



# Evaluating the Implementation of Meaningful Participation Principles for Vulnerable Groups in Promoting Inclusive Legislation: A Comparative Study of Indonesia and Poland

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## Abstract

*This study aims to evaluate the regulation and implementation of the principle of meaningful participation of vulnerable groups in the legislative process, and to identify factors influencing its effectiveness in realizing inclusive legislation through a comparative study between Indonesia and Poland. This study uses a normative legal research method with a legislative, conceptual, and comparative approach. The legal sources include primary legal materials in the form of constitutions, laws, and regulations related to public participation and legislation; secondary legal materials in the form of national and international scientific journals, textbooks, and reports from state and international institutions; and tertiary legal materials as conceptual support. The analysis was conducted qualitatively through legal reasoning and a comparison between norms and practices in Indonesia and Poland. The results show that normatively both countries have recognized the importance of public participation, including vulnerable groups, as part of the principles of democracy and the rule of law. However, the implementation of meaningful participation still faces gaps between regulation and practice, particularly regarding access to information, substantive involvement, and the actual influence of vulnerable groups on the substance of legislation. Factors determining the effectiveness of meaningful participation include the strength of the legal basis, the political commitment of legislators, institutional capacity, the role of civil society, and transparency and accountability mechanisms. This research makes a scientific contribution by enriching comparative law-based inclusive legislative studies and offering policy recommendations for strengthening meaningful participation of vulnerable groups.*

**Keywords:**

Partisipasi yang Bermakna; Kelompok Rentan; Legislasi Inklusif; Hukum Perbandingan; Pembentukan Hukum

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**Abstract**

Penelitian ini bertujuan untuk mengevaluasi pengaturan dan implementasi prinsip partisipasi bermakna kelompok rentan dalam proses pembentukan legislasi, serta mengidentifikasi faktor-faktor yang memengaruhi efektivitasnya dalam mewujudkan legislasi yang inklusif melalui studi komparatif antara Indonesia dan Polandia. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan, konseptual, dan komparatif. Sumber bahan hukum meliputi bahan hukum primer berupa konstitusi, undang-undang, dan peraturan terkait partisipasi publik dan legislasi; bahan hukum sekunder berupa jurnal ilmiah nasional dan internasional, buku teks, laporan lembaga negara dan internasional; serta bahan hukum tersier sebagai pendukung konseptual. Analisis dilakukan secara kualitatif melalui penalaran hukum dan perbandingan antara norma dan praktik di Indonesia dan Polandia. Hasil penelitian menunjukkan bahwa secara normatif kedua negara telah mengakui pentingnya partisipasi publik, termasuk kelompok rentan, sebagai bagian dari prinsip demokrasi dan negara hukum. Namun demikian, implementasi partisipasi bermakna masih menghadapi kesenjangan antara pengaturan dan praktik, terutama terkait akses informasi, keterlibatan substantif, serta pengaruh nyata kelompok rentan terhadap substansi legislasi. Faktor penentu efektivitas partisipasi bermakna meliputi kekuatan dasar hukum, komitmen politik pembentuk undang-undang, kapasitas kelembagaan, peran masyarakat sipil, serta mekanisme transparansi dan akuntabilitas. Penelitian ini memberikan kontribusi ilmiah dengan memperkaya kajian legislasi inklusif berbasis perbandingan hukum dan menawarkan rekomendasi kebijakan untuk penguatan partisipasi bermakna kelompok rentan.

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## 1. Introduction

Public participation is one of the fundamental principles in a democratic state system that places the supremacy of law and respect for human rights as the main foundation for governance <sup>1</sup>. In the context of lawmaking, public participation is not merely understood as administrative involvement or a procedural formality, but rather as a substantive mechanism that allows the public to express their views, needs, and interests in the policy-making process. Effective participation plays a crucial role in improving the quality of regulations, strengthening democratic legitimacy, and ensuring that legislative products reflect diverse social aspirations <sup>2</sup>. However, in practice, public participation is often limited to formal consultation mechanisms that do not always guarantee a real influence on the substance of the resulting regulations.

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<sup>1</sup> Marta I. Litter et al., "Arsenic in Argentina: Occurrence, Human Health, Legislation and Determination," *Science of The Total Environment* 676 (August 2019): 756-66, <https://doi.org/10.1016/j.scitotenv.2019.04.262>.

<sup>2</sup> Diego Bernaschina, "Labor and Professional Accessibility in Chilean Higher Education: Toward Inclusive Legislation for Academic Staff with Disabilities," *Higher Education Governance and Policy* 6, no. 2 (December 31, 2025): 87-100, <https://doi.org/10.55993/hegp.1691735>.

Criticism of formalistic participation practices has given rise to the concept of meaningful participation, which emphasizes that public involvement must provide real opportunities for the community to influence the decision-making process <sup>3</sup>. This concept emphasizes that participation is not only related to the openness of procedures, but also to the quality of interactions between policymakers and the public and the extent to which public input is accommodated in the final legislative outcomes <sup>4</sup>. From this perspective, meaningful participation is an important instrument for strengthening deliberative democracy, increasing the transparency of the legislative process, and preventing the domination of political or institutional actors in the lawmaking process.

However, realizing meaningful participation still faces serious challenges, particularly in ensuring the involvement of vulnerable groups. Vulnerable groups, including people with disabilities, women, children, the elderly, ethnic and religious minorities, and communities with socioeconomic limitations, often face various structural, institutional, and cultural barriers in accessing the policy-making process <sup>5</sup>. These obstacles can include limited access to information, a lack of inclusive participation mechanisms, and a low level of sensitivity on the part of policymakers to the needs of these groups <sup>6</sup>. As a result, even though the principles of non-discrimination and inclusivity have been recognized in various international and national legal frameworks, the voices of vulnerable groups are still often marginalized in the legislative process.

In the academic literature, the debate on public participation in lawmaking generally develops within several main analytical frameworks. First, there is the discourse on the distinction between procedural and substantive participation <sup>7</sup>. A number of studies show that many legislative systems have provided public consultation mechanisms, but these mechanisms often function more as a means of fulfilling procedural obligations than as a means of influencing the substance of policy <sup>8</sup>. In this context, public participation has the potential to become a symbolic practice that

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<sup>3</sup> Bagus Hermanto and Nyoman Mas Aryani, "Omnibus Legislation as a Tool of Legislative Reform by Developing Countries: Indonesia, Turkey and Serbia Practice," *The Theory and Practice of Legislation* 9, no. 3 (September 2, 2021): 425–50, <https://doi.org/10.1080/20508840.2022.2027162>.

<sup>4</sup> Christina Aivadyan, Melissa N. Slavin, and Elwin Wu, "Inclusive State Legislation and Reduced Risk of Past-Year Suicide Attempts Among Lesbian, Gay, Bisexual, and Questioning Adolescents in the United States," *Archives of Suicide Research* 27, no. 1 (January 2, 2023): 63–79, <https://doi.org/10.1080/13811118.2021.1967237>.

<sup>5</sup> Nkholezeni Sidney Netshakhuma, "The Role of Archives and Records Management Legislation after Colonialism in Africa," *Records Management Journal* 29, no. 1/2 (March 11, 2019): 210–23, <https://doi.org/10.1108/RMJ-09-2018-0024>.

<sup>6</sup> Julia Constanze Braunmiller and Marie Dry, *The Importance of Designing Gender and Disability Inclusive Laws: A Survey of Legislation in 190 Economies* (World Bank, Washington, DC, 2022), <https://doi.org/10.1596/38089>.

<sup>7</sup> Mei Yuan et al., "ANALYSING LEGISLATION ON INCLUSIVE EDUCATION BEYOND ESSENTIALISM AND CULTURALISM: SPECIFICITIES, OVERLAPS AND GAPS IN FOUR CONFUCIAN HERITAGE REGIONS (CHRS)," *British Journal of Educational Studies* 70, no. 2 (March 4, 2022): 165–85, <https://doi.org/10.1080/00071005.2021.1905151>.

<sup>8</sup> Amy V. Benstead, Linda C. Hendry, and Mark Stevenson, "Horizontal Collaboration in Response to Modern Slavery Legislation," *International Journal of Operations & Production Management* 38, no. 12 (October 24, 2018): 2286–2312, <https://doi.org/10.1108/IJOPM-10-2017-0611>.

provides formal legitimacy to the legislative process without truly opening up a space for inclusive deliberation.

Second, several studies have highlighted the relationship between public participation and democratic legitimacy in the lawmaking process. Research by Timothy Lindsey and Simon Butt shows that in the post-reform Indonesian context, mechanisms for public participation in lawmaking are often limited to formal consultation forums such as public hearings or the publication of draft laws, with no guarantee that public input will influence the substance of the regulations <sup>9</sup>. Meanwhile, Adriaan Bedner's research emphasizes the tendency towards proceduralism in Indonesian legislation, where public participation functions more as an instrument of legitimizing the process than as a mechanism for substantive representation of public interests <sup>10</sup>.

Third, the literature on democratic governance has also begun to focus on the inclusion of vulnerable groups in policy-making processes. A study by the OECD on public consultation in European countries shows that although public consultation practices have expanded widely, such participation is often dominated by established civil society organizations and interest groups with greater advocacy capacity. Consequently, vulnerable groups with limited social and political resources often remain underrepresented in policy-making processes <sup>11</sup>. In the Polish context, studies on democracy and the rule of law also show that political and institutional dynamics can influence the quality of public participation and the deliberative space available to citizens <sup>12</sup>.

While these studies have made important contributions to understanding the dynamics of public participation in the legislative process, most research still focuses on aspects of transparency, accountability, and public participation in general. Research specifically evaluating how the principle of meaningful participation is applied to vulnerable groups in the lawmaking process remains relatively limited <sup>13</sup>. In addition, the conceptual relationship between meaningful participation, protection of vulnerable groups, and the idea of inclusive legislation has not been widely analyzed in an integrated manner in the legal literature <sup>14</sup>. This situation highlights a significant

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<sup>9</sup> Nir Kosti, David Levi-Faur, and Guy Mor, "Legislation and Regulation: Three Analytical Distinctions," *The Theory and Practice of Legislation* 7, no. 3 (September 2, 2019): 169–78, <https://doi.org/10.1080/20508840.2019.1736369>.

<sup>10</sup> H. Robert Outten, Timothy Lee, and Marcella E. Lawrence, "Heterosexual Women's Support for Trans-Inclusive Bathroom Legislation Depends on the Degree to Which They Perceive Trans Women as a Threat," *Group Processes & Intergroup Relations* 22, no. 8 (December 2, 2019): 1094–1108, <https://doi.org/10.1177/1368430218812660>.

<sup>11</sup> Sebastian MEYER et al., "BIOCHAR STANDARDIZATION AND LEGISLATION HARMONIZATION," *Journal of Environmental Engineering and Landscape Management* 25, no. 2 (January 24, 2017): 175–91, <https://doi.org/10.3846/16486897.2016.1254640>.

<sup>12</sup> Neville Harris and Gail Davidge, "The Rights of Children and Young People under Special Educational Needs Legislation in England: An Inclusive Agenda?," *International Journal of Inclusive Education* 23, no. 5 (May 4, 2019): 491–506, <https://doi.org/10.1080/13603116.2019.1580923>.

<sup>13</sup> Patrick Fougeyrollas and Yan Grenier, "Monitoring Disability Policies and Legislation towards Effective Exercise of Rights to Equality and Inclusive Access for Persons with Disabilities: The Case of the Quebec Model," *Societies* 8, no. 2 (June 12, 2018): 41, <https://doi.org/10.3390/soc8020041>.

<sup>14</sup> Melvin (Jai) Jackson, "The Impact of Anti-DEI Legislation on Higher Education Pedagogy," *Journal of College and Character* 26, no. 1 (January 2, 2025): 61–73, <https://doi.org/10.1080/2194587X.2024.2442717>.

academic gap, particularly in understanding how participation mechanisms can serve as instruments for achieving more inclusive and equitable legislation.

Another limitation of the existing literature is the predominance of research approaches focused on a single jurisdiction. However, comparative approaches have significant methodological potential for identifying best practices, understanding institutional variation, and evaluating the effectiveness of various models of public participation in different contexts<sup>15</sup>. In this regard, a comparison between Indonesia and Poland is relevant because both countries have different democratic dynamics but both face challenges in ensuring the quality of public participation in the legislative process. Indonesia represents a developing country with a legal system that continues to develop to strengthen post-reform democracy, while Poland, as a member of the European Union, has a regulatory framework for public participation influenced by human rights standards and democratic governance at the regional level.

Taking this context into account, this study offers an analytical perspective that is relatively unexplored in comparative legal studies<sup>16</sup>. The novelty of this research lies in its attempt to systematically connect three key analytical dimensions: the principle of meaningful participation, the protection of vulnerable groups, and the concept of inclusive legislation in the lawmaking process. Through this approach, the research not only assesses the existence of formal participation mechanisms but also evaluates the extent to which these mechanisms are able to create deliberative spaces that enable vulnerable groups to play an active role in the legislative process.

Based on this background, this study aims to evaluate the implementation of the principle of meaningful participation for vulnerable groups in the law-making process through a normative and comparative legal approach between Indonesia and Poland. This study analyzes the gap between the normative framework and the implementation practices of public participation, while identifying institutional and structural factors that influence the effectiveness of such participation. Academically, this research is expected to enrich the development of studies on constitutional law, human rights, and democratic governance. Practically, the findings of this study are expected to provide policy recommendations to strengthen legislative mechanisms that are more inclusive, participatory, and responsive to the needs of vulnerable groups, particularly in the Indonesian context.

## **2. Research Methods**

This study employs a normative legal research approach (doctrinal legal research) supported by limited empirical data to complement the analysis. The normative legal approach was chosen because the primary objective of this study is to examine the legal norms, principles, and doctrines governing public participation, particularly the meaningful participation of vulnerable groups in the lawmaking process. Normative analysis allows researchers to evaluate the alignment of the applicable legal framework with the principles of participatory democracy, human rights protection, and inclusive

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<sup>15</sup> Rebecca Rosenberg, Michelle Ludecke, and Laura Alfrey, "Components That Influence Early Career Teachers' Practices as Inclusive Educators in General Education Settings: An International Scoping Review," *The Australian Educational Researcher* 52, no. 3 (July 8, 2025): 2281-2300, <https://doi.org/10.1007/s13384-025-00811-x>.

<sup>16</sup> Linda Nguyen et al., "A Commentary on the Healthcare Transition Policy Landscape for Youth with Disabilities or Chronic Health Conditions, the Need for an Inclusive and Equitable Approach, and Recommendations for Change in Canada," *Frontiers in Rehabilitation Sciences* 4 (December 14, 2023), <https://doi.org/10.3389/fresc.2023.1305084>.

legislation. Furthermore, this study employs a comparative approach by comparing the legal arrangements and practices of implementing the principle of meaningful participation in the legislative process in Indonesia and Poland, in order to identify similarities, differences, and potential relevant best practices.

In its implementation, this research uses several main analytical approaches. First, a statutory approach is carried out by examining the constitution, laws, and various regulations that govern the process of forming laws and public participation mechanisms in Indonesia and Poland. Second, a conceptual approach is used to analyze the concepts of meaningful participation, vulnerable groups, and inclusive legislation based on legal doctrine, participatory democracy theory, and human rights principles developed in academic literature and international legal instruments. Third, a comparative approach is used to compare the normative framework and implementation practices of public participation in the two countries, thus enabling the identification of institutional, political, and legal factors that influence the effectiveness of the application of the principle of meaningful participation in the legislative process.

The data sources and legal materials used in this research are divided into three main categories. First, primary legal materials include constitutions, laws, and various regulations governing the process of establishing legislation and public participation mechanisms in Indonesia and Poland. Furthermore, primary legal materials also include international and regional legal instruments relevant to the protection of the rights of vulnerable groups and the principles of public participation, such as human rights instruments that regulate the principles of non-discrimination and inclusivity in public policymaking. Second, secondary legal materials include legal textbooks, national and international scientific journal articles, academic research reports, state agency reports, and publications from international organizations that discuss public participation, inclusive legislation, and the protection of vulnerable groups in government processes. Third, tertiary legal materials are used as additional conceptual references, such as legal dictionaries, legal encyclopedias, and other reference sources that help clarify the definitions and terminology used in the research.

The legal material for this study was collected through library research, which involved exploring various legal sources and academic literature relevant to the research focus. The source search process was conducted systematically through various national and international scientific databases, academic repositories, and official documents published by state institutions and international organizations. The literature search was conducted using keywords related to public participation, meaningful participation, inclusive legislation, vulnerable groups, and the lawmaking process from a comparative legal perspective.

To complement the normative analysis, this study also utilizes limited empirical data obtained through a document review method. The documents analyzed include various legislative records and policy documents that describe the implementation of public participation mechanisms in practice. In the Indonesian context, the documents reviewed include minutes of legislative draft law deliberations, reports of public hearings with the public or civil society organizations, reports of public consultations held by ministries or state institutions, and public participation evaluation documents published by oversight bodies or civil society organizations. Meanwhile, in the Polish context, the documents analyzed include reports of public consultations during the draft law drafting process, records of social dialogue involving civil society organizations and interest groups, and policy evaluation reports published by government agencies or

international organizations regarding public consultation practices in the legislative process.

The analysis of the legal materials and data obtained was conducted using a qualitative approach through legal reasoning methods combined with comparative analysis. The analysis stage began with the identification, classification, and grouping of legal materials and empirical documents relevant to the research focus. Next, interpretation of legal norms, principles, and doctrines related to meaningful participation and inclusive legislation was conducted to understand how these concepts are regulated within each country's legal framework. Subsequently, a comparative analysis was conducted between Indonesia and Poland to identify similarities, differences, and gaps between normative provisions and their implementation practices. The analysis results were then formulated deductively, drawing conclusions from general legal principles and frameworks to more specific findings regarding the implementation of meaningful participation for vulnerable groups in the legislative process, while simultaneously formulating relevant policy recommendations to strengthen inclusive legislative practices.

### 3. Results and Discussion

#### 3.1. Principles for Meaningful Participation of Vulnerable Groups in the Legislative Process in Indonesia and Poland

Table 1. Principles of Meaningful Participation of Vulnerable Groups in the Legislative Process in Indonesia and Poland

Analysis Aspects	Indonesia	Poland	Key Findings
Constitutional Basis	The Constitution guarantees citizen participation in government and equality before the law, as reflected in the principles of popular sovereignty and the protection of constitutional rights. In legislative practice, this principle is evident in public participation mechanisms in the lawmaking process, for example, in the public consultations on the creation of the Job Creation Law, which involved civil society organizations. Although this participation has been criticized because the involvement of vulnerable groups occurred at a relatively	The Constitution guarantees democracy, social dialogue, and public participation in governance processes. Its implementation is strengthened through a public consultation mechanism integrated with the Regulatory Impact Assessment (RIA) procedure, which requires the government to publish draft regulations and receive input from stakeholders, including civil society organizations representing vulnerable groups.	Both countries recognize public participation constitutionally, but implementation in Poland tends to be more institutionalized through structured administrative procedures, while in Indonesia participation mechanisms still often rely on ad hoc consultation practices in the legislative process.

Analysis Aspects	Indonesia	Poland	Key Findings
	limited stage and not from the initial stages of policy formulation.		
Regulations in Law/Regulations	This is regulated in the law on the formation of legislation and sectoral regulations, which open up space for public participation in policy formation. However, case studies of the legislative process show that public consultations often take place at the final stage of drafting legislation, limiting the opportunity for the public, particularly vulnerable groups, to influence the substance of the policy.	This is regulated by national law and includes public consultation procedures integrated into the regulation-making process. In practice, the Polish government uses an online consultation system and regulatory impact assessment documents that allow civil society organizations to provide systematic input throughout the policy-making process.	Indonesia tends to regulate participation in a general manner, while Poland places more emphasis on structured procedural mechanisms through policy evaluation instruments and formal consultations.
Recognition of Vulnerable Groups	It's not explicitly formulated as a primary focus in public participation regulations. In practice, the participation of vulnerable groups is more often facilitated through civil society organizations or policy advocacy, such as organizations for people with disabilities or indigenous groups participating in public discussions regarding specific legislation.	This is recognized through sectoral policies and human rights approaches influenced by European Union standards. Some public policies require consultation with organizations representing vulnerable groups, particularly in social policy, employment, and human rights protection.	Poland's legal framework demonstrates more explicit recognition of the representation of vulnerable groups in policy consultation processes compared to Indonesia, which remains implicit.
Linkages to International Human Rights Instruments	Referring to international human rights instruments, their implementation has not been fully integrated into national legislative mechanisms so that the application of the principle of inclusive participation is still normative.	Integrated with European Union human rights standards and various international conventions, this integration influences the design of public policies and consultation mechanisms, including transparency obligations and participation in regulatory processes.	Poland demonstrates a more systematic level of harmonization between national law and international human rights standards, mainly due to the influence of the European Union's regional governance framework.

Analysis Aspects	Indonesia	Poland	Key Findings
Operational Arrangements for Participation	Normative and declarative in legislation. Participatory mechanisms often lack clear evaluation indicators regarding public involvement in the legislative process.	Normative and technocratic through administrative procedures. The use of instruments such as formal public consultations, RIA, and social dialogue institutions provides a more structured operational framework for public participation.	The main difference lies in the level of operationalization of participation mechanisms, where Poland has more systematic institutional instruments than Indonesia.
Meaningful Participation Indicators (Operationalization of the Concept)	Meaningful participation can be measured through several indicators, such as public involvement from the early stages of lawmaking, accessibility of public consultation forums, representation of vulnerable groups in policy discussions, and the existence of follow-up mechanisms for public input. In Indonesian legislative practice, several of these indicators have not been fully met because public consultations often occur after policy drafts are nearly final.	In the Polish context, indicators of meaningful participation are reflected in mandatory public consultation in the RIA process, the use of digital platforms to receive public input, and the existence of policy evaluation mechanisms that assess the impact of regulations on specific social groups.	Operationalization of meaningful participation indicators shows that the effectiveness of participation depends not only on normative recognition, but also on institutional mechanisms that ensure public involvement from the initial stage to policy evaluation.

*Source: Data Analysis Results, 2026*

### **Normative Recognition of Public Participation in the Indonesian and Polish Legal Systems**

Normatively, Indonesia and Poland both recognize the importance of public participation in the legislative process. However, regulations in Indonesia are still general and do not explicitly position vulnerable groups as key actors in meaningful participation practices. In contrast, Poland has a more systematic regulatory framework that is relatively aligned with regional human rights standards, although in practice, the substantive involvement of vulnerable groups has not been a top priority. These differences relate to the institutional design and legal traditions of each country. Indonesia's legal system, which combines civil law traditions with procedural democratic practices, tends to place participation as a general principle in the formation of regulations, while Poland has developed participation mechanisms through more institutionalized administrative procedures within the framework of European Union governance. Consequently, although both recognize participation constitutionally, the

level of operationalization and institutional support in providing effective participation spaces for vulnerable groups still show significant differences.

### **Theoretical Foundations of Meaningful Participation from the Perspective of Deliberative Democracy**

Conceptually, the principle of meaningful participation is based on the theory of deliberative democracy developed by Jürgen Habermas, which states that the legitimacy of public decisions arises from a rational, equal, and dominating discourse process. In the context of lawmaking, participation does not only mean formal attendance or the expression of opinions, but must be a deliberative process that allows public aspirations to be truly considered and influence the substance of policy. This approach demands an inclusive, transparent, and responsive dialogue space, especially for vulnerable groups who are often marginalized in the decision-making process<sup>17</sup>. Therefore, the deliberative democracy perspective is used as an analytical framework to assess whether the legal systems and legislative practices in Indonesia and Poland not only provide formal access but also ensure the quality and effectiveness of public participation. In this study, meaningful participation is evaluated through several indicators, including public involvement from the early stages of law formulation, accessibility of the consultation process, representation of vulnerable groups in policy forums, and the existence of feedback mechanisms that allow public input to influence the substance of regulations, thus assessing whether such participation is substantive or merely fulfills administrative requirements.

### **Implementation of the Principle of Public Participation within the Indonesian Legal Framework**

In Indonesia, the legal basis for public participation in the formation of laws is recognized in the 1945 Constitution and the Law on the Formation of Legislation (UU P3). This principle is further strengthened through Constitutional Court Decision No. 91/PUU-XVIII/2020, which introduced the concept of meaningful participation as a constitutional standard in the legislative process. However, the provisions remain general and do not explicitly identify vulnerable groups as parties requiring special guarantees of involvement. As a result, the participation space for vulnerable groups tends to be equated with that of the general public without any affirmative mechanisms to address the structural and social barriers they face, thus leaving the goal of realizing inclusive legislation unfulfilled<sup>18</sup>. Empirical findings also indicate that public consultations often occur at the final stage of draft law deliberation, limiting the opportunity for the public, including vulnerable groups, to influence the substance of the policy. This situation reflects a gap between constitutional recognition of public participation and institutional designs that should enable substantive engagement from the early stages of the legislative process.

### **The Dominance of Procedural Approaches in Public Participation Practices in Indonesia**

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<sup>17</sup> Cláudio C. Maretti et al., "Collaborative Conservation for Inclusive, Equitable, and Effective Systems of Protected and Conserved Areas—Insights from Brazil," *Sustainability* 15, no. 24 (December 6, 2023): 16609, <https://doi.org/10.3390/su152416609>.

<sup>18</sup> Katrin Hummel and Dominik Jobst, "An Overview of Corporate Sustainability Reporting Legislation in the European Union," *Accounting in Europe* 21, no. 3 (September 9, 2024): 320–55, <https://doi.org/10.1080/17449480.2024.2312145>.

A 2021 study by Butt and Lindsey shows that although the principle of participation has been strengthened through a Constitutional Court ruling, legislative practice in Indonesia still emphasizes the fulfillment of procedural stages, such as public hearings and consultations, without clear measures of the quality of public engagement or the extent to which such input influences the substance of the law. This situation often results in public participation being treated more as an administrative obligation than as a substantive deliberative process. As a result, normative recognition of participation does not guarantee that the aspirations of the public, including those of vulnerable groups, are truly integrated into the resulting policies <sup>19</sup>. From an institutional perspective, this situation is also influenced by the design of legislative institutions that still center on political actors and the state bureaucracy, while public consultation mechanisms are not yet accompanied by clear obligations to accommodate and follow up on public input in a transparent and accountable manner in the policy formulation process.

### **Limitations of Affirmative Action for Vulnerable Groups in Indonesian Legislation**

A 2022 study by Bedner shows that the legal framework for legislative formation in Indonesia still views public participation primarily as a procedural obligation for legislators, rather than as a deliberative right of citizens. This administrative approach makes participation function more as a formal legitimization of the legislative process than a means to influence the substance of policy. As a result, vulnerable groups facing structural and social barriers have not received adequate affirmative arrangements to guarantee access, equal representation, and real influence in the legislative process, making it difficult to optimally achieve the goal of inclusive lawmaking <sup>20</sup>. These obstacles are also structural in nature, including limited access to legislative information, unequal capacity among civil society organizations, and the lack of institutional mechanisms specifically accommodating the participation of vulnerable groups in the formation of laws.

### **Public Participation Framework in the Polish Regulatory System**

Unlike Indonesia, Poland, as a member of the European Union, regulates public participation in regulatory development by referring to regional human rights standards, particularly the European Convention on Human Rights and the EU's principles of good governance. This influence is reflected in the institutionalization of various mechanisms, such as more structured public consultation procedures, social dialogue between the government and stakeholders, and the implementation of regulatory impact assessments in the policy formulation process <sup>21</sup>. Normatively, this framework demonstrates a higher level of clarity and integration, as public participation is positioned as a key part of the legislative cycle. Furthermore, the use of Regulatory Impact Assessments (RIAs) allows the government to assess the impact of policies on specific social groups while also opening up more systematic consultations with civil

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<sup>19</sup> Ying Liu and Chao Feng, "Promoting Renewable Energy through National Energy Legislation," *Energy Economics* 118 (February 2023): 106504, <https://doi.org/10.1016/j.eneco.2023.106504>.

<sup>20</sup> Xiaoqi Huang et al., "Quantity or Quality: Environmental Legislation and Corporate Green Innovations," *Ecological Economics* 204 (February 2023): 107684, <https://doi.org/10.1016/j.ecolecon.2022.107684>.

<sup>21</sup> Shaikh MSU Eskander and Sam Fankhauser, "Reduction in Greenhouse Gas Emissions from National Climate Legislation," *Nature Climate Change* 10, no. 8 (August 13, 2020): 750-56, <https://doi.org/10.1038/s41558-020-0831-z>.

society organizations, making Poland's institutional design relatively more supportive of public involvement in the policymaking process.

### **Limitations of Inclusivity in Public Consultation Mechanisms in Poland**

A 2021 OECD study on public consultation practices in Central and Eastern Europe found that while Poland has a relatively mature consultation framework, the mechanism does not clearly integrate the interests of vulnerable groups. In practice, participation is more easily exploited by civil society organizations with institutional capacity, resources, and access to the political arena <sup>22</sup>. This indicates that the existence of formal procedures does not automatically result in inclusive participation, as without affirmative policies, the participation process tends to be dominated by established actors, while the voices of vulnerable groups remain limited in the legislative process. Therefore, structured consultation mechanisms need to be accompanied by affirmative action to ensure the representation of vulnerable groups in policy dialogue.

### **The Influence of Political Dynamics on the Effectiveness of Public Participation in Poland**

Sadurski's (2021) analysis shows that domestic political dynamics in Poland, particularly the decline in the quality of democracy, also limit the space for inclusive public participation. This finding confirms that the existence of a normatively adequate legal framework does not automatically guarantee meaningful participation for vulnerable groups. Without strong political commitment, respect for the rule of law, and a healthy democratic climate, participation mechanisms tend to become formalities, making it difficult for vulnerable groups to influence the substance of policy <sup>23</sup>. Thus, the effectiveness of participation depends not only on legal design, but also on the quality of democracy, transparency of government, and political commitment to inclusive governance.

### **An Integrated Comparative Analysis of Meaningful Participation in Indonesia and Poland**

Based on a normative comparison, Indonesia and Poland have both incorporated the principle of public participation into their legislative frameworks, but both still face limitations in positioning vulnerable groups as key actors in meaningful participation practices. The difference lies in the level of institutionalization of the rules, with Poland having a more structured and integrated mechanism, while Indonesia still regulates it generally. However, both have not placed a strong emphasis on the substantive dimension of participation, so the involvement of vulnerable groups is often merely procedural and unable to influence the direction and quality of the substance of the legislation. This analysis shows that the effectiveness of meaningful participation is influenced by institutional designs that open up engagement from the early stages of legislation, evaluation mechanisms that ensure public input is considered in policy, and

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<sup>22</sup> Geni Rodrigues Sampaio et al., "Polycyclic Aromatic Hydrocarbons in Foods: Biological Effects, Legislation, Occurrence, Analytical Methods, and Strategies to Reduce Their Formation," *International Journal of Molecular Sciences* 22, no. 11 (June 2, 2021): 6010, <https://doi.org/10.3390/ijms22116010>.

<sup>23</sup> C Calhaz-Jorge et al., "Survey on ART and IUI: Legislation, Regulation, Funding and Registries in European Countries," *Human Reproduction Open* 2020, no. 1 (January 1, 2020), <https://doi.org/10.1093/hropen/hoz044>.

democratic conditions that support inclusive public dialogue <sup>24</sup>. Therefore, both countries need to develop an approach that not only emphasizes participatory procedures but also strengthens substantive aspects through institutional mechanisms that guarantee access, representation, and real influence for vulnerable groups in the law-making process.

### 3.2. Implementation of the Principle of Meaningful Participation in the Practice of Legislation Formation in Both Countries

Table 2. Implementation of the Principle of Meaningful Participation in the Practice of Legislative Formation

Implementation Aspects	Indonesia	Poland	Key Findings
Participation Stages	Generally limited to public consultation and review. In some legislative processes, such as the creation of the Job Creation Law and several revisions to sectoral laws, public consultations were conducted after the draft regulations had been substantially drafted by the government and legislature, leaving vulnerable groups limited opportunity to influence the formulation of norms from the initial stage.	Public consultations are conducted in stages and documented. In Polish regulatory practice, public consultations are generally part of the Regulatory Impact Assessment (RIA) process, which requires the publication of draft policies, regulatory impact analyses, and an opportunity for civil society organizations to provide input before the draft is submitted to parliament.	Indonesia's participation tends to be formalistic, while Poland demonstrates a more structured procedural mechanism in the legislative cycle through the integration of public consultation and regulatory impact assessment.
Access to Information	Legislative information is not yet fully accessible to vulnerable groups. Legislative documents are often available in technical formats that are difficult for the general public to access, and they are not always accompanied by effective dissemination mechanisms for communities with limited access to information, such as indigenous groups, people with disabilities,	Access is relatively more open through consultation platforms. The Polish government provides a public consultation and policy documentation portal that allows the public to access draft regulations, provide comments, and track the consultation process.	Access barriers remain significant in Indonesia, while Poland is relatively more advanced in the use of digital mechanisms and policy documentation that support transparency in the legislative process.

<sup>24</sup> Gabriela Iacobuta et al., "National Climate Change Mitigation Legislation, Strategy and Targets: A Global Update," *Climate Policy* 18, no. 9 (October 21, 2018): 1114-32, <https://doi.org/10.1080/14693062.2018.1489772>.

Implementation Aspects	Indonesia	Poland	Key Findings
Substantial Involvement	<p>or communities in remote areas.</p> <p>Public input often lacks a significant impact on the substance of policy. In some legislative processes, public responses are recorded, but not always accompanied by an explanation of whether and how they influenced the final formulation of the law. This suggests that public participation is often consultative in nature without guaranteeing substantive integration into policy.</p>	<p>Input is recorded, but not necessarily binding. Through RIA and public consultation mechanisms, the Polish government documents stakeholder input in consultation reports, although the final decision remains with the policy-making authority.</p>	<p>Both countries face substantial challenges in ensuring that public input actually influences policy content, although Poland has a more systematic documentation mechanism.</p>
The Role of Civil Society Organizations	<p>Active but not always accommodated in the legislative process. Civil society organizations are often the primary intermediaries for vulnerable groups to express their aspirations in the legislative process, but their involvement often depends on invitations or initiatives from the government and the legislature, and therefore are not always formally integrated into the legislative mechanism.</p>	<p>Integrated into social dialogue. In Poland, civil society organizations and trade unions are frequently involved in social dialogue forums and government-facilitated policy consultation processes as part of public governance mechanisms.</p>	<p>Civil society organizations (CSOs) are more institutionalized in Poland, whereas in Indonesia their role is more advocacy and they do not always have a clear institutional path in the legislative process.</p>
Documentation and Feedback	<p>Minimal official response to public input. In some legislative processes, there are no reports systematically explaining how public input was considered in policy formulation, thus limiting accountability for the public consultation process.</p>	<p>Consultation results reports are available. In many regulatory processes, the Polish government publishes summaries of public consultations and responses to input received as part of the policy documentation.</p>	<p>Increased transparency of implementation was seen in Poland, which demonstrated more systematic consultation documentation practices than Indonesia.</p>
Meaningful Participation Indicators	<p>Meaningful participation in Indonesia can be evaluated through</p>	<p>In the Polish context, indicators of meaningful participation are reflected</p>	<p>Operationalization of meaningful participation indicators shows that the</p>

Implementati on Aspects	Indonesia	Poland	Key Findings
	several indicators, such as public involvement from the early stages of legislation, accessibility of policy information, representation of vulnerable groups in consultation forums, and the existence of feedback mechanisms that demonstrate how public input is considered in the formation of laws. In practice, some of these indicators are still not consistently met.	through mandatory public consultation in the RIA process, the use of digital policy consultation platforms, and the documentation of responses to public input as part of the regulation-making cycle.	effectiveness of participation depends not only on normative recognition, but also on institutional design that ensures public involvement from the initial stage to policy evaluation.

*Source: Data Analysis Results, 2026*

In practice, the implementation of the principle of meaningful participation in Indonesia still focuses on fulfilling procedural stages without mechanisms that guarantee the effective involvement of vulnerable groups. In Poland, although participation channels have been more systematically regulated, its success remains highly dependent on the political will and consistency of lawmakers. The situation in both countries demonstrates a gap between formal, administrative participation and meaningful participation that can influence the substance of legislation. This difference reflects the contrast between "procedural participation," which merely fulfills administrative obligations, and "substantive participation," which allows citizens to influence public policy. From a deliberative democracy perspective, substantive participation is a crucial element because it creates space for various social groups, including vulnerable groups, to play an equal role in the process of legal norm formation.

At the implementation level, Sherry Arnstein's concept of the citizen participation ladder provides an analytical framework for assessing the quality of public engagement in decision-making. This theory describes a spectrum of participation, ranging from symbolic forms to levels where citizens gain real influence over power. With this perspective, the involvement of vulnerable groups in the legislative process in Indonesia and Poland can be more critically evaluated, particularly to assess whether participation is merely consultative or truly influences the direction and substance of policy. In democratic participation theory and participatory governance literature, the quality of participation is measured not only by the existence of consultative forums but also by access to information, deliberative capacity, and real opportunities to influence collective decisions. This framework allows for an assessment of whether the institutional design of legislation in both countries encourages a more participatory distribution of power or maintains the dominance of elite actors in the legislative process.

### **Structural Barriers to the Participation of Vulnerable Groups in the Legislative Process**

In Indonesia, public participation in the legislative process is generally conducted through formal mechanisms such as public hearings, seminars, and review of draft laws.

However, research by Indonesia Corruption Watch (ICW) and the Center for Law and Policy Studies (PSHK) in 2022 showed that the involvement of vulnerable groups in these forums is often unplanned, incidental, and lacking in sustainability. Their participation is usually facilitated in the final stages of legislative deliberations when the policy direction and substance of norms have been largely determined, leaving opportunities to influence the content of regulations very limited and often symbolic<sup>25</sup>. This condition reflects structural barriers in the design of the legislative process in Indonesia, where public participation is often placed at the consultation stage after policy formulation is carried out internally by political and bureaucratic actors, thus systemically limiting the opportunities for vulnerable groups to influence the legislative agenda from the initial stage.

A study by Sulistyowati Irianto (2023) shows that vulnerable groups face various structural barriers in the legislative process, such as limited access to information, the use of technocratic legal language, and a lack of capacity and resources to conduct effective policy advocacy. Consequently, even though their participation is procedurally facilitated, this involvement rarely has a real impact on the formulation of legal norms<sup>26</sup>. In practice, the experiences and perspectives of vulnerable groups are often not adequately accommodated in the substance of regulations, so that participation tends to be formal and does not reflect the principles of meaningful participation oriented towards justice and inclusivity. This obstacle is also related to less inclusive institutional designs, such as limited feedback mechanisms for public input, low transparency in the preparation of academic papers, and a lack of affirmative policies to involve historically marginalized groups in the policy-making process.

The Constitutional Court's ruling in the judicial review of the Job Creation Law demonstrates the weak quality of public participation in the legislative process in Indonesia. Public engagement occurs with limited information transparency, disproportionate consultation time, and no clear mechanism for following up on public input. This situation indicates that facilitated participation is largely symbolic and does not provide real space for the public to influence the substance of policy. When analyzed using Sherry Arnstein's citizen participation ladder framework, the practice remains at a symbolic level, where the public is formally involved but has limited influence in decision-making. This situation highlights the gap between normative recognition of meaningful participation and its implementation in the legislative process<sup>27</sup>. In the context of Indonesian constitutional democracy, this case also emphasizes that legal recognition of public participation does not automatically translate into substantive participation without the support of institutional mechanisms that guarantee transparency of information, access to deliberation from the early stages of policymaking, and the obligation of legislators to systematically consider and respond to public input.

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<sup>25</sup> Anu Lähteenmäki-Uutela et al., "European Union Legislation on Macroalgae Products," *Aquaculture International* 29, no. 2 (April 20, 2021): 487-509, <https://doi.org/10.1007/s10499-020-00633-x>.

<sup>26</sup> Ilias Chalkidis et al., "Large-Scale Multi-Label Text Classification on EU Legislation," in *Proceedings of the 57th Annual Meeting of the Association for Computational Linguistics* (Stroudsburg, PA, USA: Association for Computational Linguistics, 2019), 6314-22, <https://doi.org/10.18653/v1/P19-1636>.

<sup>27</sup> Maria Collivignarelli et al., "Legislation for the Reuse of Biosolids on Agricultural Land in Europe: Overview," *Sustainability* 11, no. 21 (October 29, 2019): 6015, <https://doi.org/10.3390/su11216015>.

## **Institutional Design and Public Participation in the Polish Legislative System**

In Poland, public consultation in the legislative process has been institutionalized administratively through relatively clear procedures, including the obligation to publish draft laws and provide a means for the public to submit written comments. Research by Batory and Svensson (2020) shows that this arrangement increases the transparency and traceability of the legislative process compared to practices in many developing countries. However, this procedural transparency does not automatically translate into substantive participation, as its effectiveness depends on the extent to which public input is taken into account by lawmakers<sup>28</sup>. In Poland, the design of these consultations was also influenced by European Union governance standards that emphasize transparency, accountability, and public participation in policy formulation, thus encouraging the implementation of more systematic and documented consultation mechanisms, although their implementation is still influenced by domestic political dynamics.

Although Poland's public consultation framework is relatively well-established, a 2022 report by the European Union Agency for Fundamental Rights indicates that the involvement of vulnerable groups, such as persons with disabilities and ethnic minorities, remains limited. This low representation is influenced by various barriers, including gaps in digital literacy and infrastructure, participation methods that are not fully adapted to the needs of specific groups, and the absence of feedback mechanisms explaining how their views are taken into account in the legislative process. This situation indicates that existing consultation procedures still operate formally without the support of a truly inclusive and responsive participatory design<sup>29</sup>. These findings confirm that institutionalized participation mechanisms do not automatically result in meaningful participation without affirmative strategies to reach and empower vulnerable groups. Comparatively, this situation also demonstrates that even in legal systems integrated with European Union standards, the participation of vulnerable groups remains influenced by social and institutional factors, such as the capacity of civil society organizations, the design of digital consultations, and the government's level of openness to public deliberation.

## **Comparative Analysis of Institutional Dynamics of Participation in Indonesia and Poland**

This situation indicates that in both Indonesia and Poland, public participation in the legislative process still tends to be oriented toward fulfilling formal and administrative requirements, while the substantive dimension of community involvement has not yet been fully realized. Poland's relatively advanced level of legal and institutional development does not automatically result in more inclusive

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<sup>28</sup> Rashmi Anoop Patil and Seeram Ramakrishna, "A Comprehensive Analysis of E-Waste Legislation Worldwide," *Environmental Science and Pollution Research* 27, no. 13 (May 11, 2020): 14412-31, <https://doi.org/10.1007/s11356-020-07992-1>.

<sup>29</sup> Vladimir Eidelman, "BillSum: A Corpus for Automatic Summarization of US Legislation," in *Proceedings of the 2nd Workshop on New Frontiers in Summarization* (Stroudsburg, PA, USA: Association for Computational Linguistics, 2019), 48-56, <https://doi.org/10.18653/v1/D19-5406>.

participation for vulnerable groups <sup>30</sup>. This confirms that the quality of participation is determined not only by the maturity of the legal system, but also by the design of participation mechanisms, the sensitivity of policymakers to diverse social needs, and the political commitment to ensuring that the voices of vulnerable groups influence the substance of legislation. Comparatively, differences in legal traditions and political systems also influence how the two countries manage public participation. Indonesia, with its mixed legal system influenced by civil law traditions and the dynamics of transitional democracy, still faces challenges in maintaining consistent participatory procedures in the politically charged legislative process <sup>31</sup>. Meanwhile, Poland, as a member of the European Union, operates within a supranational regulatory framework that encourages transparency and more formal public consultation, although the existence of these rules does not automatically guarantee a truly participatory distribution of power.

Thus, the implementation of the principle of meaningful participation in Indonesia and Poland still shows a gap between normative recognition and practice on the ground. Although the legal frameworks in both countries have recognized the importance of public involvement, in practice, vulnerable groups have not been fully positioned as deliberative actors with real capacity and influence in determining the direction and substance of legislation. Their participation often serves only as a procedural complement, rather than a strategic element in decision-making, so the goal of developing inclusive and responsive legislation has not been optimally achieved <sup>32</sup>. This situation suggests that shifting from procedural to meaningful participation requires institutional changes, such as increased inclusive access to information, consultation mechanisms tailored to the needs of vulnerable groups, and the obligation of legislative institutions to respond substantively to public input. Without these reforms, public participation risks remaining largely symbolic and failing to produce policies that truly reflect diverse social needs.

### 3.3. Effectiveness of Meaningful Participation of Vulnerable Groups in Realizing Inclusive Legislation

Table 3. Factors Influencing the Effectiveness of Meaningful Participation of Vulnerable Groups

Factor	Indonesia	Poland	Key Findings
Regulatory Factors	General norms without meaningful indicators of participation. For example, the process of drafting the Job Creation Law demonstrates that public participation mechanisms were implemented through public	These norms are more technical in nature but not yet fully inclusive. In practice, public consultation in Poland is conducted through the Regulatory Impact Assessment (RIA)	The need for meaningful indicators of participation. These indicators include public involvement from the early stages of legislation, transparency of policy information, and formal

<sup>30</sup> Luciano Floridi, "The European Legislation on AI: A Brief Analysis of Its Philosophical Approach," *Philosophy & Technology* 34, no. 2 (June 3, 2021): 215–22, <https://doi.org/10.1007/s13347-021-00460-9>.

<sup>31</sup> Rui R. Martins et al., "Coccidiostats and Poultry: A Comprehensive Review and Current Legislation," *Foods* 11, no. 18 (September 7, 2022): 2738, <https://doi.org/10.3390/foods11182738>.

<sup>32</sup> Chung-Sum Lam et al., "A Comprehensive Analysis of Plastics and Microplastic Legislation Worldwide," *Water, Air, & Soil Pollution* 229, no. 11 (November 25, 2018): 345, <https://doi.org/10.1007/s11270-018-4002-z>.

<b>Factor</b>	<b>Indonesia</b>	<b>Poland</b>	<b>Key Findings</b>
	hearings and the publication of draft laws, but the involvement of vulnerable groups was not systematically facilitated from the initial stages of drafting the academic draft. The Constitutional Court's ruling on the formal review of the Job Creation Law also highlighted limited public access to legislative information as an indicator of weak substantive participation.	procedure and the publication of draft laws at the Government Legislation Centre. However, policy evaluations show that participation by vulnerable groups remains limited to submitting written comments without guaranteeing the integration of these inputs into the final policy.	mechanisms to ensure public input is considered in the substance of regulations.
Institutional Factors	Weak inter-institutional coordination. In Indonesia's legislative system, the lawmaking process involves the House of Representatives (DPR), the government, and line ministries. However, coordination mechanisms to ensure the participation of vulnerable groups remain sporadic and not consistently institutionalized at every stage of legislation.	More structured institutions. Poland has institutional mechanisms such as the Council for Social Dialogue, which formally provides a consultative space between the government, trade unions, and civil society organizations in the public policy process.	Institutions influence effectiveness. Findings suggest that structured institutional designs increase opportunities for public participation, but do not always guarantee the representation of vulnerable groups without clear affirmative action policies.
Capacity Factors of Vulnerable Groups	Limited legal literacy and access. Empirical studies show that many organizations of vulnerable groups in Indonesia face limitations in understanding technocratic legislative documents and have limited resources to engage sustainably in policy advocacy processes.	Supported by supporting organizations. In Poland, several civil society organizations and human rights advocacy organizations act as mediators, helping vulnerable groups participate in public consultations, although this participation remains concentrated among groups with stronger organizational capacity.	Institutional support is crucial. Meaningful participation requires strengthening the capacity of vulnerable groups through access to information, mentoring from civil society organizations, and policy support that facilitates their active participation.
Political Culture Factors	Participation has not yet become a deliberative culture. The political culture in Indonesia's legislative process is still dominated by elitist and technocratic approaches, so that public deliberation is often limited to formal	Stronger tradition of social dialogue. Poland has a relatively well-developed tradition of social dialogue through tripartite mechanisms between government, workers, and employers,	Political culture has a significant influence. A strong deliberative culture tends to improve the quality of public participation, while an elitist political culture tends to keep

Factor	Indonesia	Poland	Key Findings
	consultation forums without ongoing deliberative interaction between policymakers and the public.	which has historically influenced public policy consultation practices.	participation at a procedural level.
Political Commitment Factor	Fluctuating and pragmatic. In some cases of strategic legislation in Indonesia, such as economic regulatory reform, the legislative process is expedited with a priority on policy efficiency, thus limiting the space for public consultation.	Relatively consistent but not always inclusive. Although the Polish government administratively implements public consultation procedures, research shows that the degree of integration of public input into policy still depends on the political preferences of the incumbent government.	Political commitment is a key factor. Meaningful participation depends not only on the existence of formal mechanisms but also on the political commitment of policymakers to create inclusive deliberation spaces for vulnerable groups.

Source: Data Analysis Results, 2026

### Structural and Institutional Factors Influencing Meaningful Participation

The success of meaningful participation for vulnerable groups is influenced by various factors, such as the normative framework, institutional design and performance, actor capacity, political culture, and the commitment of policymakers. In Indonesia, the main obstacles lie in the limited capacity of vulnerable groups and the lack of institutional support that can facilitate their effective involvement. Meanwhile, Poland has a relatively more structured participation mechanism, but still faces challenges in ensuring that this participation is truly inclusive and provides substantive influence for underrepresented vulnerable groups. This difference is also related to the configuration of each country's political system and public administration. Indonesia, as a democracy still in the process of institutional consolidation, faces difficulties in establishing inter-institutional coordination to facilitate systematic public participation. In contrast, Poland operates within a more organized administrative framework under European Union governance standards, although these mechanisms do not yet fully guarantee substantive representation of vulnerable groups in the legislative process.

The success of meaningful participation is determined by the interaction of structural, institutional, and cultural factors. From an inclusive governance perspective, participation is not enough to simply open up spaces for engagement; it must be supported by clear and operational legal rules, institutions with adequate capacity and resources, and a political climate that values equality of voice. Without these prerequisites, participation mechanisms risk remaining merely procedural and failing to generate real influence in decision-making, especially for vulnerable groups who require affirmative support to participate equally. Within the framework of democratic participation theory, this condition demonstrates the difference between consultative participation, which tends to be symbolic, and deliberative participation, which allows

for the distribution of power in public decisions<sup>33</sup>. Therefore, assessing the participation of vulnerable groups requires examining not only the existence of consultative forums, but also the extent to which these mechanisms provide them with the opportunity to influence the substance of policies.

### **Legal Basis and Institutional Design of Participation**

A key factor in achieving effective public participation is a strong legal basis and clear rules regarding public engagement mechanisms. A 2020 OECD study showed that countries that establish substantive participation standards and mandatory feedback mechanisms tend to produce policies that are more responsive to public needs. In Indonesia, the lack of clear indicators to assess the quality of participation makes public engagement difficult to evaluate objectively and often leads to formalistic practices, thus limiting the real influence of vulnerable groups on legislative outcomes<sup>34</sup>. The process of drafting the Job Creation Law serves as an example, where public consultations were limited in time and did not always provide adequate access for directly affected groups, such as informal workers and local communities. This situation demonstrates that although public participation is normatively recognized in the Indonesian legal system, its implementation is not yet supported by operational indicators capable of guaranteeing the quality of such participation.

Another factor determining the quality of participation is legislators' political commitment to the principles of inclusive democracy. According to Levitsky and Ziblatt (2021), when political elites lack a strong will to strengthen democratic practices, public participation mechanisms tend to be treated merely as administrative procedures, rather than as substantive spaces for deliberation. This situation is evident in Indonesia and Poland, where formal participation forums exist but are not always accompanied by political willingness to consider and integrate the aspirations of vulnerable groups into legislative decisions<sup>35</sup>. From a comparative perspective, this situation also shows that Poland's relatively more established legal framework – influenced by European Union governance standards – does not automatically result in more inclusive participation without a consistent political commitment to following up on public input in the legislative process.

### **Institutional Capacity and the Role of Civil Society**

The effectiveness of meaningful participation is also influenced by institutional capacity and the availability of resources to support the process. A UNDP study (2022) shows that budget, time, and human resource constraints can reduce the quality of participation facilitation, particularly for vulnerable groups in developing countries. These constraints suboptimally facilitate public consultations, limit the space for dialogue, and reduce the administrative support necessary for vulnerable groups to engage substantively. Consequently, even when participation is formally regulated, its

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<sup>33</sup> João Pinto da Costa et al., "The Role of Legislation, Regulatory Initiatives and Guidelines on the Control of Plastic Pollution," *Frontiers in Environmental Science* 8 (July 24, 2020), <https://doi.org/10.3389/fenvs.2020.00104>.

<sup>34</sup> Syeda Ferhana Akther et al., "Patients' Experiences of Assessment and Detention under Mental Health Legislation: Systematic Review and Qualitative Meta-Synthesis," *BJPsych Open* 5, no. 3 (May 24, 2019): e37, <https://doi.org/10.1192/bjo.2019.19>.

<sup>35</sup> Barbara Dariš et al., "Cannabinoids in Cancer Treatment: Therapeutic Potential and Legislation," *Bosnian Journal of Basic Medical Sciences* 19, no. 1 (February 12, 2019): 14–23, <https://doi.org/10.17305/bjbms.2018.3532>.

implementation often fails to ensure that the views of vulnerable groups truly influence the substance of legislation<sup>36</sup>. From a comparative perspective, differences in institutional capacity are also evident between Indonesia and Poland: Poland has a more documented policy consultation procedure, including the use of Regulatory Impact Assessment (RIA), while Indonesia still faces challenges in maintaining consistent implementation of public consultation mechanisms in every legislative process.

The involvement of civil society and intermediary organizations also plays a crucial role in determining the effectiveness of meaningful participation. Carothers and Brechenmacher (2020) show that civil society organizations with strong capacity and networks can bridge the interests of vulnerable groups with policymakers, making it easier for their aspirations to be included in the legislative process. However, there is a risk of domination by certain organizations that prioritize their own agendas and potentially ignore the voices of the most vulnerable groups. Therefore, the role of civil society needs to be carefully managed to truly strengthen inclusivity and substantive participation, rather than simply adding formality to decision-making<sup>37</sup>. In practice, civil society organizations in Poland generally engage through government-facilitated social dialogue mechanisms, while in Indonesia engagement more often occurs through policy advocacy and ad hoc public consultation forums, suggesting that institutional design influences their ability to strengthen the participation of vulnerable groups in the legislative process.

#### **Access to Information, Legal Literacy, and Accountability Mechanisms**

The success of meaningful participation also depends on public access to information and legal literacy. A World Bank study (2021) shows that even when public information is available, complex and technocratic legal language limits the ability of vulnerable groups to participate effectively. Without simplified materials, practical guidance, and programs to improve legal literacy, the aspirations of vulnerable groups struggle to influence the substance of policy<sup>38</sup>. Empirical practice in Indonesia and Poland shows that complex legislative documents that make open access not automatically translate into substantive involvement in advocacy and decision-making processes.

The effectiveness of meaningful participation depends on clear accountability and feedback mechanisms. Without lawmakers being required to explain how public input is integrated into policy content, participation tends to be formal and symbolic. In both Indonesia and Poland, consultation spaces exist, but few mechanisms ensure that the aspirations of vulnerable groups are valued and influence final decisions<sup>39</sup>. Therefore, institutional feedback systems, such as mandatory publication of responses to input, are

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<sup>36</sup> Alysse Loomis et al., "Early Childhood Suspension and Expulsion: A Content Analysis of State Legislation," *Early Childhood Education Journal* 50, no. 2 (February 7, 2022): 327–44, <https://doi.org/10.1007/s10643-021-01159-4>.

<sup>37</sup> Benjamin Strahl et al., "A Multinational Comparison of Care-Leaving Policy and Legislation," *Journal of International and Comparative Social Policy* 37, no. 1 (March 28, 2021): 34–49, <https://doi.org/10.1017/ics.2020.26>.

<sup>38</sup> Dele Raheem et al., "Entomophagy: Nutritional, Ecological, Safety and Legislation Aspects," *Food Research International* 126 (December 2019): 108672, <https://doi.org/10.1016/j.foodres.2019.108672>.

<sup>39</sup> Saru Arifin, "Illiberal Tendencies in Indonesian Legislation: The Case of the Omnibus Law on Job Creation," *The Theory and Practice of Legislation* 9, no. 3 (September 2, 2021): 386–403, <https://doi.org/10.1080/20508840.2021.1942374>.

crucial to ensure that public participation is truly substantive and does not stop at merely procedural consultations.

### **Implications for the Formation of Inclusive Legislation**

The effectiveness of meaningful participation by vulnerable groups depends on the integration of a clear legal framework, adequate institutional capacity, and consistent political commitment. Without strengthening legal norms, institutions, legal literacy, and accountability mechanisms, participation tends to be symbolic and formalistic, limiting the ability of vulnerable groups to influence the substance of policy<sup>40</sup>. Therefore, the transformation from procedural to meaningful participation requires an institutional design that strengthens standards of public participation, provides inclusive access to information, and builds deliberative mechanisms that enable vulnerable groups to play a significant role in determining the direction and content of legislation.

## **4. Conclusion**

Normative and comparative analysis shows that although Indonesia and Poland legally recognize the importance of public participation, including for vulnerable groups, their practice still faces a significant gap between norms and implementation. In Indonesia, the strengthening of participation through Constitutional Court Decision No. 91/PUU-XVIII/2020 and the P3 Law is procedural in nature and does not guarantee substantive involvement. Meanwhile, in Poland, despite a more institutionalized legal framework through public consultations and regulatory impact assessments, the participation of vulnerable groups remains limited by the centralization of power and political dynamics. The effectiveness of participation is influenced by the legal basis, political commitment, institutional capacity, the role of civil society, and transparency and accountability mechanisms. Therefore, reforms are needed to establish standards for meaningful participation that are inclusive and transparent, establish specific institutional units to facilitate vulnerable groups, institutionalize feedback mechanisms for policymakers, and strengthen civil society capacity and legal literacy of vulnerable groups. Integrating these steps will enable the legislative processes in both countries to evolve toward a more deliberative, transparent, and responsive model that addresses the needs of the entire community.

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<sup>40</sup> Nikolaos Tsiamis, Loukia Efthymiou, and Konstantinos Tsagarakis, "A Comparative Analysis of the Legislation Evolution for Drone Use in OECD Countries," *Drones* 3, no. 4 (October 1, 2019): 75, <https://doi.org/10.3390/drones3040075>.

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