. This study aims to analyze the legal construction of public participation and transparency in the formation of Regional Regulations on Regional Revenue and Expenditure Budgets (Perda APBD) in Bima City for the 2019–

2024 period. Based on juridical-critical analysis, this study uses secondary data in the form of laws and regulations, the Bima City Regional Budget for the 2019–2024 fiscal year, and related scientific literature. Primary data was obtained from musrenbang documents, minutes of the discussion of the Regional Budget, and APBD documents published by the local government. All data were analyzed through normative-empirical qualitative methods, combining systematic and teleological legal interpretations as well as comparisons between norms and practices.

3. Public Participation in the Formation of Regional Budget Regulations: Procedural or Meaningful

The results of empirical research show that although public participation in Bima City has been formally accommodated through a tiered Development Planning Deliberation (musrenbang) forum, practice in the field still tends to be procedural and administrative. Musrenbang, which is theoretically designed as a public deliberative space, in practice more often serves as an administrative instrument to fulfill formal planning obligations. The aspirations of the community gathered through musrenbang at the village and sub-district levels are not always consistently integrated in the Local Government Work Plan (RKPD) and Draft APBD (RAPBD) documents discussed with the Bima City DPRD. In other words, there is a clear gap between formal participation and the substantive influence of the community on budget decisions, where public aspirations are less likely to significantly influence the final outcome of budgeting.

From the point of view of legal construction, this situation indicates that public participation has not been understood as a constitutional right of citizens whose effectiveness must be guaranteed. Instead, participation is still seen as an instrument of procedural legitimacy. The principle *of* meaningful participation emphasizes that community involvement is not only measured by the existence of participatory forums, but also by the extent to which people's aspirations are rationally considered and have an impact on the policies set (Patra, 2019; Rizqi, 2022). In the context of Bima City, the absence of a binding legal mechanism between the results of the musrenbang and the final budget decision makes public participation lose its normative impetus. These findings are in line with previous research that showed that musrenbang is often distorted due to bureaucratic dominance and limited deliberative space. Purwaningsih (2022) emphasized that although musrenbang is intended as a participatory forum, its practice often functions as a formalistic means to fulfill administrative obligations. In Bima City, a similar phenomenon is evident: formal public participation exists, but its substantivity is limited.

4. The Role of the Bima City DPRD in Participatory Construction

The Bima City DPRD theoretically holds the mandate to absorb, fight, and articulate the aspirations of the community in the discussion of the APBD. The functions of the DPRD include legislative, budgeting, and supervision, so it should be the main channel for public interest representation. However, the results of the study show that in the practice of discussing the RAPBD, the interaction of the DPRD and local governments is more dominated by technocratic and internal political considerations than by public aspirations. Public consultation forums or substantive public hearings have not been fully a mechanism to link people's aspirations with the budget legislation process.

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The relationship between the DPRD and the community is indirect and limited, so the function of political representation has not been fully realized substantively. As revealed by Sudarsono, Kamal, and Razak (2024), the weak role of the DPRD in absorbing public aspirations has an impact on reduced accountability and public oversight of budget decisions. In this context, public participation stops at the initial stage of planning and does not continue until the budget legislation stage, so that the potential for public control over the management of the APBD is limited.

This condition shows that there is a problem in the construction of participatory representation law at the regional level. The DPRD formally carries out the functions of legislation and budget, but substantively it has not fully opened up a public deliberative space that allows the public to access, understand, and influence the budget discussion process. This strengthens the argument that public participation in Bima City functions more as a procedural legitimacy for budget policies that have been determined through internal executive and legislative processes.

5. Transparency in the Formation of Regional Budget Regulations

Transparency is a prerequisite for meaningful public participation. Normatively, the disclosure of public information about the APBD has been regulated through laws and regulations and is the right of the community. The Bima City Government has provided budget documents through the official website, social media, as well as the publication of the APBD summary document. However, empirical findings show that such transparency is still formalistic. The information available is often technical, aggregative, and difficult for the general public to understand. The public feedback mechanism is also limited, so information disclosure has not been followed by the community's ability to conduct critical supervision.

In the perspective of administrative law, this kind of formalistic transparency is not enough to guarantee accountability. Transparency should include openness of access, readability of information, and connectedness to participatory mechanisms. Without it, public participation loses its epistemic foundation. In the case of Bima City, the limited literacy of the community's budget and the lack of optimal use of information technology reinforce the pattern of formalistic transparency. These results are in line with the findings of Azfirmawarman et al. (2024) and Tanjung et al. (2024) who emphasized that the public often only receives information symbolically without substantive understanding, so that the public's right to public information becomes less meaningful.

6. Digital Innovation and Technology-Based Participation

Some innovations, such as e-musrenbang and regional budget information systems, have the potential to expand the space for participation and increase transparency. However, the research found that the digitization of participation has not been fully integrated into the legal construction of the formation of the Regional Budget Regulation comprehensively. The system still functions as a technical tool, rather than as a legal mechanism that guarantees the entanglement between public aspirations and budget decisions. In addition, the gap in access to technology and the capacity of digital literacy of the community is a significant limiting factor. Thus, while digital innovations offer opportunities to increase the effectiveness of participation, without legal integration and community capacity building, they are incapable of transforming formal participation into substantive participation. This shows the need for reforms that are not only technical, but also normative and procedural, so that e-musrenbang and budget information systems become strong legal instruments for the democratization of budgeting.

7. Analysis of the Gap between Das Sollen and Das Sein

The normative-empirical approach of this study confirms that there is a significant gap between das sollen (*what should happen*) and das sein (*what happens*) in the formation of the Regional Budget Regulation in Bima City. Normatively, the law has provided a progressive framework to ensure public participation and transparency, but its empirical practice is still hampered by institutional factors, bureaucratic culture, and local power relations.

This gap is not solely due to a lack of legal norms, but also due to the weak internalization of the value of participation and transparency in government practices. The dominance of bureaucratic and political actors in budget decision-making hinders the public's aspiration to be part of the substantive process. Kehik and Mbiri (2024) emphasized that the complexity of regional legislation and the tug-of-war for political interests often hinder responsive and participatory regional regulations.

8. Legal Implications and Policy Recommendations

From a responsive legal perspective, the establishment of the Regional Budget Regulation in Bima City has not been fully oriented to the needs and aspirations of the community as the main subject of public policy. The Regional Budget Regulation risks being positioned as a purely administrative and political instrument, rather than a legal product that reflects the will of the public in a democratic manner. Without strengthening legal constructions that ensure meaningful participation and substantive transparency, the APBD has the potential to lose its social legitimacy and be less effective in answering regional development problems.

The integration between public participation and transparency is the main prerequisite for the formation of a responsive and accountable Regional Budget Regulation. Transparency provides an information base for participation, while participation provides a democratic meaning for transparency. Strengthening this integration requires a clear normative and political commitment from local governments and DPRDs, so that public participation becomes a substantive element in budget decision-making (Marijan & Windyastuti, 2023; Pattalongi et al., 2024). Digital innovation, when integrated with legal mechanisms that ensure the entanglement between public aspirations and budget decisions, has the strategic potential to strengthen budget democracy. The reformulation of the legal construction of public participation and transparency that is implementive, integrative, and sustainable is an urgent need so that the formation of the Regional Budget Regulation is not only formal, but also substantive, inclusive, and accountable.

Conclusion

This research reveals that the legal construction related to public participation and transparency in the formation of the Regional Regulation on the Regional Revenue and Expenditure Budget (Perda APBD) of Bima City for the 2019–2024 period already has a solid normative foundation. Formally, national laws and regulations and general principles of good governance place the community as an active subject in the regional planning and budgeting process, which should be accommodated through deliberative mechanisms such as Development Planning Deliberation (musrenbang) and public consultation forums. The Bima City DPRD, as a political representation of the people, has a mandate to absorb, fight, and articulate public aspirations in the legislation and budgeting stages, so as to allow for the creation of a balance between the interests of the executive and the community. In addition, the principle of budget transparency is regulated as a constitutional right of citizens, which includes access to information on the Regional Budget document, the publication of a summary of the Regional Budget, and the provision of an adequate public feedback mechanism. In the context of government modernization, digital innovations such as e-musrenbang and budget information systems have the potential to expand access to participation and increase information disclosure, thereby strengthening accountability and legitimacy of budget decisions. Thus, theoretically, the integration of substantive public participation and effective transparency is an essential prerequisite for the formation of a responsive, democratic, and accountable Regional Budget Regulation, while reflecting the principles of good governance at the local level.

However, empirical findings show that there is a significant gap between legal norms (das sollen) and factual practice (das sein). Public participation in Bima City, although facilitated through the musrenbang forum, tends to be procedural and administrative, so that the aspirations of the people gathered have not been consistently integrated into the RKPD and RAPBD documents. The role of the DPRD in absorbing and representing the public interest is often dominated by technocratic and internal political considerations, so that public involvement at the legislation stage is limited. Meanwhile, budget transparency realized through the publication of documents and digital information systems is still formalistic, technical, and less easily accessible or understood by the public, while the public feedback mechanism is not systematic and effective. This gap reflects the weak internalization of the value of participation and transparency in government practices, influenced by a closed bureaucratic culture, the dominance of political actors, and limited public literacy. Therefore, strengthening meaningful public participation mechanisms, improving the quality of budget information transparency, and integrating digital innovation normatively and operationally are urgent strategic steps. This effort will not only increase the social legitimacy and effectiveness of APBD management, but also ensure that the APBD Regional Regulation functions as a substantive, inclusive, and accountable legal instrument, in accordance with the principles of local democracy and good regional financial governance.

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