



Reforming the Regulatory Impact Assessment to Restore Regulatory Rationality in Indonesia's Fast-Track Legislation

Alfin Dwi Novemyanto
Faculty of Law Universitas Gadjah Mada
Yogyakarta, Indonesia

Rismawati Nur
Faculty of Law Universitas Gadjah Mada
Yogyakarta, Indonesia

Muhammad Rosyid Ridlo
Faculty of Law Universitas Gadjah Mada
Yogyakarta, Indonesia

Email correspondence : alfindwinovemyanto@mail.ugm.ac.id

Abstract

Purpose: This study aims to analyze the failure of implementing the *Regulatory Impact Assessment* (RIA) in maintaining regulatory rationality within Indonesia's *fast-track legislation* practices and to formulate a reform model grounded in Max Weber's theory of rational-legal authority and the principles of *good regulatory governance*.

Methodology: This research employs a normative juridical method using conceptual and statutory approaches. Legal materials were collected through library research and analyzed qualitatively using rational-legal reasoning to evaluate the effectiveness of the RIA mechanism in ensuring the quality of lawmaking processes.

Findings: The study finds that RIA has not been substantively implemented in Indonesia's fast-track legislative process, resulting in a shift from legal rationality to pragmatic political rationality. This condition has weakened legal legitimacy, caused policy overlaps, and eroded public trust in legislative institutions. The lack of public participation, transparency, and evidence-based analysis is identified as the main factor behind the ineffective implementation of RIA.

Practical implications: The findings highlight the urgency of adaptive RIA reform through strengthened inter-agency coordination, the adoption of an *open regulatory data* system, and the establishment of an independent regulatory evaluation body. This model can serve as a practical framework for policymakers to ensure rational, transparent, and accountable legislative processes.

Originality/value: This study offers an original contribution by integrating Weberian legal rationality theory into the reform design of RIA in Indonesia. It presents a novel conceptual framework for reinforcing legal legitimacy and regulatory quality through the institutionalization of RIA as a mechanism of rational-legal authority in a modern *Rechtsstaat*.

Keywords: Regulatory Impact Assessment; Fast-Track Legislation; Legal Rationality; Good Regulatory Governance

Paper type: Research Paper

Reformasi *Regulatory Impact Assessment* untuk Memulihkan Rasionalitas Regulasi dalam Praktik Legislasi Jalur Cepat di Indonesia

Abstrak

Tujuan: Penelitian ini bertujuan untuk menganalisis kegagalan penerapan *Regulatory Impact Assessment* (RIA) dalam menjaga rasionalitas regulasi pada praktik legislasi jalur cepat di Indonesia, serta merumuskan model reformasi RIA yang berlandaskan teori otoritas rasional-legal Max Weber dan prinsip-prinsip *good regulatory governance*.

Metodologi: Penelitian ini menggunakan metode yuridis normatif dengan pendekatan konseptual dan peraturan perundang-undangan. Bahan hukum dikumpulkan melalui studi kepustakaan dan dianalisis secara kualitatif menggunakan penalaran rasional-legal untuk menilai efektivitas mekanisme RIA dalam menjamin kualitas proses pembentukan peraturan perundang-undangan.

Temuan: Hasil penelitian menunjukkan bahwa RIA belum diterapkan secara substantif dalam proses legislasi jalur cepat di Indonesia, yang menyebabkan terjadinya pergeseran dari rasionalitas hukum menuju rasionalitas politik pragmatis. Kondisi ini berdampak pada melemahnya legitimasi hukum, munculnya tumpang tindih kebijakan, serta menurunnya kepercayaan publik terhadap lembaga legislatif. Minimnya partisipasi publik, transparansi, dan analisis berbasis bukti diidentifikasi sebagai faktor utama tidak efektifnya implementasi RIA.

Implikasi Praktis: Temuan penelitian ini menegaskan urgensi reformasi RIA yang adaptif melalui penguatan koordinasi antarinstansi, penerapan sistem data regulasi yang terbuka, serta pembentukan lembaga evaluasi regulasi yang independen. Model ini dapat menjadi kerangka praktis bagi pembuat kebijakan untuk menjamin proses legislasi yang rasional, transparan, dan akuntabel.

Originalitas/Nilai: Penelitian ini memberikan kontribusi orisinal dengan mengintegrasikan teori rasionalitas hukum Weberian ke dalam desain reformasi RIA di Indonesia. Studi ini menawarkan kerangka konseptual baru untuk memperkuat legitimasi hukum dan kualitas regulasi melalui institusionalisasi RIA sebagai mekanisme otoritas rasional-legal dalam negara hukum modern (*Rechtsstaat*).

Kata kunci: *Regulatory Impact Assessment*; Legislasi Jalur Cepat; Rasionalitas Hukum; *Good Regulatory Governance*

Jenis Artikel: Artikel Penelitian

INTRODUCTION

The phenomenon of fast-track lawmaking in Indonesia has garnered significant scholarly and public attention, as the process is frequently conducted within an exceptionally limited timeframe and with restricted public participation (Huda et al., 2024). From late 2019 to 2023, several regulations in Indonesia were enacted at an accelerated pace, leading to a significant decline in the quality of deliberation in lawmaking (Miladmahesi et al., 2023), a concrete example is Law Number 11 of 2020 concerning Job Creation, which was enacted on 5 October 2020 after a very limited deliberation period and has been criticized for the minimal public participation and lack of transparency in its process, as noted in Constitutional Court Decision No. 91/PUU-XVIII/2020 (PSHK, 2025). This situation poses a serious challenge to the principle of regulatory rationality, which holds that regulations should be developed through a systematic, evidence-based, and analytical process rather than merely as a pragmatic political response. Moreover, the Regulatory Impact Assessment (RIA) mechanism, established as an instrument for analyzing regulatory effects, has not been optimally utilized in many legislative products. One study concludes that the RIA method in Indonesia 'is not a priority' in national regulation drafting, resulting in frequent neglect of transparency, public consultation, and cost-benefit analysis (Yuniza et al., 2023).

The legal basis for the formulation of legislation in Indonesia is articulated in Law Number 13 of 2022 on the Establishment of Legislation, which emphasizes that regulatory development must be conducted in an open, participatory, and evidence-based manner. Consequently, the legislative process should not merely prioritize speed but must also fulfill the requirements of rationality and accountability. The Regulatory Impact Assessment (RIA), as part of regulatory governance, functions to evaluate the economic, social, and environmental impacts and to select the most efficient and effective regulatory alternatives. Recent studies indicate that the implementation of RIA at both national and regional levels continues to face significant obstacles, including human resource capacity, inter-agency coordination, and a bureaucratic culture not yet accustomed to evidence-based analysis (Parikesit & Herman, 2025).

The selection of this mentoring priority stems from the recognition that the accelerated process of regulatory formulation frequently neglects essential analytical stages. Such omission often produces overlapping and ineffective regulations that lack coherence and are challenging to implement in practice (Yuniza et al., 2023). This phenomenon reflects the neglect of regulatory rationality, particularly in terms of ensuring problem clarity, exploring policy alternatives, and conducting impact assessments, all of which are essential components of evidence-based and effective regulatory practices. Indeed, Max Weber's notion of legal rationality offers a

pertinent conceptual lens for analyzing the shortcomings of the Regulatory Impact Assessment (RIA) mechanism in fast-tracked legislative processes. Weber posits that the most advanced form of modern legitimacy is rational-legal authority, characterized by a regulatory system that attains legitimacy through compliance with codified norms, procedural correctness, and public confidence in its legality and rational coherence (Kalberg, 1980).

In the formulation of laws and other legislative instruments, legal rationality requires that the process of norm creation be conducted through systematic and measurable stages, rather than through unilateral decisions or a mere logic of expediency. When the process of regulatory formulation bypasses adequate analytical stages, its rational-legal legitimacy may be weakened, ultimately undermining both compliance and the overall credibility of the legal system. Accordingly, the proper implementation of the Regulatory Impact Assessment (RIA) can be viewed as an instrument for realizing regulatory rationality within the framework of Weberian rational-legal authority. In practice, however, Indonesia's fast-track regulatory processes often disregard these fundamental principles.

The implementation of the Regulatory Impact Assessment (RIA) in Indonesia has demonstrated, although its legal foundation is already established, its application remains inconsistent and lacks comprehensiveness. Recent studies have concluded that the practice of RIA in Indonesia is still limited, particularly in relation to public consultation, the analysis of alternative policy options, and the post-implementation monitoring of regulations (Butarbutar & Umanto, 2025). Consequently, many regulations in Indonesia tend to overlook their long-term implications, resulting in fragmented, overlapping, and poorly coordinated regulatory frameworks that fail to address the real needs of society. Empirical evidence further indicates that key components of the law-making process, such as the identification of alternative policy options, the conduct of cost-benefit analyses, and the development of post-implementation monitoring frameworks have not been implemented in line with international best practices (Parikesit & Herman, 2025).

This condition indicates that the shortcomings in the implementation of the Regulatory Impact Assessment (RIA) should not be viewed solely as a technocratic failure, but as a manifestation of a deeper crisis of legal rationality within Indonesia's accelerated legislative process. Therefore, this study seeks to elucidate how the absence of RIA mechanisms has undermined the rational legitimacy of law-making and to emphasize the urgency of reconstructing a regulatory framework anchored in the principles of legal rationality. Research related to the application of the Regulatory Impact Assessment (RIA) concept in the formulation of legislation has been conducted extensively by researchers and academics. One such study was conducted by Hasima (2020) whose findings showed that the main obstacles in

drafting local regulations in Kendari City lay in the aspects of substance, structure, and legal culture, including the absence of local regulation drafting guidelines, low capacity of the drafting team, and minimal public participation. To overcome this, the study proposes the application of Regulatory Impact Assessment (RIA) as a method for drafting regulations that is more rational, participatory, and evidence-based through the stages of problem analysis, goal identification, evaluation of alternatives, cost-benefit analysis, and public consultation.

Similar research was also conducted by Zulmawan (2022), who analyzed the application of Regulatory Impact Assessment (RIA) on policies regarding the use of domestic products in government and state-owned enterprise procurement of goods and services. The results of the study show that the main weakness of this policy lies in the absence of criminal sanctions for agencies that do not comply with these rules. The absence of sanctions results in low levels of compliance and effectiveness in the implementation of the policy on the use of domestic products, thus requiring the strengthening of law enforcement aspects within the framework of RIA implementation to ensure optimal regulatory compliance. Based on this research, no one has specifically analyzed the application of the RIA method in the process of forming national legislation and how the RIA model is applied in Indonesia to strengthen the national legislative system.

Therefore, this research becomes particularly urgent, as it concerns the quality of regulation as an instrument of state governance and the fulfillment of the rule of law principle. The neglect of RIA analysis in fast-track regulatory formation risks producing ineffective regulations that are unresponsive to public needs and that diminish the legitimacy of legislative authority. Accordingly, this study aims to analyze the failure of the Regulatory Impact Assessment (RIA) in maintaining regulatory rationality in Indonesia, as well as to evaluate the normative and institutional implications of this failure for legal legitimacy and governmental effectiveness. Furthermore, the research seeks to formulate a reform model for the RIA mechanism that aligns with Weberian principles of legal rationality and the values of good regulatory governance and supports the concept of good governance as a whole (Embang et al., 2025). These objectives are expected to strengthen the epistemic foundation of national law-making and promote evidence-based legislative practices. Ultimately, this study aspires to offer a novel contribution by integrating the theory of legal rationality with the practice of fast-track legislation as an effort to reinforce legal legitimacy in Indonesia.

RESEARCH METHODS

This research employs a normative juridical method with conceptual and statutory approaches (Irwansyah, 2021) to analyze the failure of the Regulatory

Impact Assessment (RIA) in maintaining regulatory rationality within the practice of fast-track legislation in Indonesia. The conceptual approach is utilized to examine the relevance of Max Weber's theory of legal rationality to modern legal legitimacy, while the statutory approach is applied to review the legal norms governing the law-making mechanism as stipulated in Law No. 13 of 2022. The collection of legal materials was conducted through library research (Ahmad et al., 2024) and the data were analyzed using a qualitative normative method that emphasizes rational-legal legal reasoning as the basis for assessing the effectiveness of RIA. This analysis is expected to produce a scientific construction that explains the relationship between the non-implementation of RIA and the crisis of legal rationality in Indonesia's fast-track regulatory formation.

RESULTS AND DISCUSSION

Regulatory Impact Assessment (RIA) and the Crisis of Legal Rationality in Fast-Track Legislation in Indonesia

The concept of rational-legal authority articulated by Max Weber situates the legitimacy of modern law on the premise that authoritative power must be constituted through codified rules and procedures that are publicly accountable. Accordingly, a regulatory system can be deemed legitimate, in Weber's view, only when it is supported by an organized bureaucratic structure, a clearly defined hierarchy, and procedural mechanisms that operate independently of traditional or charismatic sources of authority. In the context of lawmaking, the Weberian framework of legal rationality requires that legislators exercise not merely their formal legislative authority, but also the function of reason in selecting among policy alternatives, evaluating empirical evidence, and ensuring the implementation of transparent and participatory procedures (Ali, 2023). Therefore, legitimate regulatory authority is determined not merely by legislative approval, but by the credibility of the regulatory process itself rationally recognizable to the public. Accordingly, every legal product must operate within the framework of legal-rational authority to ensure that public compliance is grounded in the belief that the norm arises from a rational and systematic process.

In the practice of fast-track lawmaking in Indonesia, the shift from legal rationality to political rationality, where legislative decisions are driven by the pragmatic interests of the legislative or executive branches, tends to erode the epistemic legitimacy that constitutes the core of Weberian rational-legal authority. When mechanisms such as the Regulatory Impact Assessment (RIA), designed as institutional instruments to operationalize legal rationality, are not applied consistently, the lawmaking process becomes less rationally accountable. Within this framework, RIA functions as an institutionalization of legal rationality, as it requires

regulatory impact analysis, public consultation, and the evaluation of policy alternatives to ensure that regulations emerge from reasoned deliberation rather than political compromise. Conversely, accelerated legislative processes that neglect these essential stages undermine the foundation of rational-legal legitimacy, thereby threatening both public compliance and regulatory effectiveness.

The government's dominance as a regulator in this fast-track legislative process is further strengthened by its extensive formal authority under Law No. 13 of 2022. Based on this law, the government (the President) plays a central role in almost all stages: from planning (participating in the drafting of the National Legislation Program), drafting bills and their Academic Papers (as RIA instruments), joint discussions with the DPR, to ratification (Article 72) and promulgation (Kusuma et al., 2023). This high concentration of procedural power puts the government in a position to control the process from start to finish, allowing executive political rationality to easily override the legal-technocratic rationality (RIA) that should be required in the drafting stage (Retnosari & Syaif, 2024). As a result, the government acts as both initiator and internal evaluator (through harmonization), causing the Academic Paper as an RIA instrument to lose its independence. Thus, the formal legal framework in Law 13/2022, instead of guaranteeing rationality, institutionalizes executive dominance, which is the main loophole for the neglect of RIA and meaningful participation (Artioko, 2022).

The case of the Job Creation Law (Law No. 11/2020) is a prime example of the failure of meaningful participation processes, including Weberian legal rationality, where fast-track processes that prioritize political rationality (attracting investment) have undermined the principle of law formation (Mutiarra Hermawati, 2024). Several studies indicate that discussions were conducted hastily and without adequate publication of academic papers, resulting in a significant deficit in community and stakeholder participation (Setiawan et al., 2025). The absence of public consultation and policy impact analysis in the law-making process indicates that the RIA instrument has not been implemented as it should be. This criticism confirms that regulations that are drafted quickly tend to bypass systematic and evidence-based analysis. As a result, these regulations are prone to overlap, lack accountability, and have low implementation potential.

In Constitutional Court Decision Number 91/PUU XVIII/2020, the Constitutional Court declared the Job Creation Law conditionally unconstitutional because its drafting process did not fulfill the principles of participation, openness, and prudence as mandated in the regulatory drafting system (Fadillah, 2022). The court ordered lawmakers to make improvements within two years, or the regulation would permanently lose its binding legal force. This shows that failure to implement mechanisms such as RIA (including public consultation and impact analysis) is not

merely a technical weakness but has undermined the legitimacy of regulations as rational-legal products of law.

Structural problems in the formation of legislation in Indonesia have become increasingly apparent recently, not only in the case of the Job Creation Law, but also in the process of revising the Indonesian National Armed Forces Law, which was also pushed through quickly and behind closed doors. The civil society coalition strongly rejects this bill, not only because of its problematic substance, but also because the process disregards meaningful participation (Utami, 2025). A similar pattern of failure is also reflected in the process of revising the State-Owned Enterprises Law (RUU BUMN), which occurred twice in one year. The link between RIA and meaningful participation in this case is crucial: a rational RIA for strategic policies such as the formation of an ultrah holding BUMN is impossible without data input and impact analysis obtained from the meaningful participation of labor unions, consumers, and academics. However, the process of drafting the RUU BUMN has been heavily criticized because the draft and Academic Paper (NA) were prepared behind closed doors and are difficult for the public to access (Rosi, 2025).

A comparison with Law No. 17 of 2023 on Health ("Health Law 2023") shows a similar pattern, namely rapid legislation using the omnibus method and a lack of open and comprehensive impact analysis documents. Several studies mention that the implementation of RIA in the Health Law is still in its early stages, so many aspects of public consultation, identification of regulatory alternatives, and post-implementation monitoring have not been disclosed transparently (Khasanofa & Khariri, 2024). Although these regulations have a significant impact on the national health system, the process of their formation has not reflected the full application of RIA and raises questions about the effectiveness and legitimacy of the resulting norms. In this context, the phenomenon of fast-track regulation is not only a matter of formal acceleration, but also a matter of weakening control mechanisms of rationality such as RIA, which should guarantee the reliability of regulations. Analysis of the three cases indicates that the failure of RIA is a structural phenomenon, not incidental, and points to the erosion of the principle of legal rationality in Indonesia's national legislative system. Therefore, this research is important to understand these dynamics and produce recommendations for reforming the RIA mechanism as an instrument for strengthening the legitimacy and effectiveness of regulations.

The prevalence of fast-track legislation in Indonesia reveals a deeper structural crisis of legal rationality, as such an accelerated lawmaking process inherently contradicts the deliberative and analytical foundations required for rational-legal legitimacy. The absence of adequate stages for impact assessment, public consultation, and evidence-based evaluation demonstrates that speed has been

prioritized over substance. Consequently, this mode of legislation produces norms that lack epistemic credibility and public accountability, undermining the rational-legal authority of the regulatory system. Restoring rationality in lawmaking thus requires rejecting expedient legislative practices and reinforcing institutions that ensure reasoned, transparent, and accountable regulation.

The structural crisis of legal rationality in Indonesia is fundamentally propelled by the government's increasing reliance on fast-track legislation as its preferred mode of regulation. This executive-centric approach inherently contradicts the deliberative and analytical foundations required for rational-legal legitimacy, as the state apparatus actively prioritizes political expediency over procedural substance. By deliberately bypassing adequate stages for impact assessment, meaningful public consultation, and evidence-based evaluation, the government demonstrates that speed in achieving its policy goals is more critical than the substantive, rational-legal process. Consequently, this mode of executive-driven lawmaking produces norms that lack epistemic credibility and public accountability, thereby undermining the very rational-legal authority the government itself is meant to uphold. Restoring rationality in lawmaking thus requires a fundamental rejection of these expedient executive practices and the reinforcement of independent institutions capable of ensuring that the regulator remains transparent and accountable (Aspinall & Warburton, 2018).

The context of this problem is that the government, as the regulator and enforcer of regulations, paradoxically becomes the central actor that undermines Weberian legal rationality. The failure of RIA is not merely a technical failure, but a reflection of executive dominance that prioritizes the speed of achieving pragmatic policy targets over compliance with rational procedures (Pratama, 2022). The government, as the main initiator of fast-track legislation, consciously avoids meaningful participation and in-depth impact analysis, because RIA is seen as a procedural obstacle, not as an instrument for producing quality regulations. The attitude of regulators who reduce Academic Papers (NA) to mere ex-post justifications (retrospective justifications) demonstrates a fundamental failure of good regulatory governance. Thus, this crisis of legal rationality is essentially a crisis of the government's commitment as a regulator to adhere to the principles of accountable and evidence-based regulation (Husnayain, 2025).

The Application of Rational-Legal Legitimacy through Regulatory Impact Assessment (RIA) Reform in Indonesia

The normative basis for the application of Regulatory Impact Assessment (RIA) in Indonesia is reflected in various national regulations, one of which is Regulation of the Minister of Law and Human Rights Number 23 of 2018 concerning

the Harmonization of Draft Regulations of Ministers and Institutions (Permenkumham 23/2018). This regulation stipulates that every draft regulation must undergo an impact analysis and harmonization process as part of efforts to ensure the quality of legislation. In addition, a relevant international reference is the OECD guidelines in the publication *Regulatory Impact Assessment: OECD Best Practice Principles for Regulatory Policy* (2020), which states that RIA “provides crucial information to decision-makers on whether and how to regulate.” The guidelines emphasize that the minimum stages of RIA include problem formulation, identification of policy alternatives, cost-benefit analysis, and post-implementation monitoring and evaluation (OECD, 2025).

The ideal stages of RIA according to OECD standards include several main phases: (i) problem definition; (ii) options analysis; (iii) cost-benefit assessment; (iv) public consultation; and (v) post-implementation review (OECD, 2025). These stages should normatively be an integral part of the national law-making process so that regulations are not only born out of political tendencies or pragmatism, but from rational and evidence-based analysis. However, in the practice of lawmaking in Indonesia, phases such as public consultation and post-implementation monitoring are often carried out in a formalistic manner or merely as an administrative requirement. As a result, RIA instruments as a mechanism for controlling the quality of regulations are less than optimal in maintaining the rationality of regulations in Indonesia.

An empirical evaluation of the implementation of Regulatory Impact Assessment (RIA) in Indonesia shows a gap between the ideal normative framework and the practice of lawmaking. The application of the RIA method is still inconsistent, especially in terms of public consultation, comprehensive cost-benefit analysis, and post-implementation monitoring of regulations (Yuniza et al., 2023). This discrepancy between norms and practices reinforces the view that fast-track lawmaking tends to bypass rational control mechanisms in the formation of legislation. In terms of government effectiveness, the lack of full RIA implementation weakens the regulatory function as an instrument capable of responding to complex and cross-sectoral challenges. Regulations that are formulated without cost-benefit analysis, without identification of alternatives, and without post-implementation monitoring often result in overlap, inconsistency, and difficulty in implementation. Empirical research shows that one of the main obstacles to the quality of regulation in Indonesia is the lack of a systematic and permanent evaluation mechanism, which is a key aspect of RIA (Kirana Utami et al., 2024).

The failure of RIA also has serious implications for the principles of Good Regulatory Governance, namely transparency, accountability, participation, and evidence-based policy. Transparency is weakened when regulatory review

documents are not published or are not accessible to the public, and accountability is limited when financial and social impact analyses are not conducted openly. Research shows that the legislative process in Indonesia still faces obstacles to implementing these principles, including in the case of fast-track omnibus legislation, where public participation is merely formalistic (Kirana Utami et al., 2024). When regulations are not formulated based on accountable evidence, they become vulnerable to inconsistencies between norms and community needs. From Weber's theoretical perspective, rational-legal legitimacy requires a rational and accountable process, one of which is through the application of RIA. Therefore, the failure to implement RIA reflects that the regulatory formation system in Indonesia has not fully internalized the principles of good regulatory governance that are essential to modern law.

Therefore, the Adaptive RIA Reform model is formulated as a framework for implementing Regulatory Impact Assessment (RIA) that integrates three main elements, namely systematic empirical analysis, meaningful public participation, and cyclical policy evaluation (regulatory learning cycle). In this model, each regulation begins with empirical identification of the problem, followed by analysis of alternatives, cost-benefit analysis, public consultation, and post-implementation monitoring and evaluation to ensure a continuous regulatory learning process. The concept of the cycle is in line with OECD best practices, which emphasize that RIA must cover all stages, from problem formulation to post-implementation review. This adaptive model emphasizes that regulatory reform is an ongoing process, not a one-time measure. This process provides space for corrections, learning from experience, and adjusting policies based on real evidence. By placing regulatory learning at its core, legislative institutions can understand the needs of society, assess the impact of policies, and proactively improve regulations. This approach ensures that RIA is not merely an administrative procedure but truly functions as a tool for realizing the rationality and quality of laws in accordance with the needs of society.

In order to support the implementation of the RIA Model, institutional strengthening through inter-ministerial coordination is crucial. This coordination needs to involve the Ministry of Law and Human Rights (Kemenkumham), the National Development Planning Agency (Bappenas), and the House of Representatives (DPR). This coordination system must be accompanied by an open regulatory data approach, whereby all RIA documents, public consultation results, analyses, and post-implementation evaluations are openly accessible to the public. This data openness strengthens the transparency and accountability of the legislative process, while increasing public trust in the formation of regulations. With effective coordination and transparent access to information, RIA is no longer just an

administrative formality, but functions as an operational instrument embedded in the national regulatory bureaucracy system.

The recommendation to establish a National Regulatory Evaluation Center (PERN) as an independent body tasked with conducting periodic audits of the rationality and impact of regulations is an integral part of the RIA reform model. PERN acts as an oversight mechanism that ensures that regulations born of fast-track legislation continue to comply with the RIA stages, as well as assessing and publishing the results of long-term impact evaluations. This function includes audits of cost-benefit, public consultation, post-implementation monitoring, and regulatory revisions when necessary. Such an independent institution is necessary so that the RIA mechanism does not become mere bureaucratic lip service but is truly part of a rational and accountable regulatory institution. In many OECD countries, external regulatory evaluation mechanisms have been proven to strengthen the quality of regulations and public trust (OECD, 2021).

The strategic stages of Regulatory Impact Assessment (RIA) reform in Indonesia are gradual, starting from strengthening normative aspects to permanent institutional aspects. In the short term, reforms are aimed at strengthening the legal basis through the revision of Minister of Law and Human Rights Regulation No. 23 of 2018 and alignment with Law No. 13 of 2022, accompanied by an increase in the capacity of human resources involved in regulatory design so that they are able to carry out measurable evidence-based analysis. In the medium term, the focus is on establishing a National RIA Secretariat and implementing an Open Regulatory Data Portal system to ensure inter-agency coordination and public transparency in all stages of RIA. Furthermore, in the long term, it is recommended that a Pusat Evaluasi Regulasi Nasional (PERN) be established as an independent institution that conducts periodic audits of the rationality and impact evaluation of regulations, as well as the integration of the regulatory learning cycle principle into the national legal system. This gradual reform reflects the application of the principle of rational-legal authority in Weberian theory, whereby legal legitimacy is obtained through a transparent, rational, and evidence-based process, while strengthening the principle of substantive rule of law (*rechtsstaat*) by placing legal rationality above short-term political interests.

Table 1. Type of Leaders and Respondent's Satisfaction Rating

Aspects of Reform	Implementation Strategy	Objective
Regulation	– Revision of Minister of Law and Human Rights Regulation No. 23 of 2018 to	Ensuring that the legal basis of RIA is binding so that it becomes a

	include the obligation to conduct RIA at every stage of regulatory planning.	prerequisite for the rational-legal legitimacy of every legal product.
	– Integration of RIA into the DPR Regulation on Procedures for Formulating Laws as a formal requirement for drafting bills.	
Technical and Human Resource Capacity	– National Regulatory Impact Analysis training for regulatory drafting officials. – Development of Indonesian RIA Guidelines based on OECD 2020 practices.	Improving the bureaucracy's ability to conduct evidence-based analysis, rather than merely administrative work.
Institutional and Coordination	– Establishment of a cross-ministerial National RIA Secretariat (Ministry of Law and Human Rights–National Development Planning Agency–House of Representatives) to synchronize regulatory analysis. – Implementation of an Open Regulatory Data Portal system containing all RIA documents, public consultations, and impact assessment results.	Realizing coordination and transparency between institutions in the context of data-based legal rationality and public accountability.
Evaluation and Accountability	– Implementation of the internal RIA Audit Mechanism in each ministry. – Publication of the RIA Annual Report openly to the public and the House of Representatives.	Upholding the principles of openness and accountability, in accordance with Weberian rational-legal authority principles.
Institutional independence	Establishment of the Pusat Evaluasi Regulasi Nasional	Internalizing legal rationality into a

	(PERN) as an independent permanent institutional institution that conducts system that is free from periodic audits of the political interests. rationality and impact evaluation of regulations.	
Systemic Integration and National Legal Reform	– Integration of RIA into the national legislation system (Revised Law on Legislation Formation). – Implementation of the Regulatory Learning Cycle as a standard for assessing policy success.	Making RIA a rational-legal legal culture and strengthening a substantive rechtsstaat based on evidence, participation, and accountability.

Source: Author, 2025

Thus, the legal rationality-based Regulatory Impact Assessment (RIA) reform model emphasizes the urgency of transforming Indonesia's regulatory system from a mere administrative formality to a rational-legal mechanism based on evidence, transparency, and public accountability. This reform positions RIA as an instrument of legal rationality that serves not only to assess the economic and social impacts of a regulation, but also as a mechanism of legal legitimacy that connects procedural and substantive rationality within the framework of a modern constitutional state. Through the application of an adaptive model, strengthening inter-ministerial institutional coordination, establishing an independent evaluative body, and integrating the regulatory learning cycle into the national legislative system, RIA is expected to become the rational foundation for every legal product in Indonesia. This approach is in line with the principle of rational-legal authority in Max Weber's theory, where the validity of law is determined by a rational, systematic, and accountable process. With this orientation, RIA reform serves a strategic function in upholding the ideal of a substantive rechtsstaat, namely a legal system that places rationality, social justice, and the public interest above short-term political interests in all practices of law and regulation formation in Indonesia.

CONCLUSION

This study finds that the absence of substantive implementation of the Regulatory Impact Assessment (RIA) in Indonesia has led to a systemic erosion of legal rationality, resulting in weakened regulatory legitimacy, overlapping policies, and diminishing public trust. The predominance of political pragmatism over rational-legal deliberation reveals that legislative processes have prioritized speed

and executive convenience rather than evidence-based governance. To address this condition, the study proposes an adaptive RIA reform model grounded in Weberian rational-legal authority and the principles of good regulatory governance. The proposed model emphasizes inter-agency coordination, open regulatory data, and the establishment of an independent regulatory evaluation body to ensure transparency, accountability, and empirical integrity in lawmaking. Institutionalizing RIA as a substantive mechanism, rather than a formal administrative requirement, is essential to restoring the rationality and legitimacy of Indonesia's regulatory framework. Ultimately, reforming RIA is a decisive step toward realizing a modern Rechtsstaat that places rationality, transparency, and evidence-based policymaking at the core of legislative practice.

PRACTICAL & THEORETICAL IMPLICATION

The findings of this study provide both practical and theoretical contributions to the discourse on regulatory governance and legal rationality. Practically, this research offers a structured framework for policymakers and legislative institutions to institutionalize the Regulatory Impact Assessment (RIA) as a mandatory mechanism in every stage of lawmaking, emphasizing transparency, inter-agency coordination, and evidence-based policy formulation. The adaptive RIA model proposed herein serves as a practical tool for enhancing regulatory quality, strengthening public trust, and ensuring that laws are responsive, accountable, and consistent with the principles of good regulatory governance. Theoretically, the study extends Max Weber's rational-legal authority theory by demonstrating how rationality can be operationalized through institutional design within contemporary lawmaking systems. It enriches the body of legal scholarship by linking Weberian legal rationality with empirical regulatory practices, illustrating that legal legitimacy in modern governance derives not merely from procedural formalism but from reasoned, evidence-based, and participatory processes. Consequently, this study contributes to the advancement of legal theory and offers a normative model for integrating rational-legal principles into the practice of legislative reform in developing democracies.

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