

COLLABORATIVE GOVERNANCE: STUDY ON THE PROCESS OF ESTABLISHING REGIONAL REGULATIONS CONCERNING STRUCTURE AND EMPOWERMENT OF FOOD TRADERS IN BONE DISTRICT

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Abstract

This paper tries to examine the potential of collaborative governance, especially the Ansell and Gash models, to be applied to the policy formation process, in this case the formation of regional regulations. This study is based on the failure of a policy sometimes only seen from the side of its implementation, but it could be that the failure occurred when the policy process was made. The position of the public or the community in the policy-making process is sometimes only considered as a complement so that their involvement is only interpreted as a formality to comply with regulations. The method used in this research is qualitative by using a case study approach related to the formation of Regional Regulations concerning the Arrangement and Empowerment of Street Vendors in Bone Regency. The result of this research is that collaborative governance can basically be applied at every stage of the policy. The application of collaborative governance can be done by basing on the current basic policies in the Law on Regional Government and the Law on the Establishment of Legislation. The use of the terms public consultation and research must be interpreted as a collaborative forum.

Keywords: Collaborative governance, Formation of Regional Regulations, Policy Formulation, Public/Community Participation, Consensus.

INTRODUCTION

One form of governance that has begun to develop in Indonesia in recent years is collaborative governance. Although in many other countries this pattern has been widely practiced. Collaborative governance is a collective and egalitarian process in that participants are endowed with substantive authority to make collective decisions, and each stakeholder processes an equal opportunity for its preferences to be reflected in the collective decision (Robertson & Choi, 2011). If you look at the definition, it shows that the application of collaborative governance emphasizes collective actions and processes that are egalitarian and have equal opportunities in making joint decisions.

Collaborative governance is a new paradigm in understanding the existence of multi-stakeholders in public affairs. There are certain characteristics in actor relationships so it is important to conduct collaborative studies (Kurniadi, 2020). Collaboration must be interpreted differently from networks and partnerships. According to Ansell and Gash (2007: 547-548), networks are used to describe forms of government-community cooperation that are more plural, informal and implicit in scope. Partnership is used to describe cooperation that is more oriented to coordination than consensus in decision making. Collaboration is used to describe

cooperation that is formal, explicit and collectively oriented in decision making. Collaboration involves managing relationships to manipulate regulations and systems while the network only talks about the implementation of civil works (Goliday, 2010) Partnerships occur when private agents more or less replace public roles whereas collaboration occurs when public and private agents perform active functions (Bevir, 2006).

Although it has become a phenomenon in various countries, in practice it always varies according to the underlying conditions from the historical and institutional aspects. These differences certainly affect collaborative governance arrangements and their effectiveness as a tool for solving public problems. This condition can be seen from the observations of Ansell and Gash, who state that collaborative governance is used as a construction in conducting a broader analysis in the field of public administration and allows the emergence of differences in application at different scales, so it is said that experts focus more "on species". Rather than the genus" of collaborative governance (Kurniadi, 2020, p. 38).

The focus of collaborative governance is on solving public problems by means of collaboration. In a study conducted by Emerson, et al., (2015) found that collaborative governance is an effective strategy in solving complex problems (wicked problems), or solving problems for which the right solution has not been found. Various important public issues, but rarely get serious attention, one of which is the involvement of the public or the community in the formation or formulation of a policy. This involvement is usually in the form of representation or representatives of the public involved in the formulation of a policy. The representation in question is not from the government circles or elements from both the executive and legislative branches, in other words when referring to Gazley, Chang, and Bingham (2010), basically representation refers to the characteristics of the constituents that are reflected in the government structure, processes, and outputs. If you refer to this opinion, public involvement through its representation. The concept of representation has been understood in settings where governance is often specifically designed to encourage broad participation, for example, in the context of collaborative governance (Koski, Siddiki, Sadiq, & Carboni, 2016) .In the language of policy, according to Law 12 of 2011 concerning the Establishment of Legislations, it is referred to as community participation. However, this space for participation is not explained in a more technical way so that its implementation is sometimes just a "formality" at the policy stage.

In the context of the issues raised in this article, it refers to the formation of laws and regulations through the stages of public/community participation which is then linked to the theory of collaborative governance which also focuses on aspects of public participation or involvement. It should be understood in advance that when referring to the definition of collaborative governance (Robertson & Choi, 2011; Ansell & Gash 2007; Emerson, Nabatchi & Balogh, 2012), one of the elements that must exist is the involvement of non-state/non-government actors in the process that is carried out, meaning that not all types of policies that are in the context of the formation of laws and regulations through the process of community participation can be made with a collaborative governance pattern. Policies that cannot be formulated using the collaborative governance model are a form of legislation that regulates

internal government organizations or those that are not directly related to the community, on the other hand, all types of laws and regulations that are directly related to the community can be made using the collaborative governance model.

The policy adopted in this article is in the form of a regional regulation (perda) as a consequence of the implementation of regional autonomy which gives the region the authority to administer and regulate its own region. This authority to regulate then becomes the basis for the formation of regional regulations. One of the cases that this article tries to raise is related to the problem of street vendors (hereinafter referred to as street vendors).

The problem of street vendors can be said to occur in various regions in Indonesia. One of the problems they often face is related to structuring and empowerment issues. Not infrequently we see various evictions that they face because they are considered to disturb public order, such as using sidewalks or public spaces that are not in accordance with their designation to carry out their activities or business. However, it cannot be denied that street vendors are the heart of social and economic activities in the regions that have a significant contribution to regional development. Therefore, seeing the potential and problems faced, it is important to solve them through a policy that exists in the region.

Seeing the problems above, Bone Regency through the Regional People's Representative Council (DPRD) proposed the right to take the initiative to form a regional regulation related to the arrangement and empowerment of street vendors. In the stage of forming a regional regulation, space is opened for public/community involvement in a collaborative space. This can be seen in Article 354 of Law no. 23 of 2014 concerning Regional Government which encourages community participation to develop institutionalization and decision-making mechanisms that enable community groups and organizations to be effectively involved, one of which is through the preparation of regional regulations and policies. This provision should be made more effective and strengthen the public's position to be involved in policy making, but it is up to the policy makers to carry out this process like what.

In general, the pattern of public involvement or participation in the formation of regional regulations is carried out through a forum called Public Consultation. This forum should be a space for the public to be directly involved in the policy-making process. However, in reality, forums like this are sometimes not used properly so that the quality of the policies that are born is sometimes not in accordance with public expectations, or in other words, public consultation forums only run as a formality to fulfill the provisions of the legislation.

The lack of maximum public consultation certainly causes the information or problems experienced are not conveyed directly (asymmetric information). This of course will be an obstacle when the problem is not able to be identified properly by policy makers. In collaborative governance, the involvement of non-state elements is very important, because it is related to their condition as objects that are directly affected by the policies to be made, so it is natural that the involvement of non-state elements must have a strong role and be able to influence or control the direction of policies that will be implemented. Decided. Based on the document of the public consultation meeting in the formation of a regional regulation on

structuring and empowering street vendors in Bone Regency, the only elements involved were representatives from the Indonesian Street Vendors Association (APKLI), even though not all street vendors joined under the association, so that the perspective of street vendors was only obtained from one perspective. Party only. Based on the results of the researcher's initial observations, this condition was exacerbated by the public consultation process which was only carried out once in the entire process or stages of the formation of the regional regulation. In addition, the process that occurs is only consultative in nature, where non-state elements only "consult" with state elements related to the existing conditions they face in the field. So it can be said that the process is not running effectively.

Another problem that arises is the lack of commitment from local officials to implement policies that have been decided jointly (based on consensus). It is proven by the fact that after 3 (three) years since it was established, there are still evictions of street vendors in Bone Regency, so that this policy can be said to have no impact on the problems underlying why the policy was made. This means that there is a failure in the formulation or even implementation of the policy.

Consensus as a characteristic of collaborative governance underlies the birth of a policy based on common interests. Consensus is important because governance describes the interaction of at least two parties. The more parties involved, the more dynamic the consensus will be. No decisions are made by one or only a few parties. According to Provan and Kenis (2007), consensus-based problem solving is better done to avoid conflict. If it is associated with the opinion of Ansell and Gash (2007) that Collaborative Governance emerged as a response to implementation failures, high costs and the politicization of public sector regulations that focus on each stage of public policy, it becomes important to see and try to implement collaborative governance in the process of formulation or implementation. The formation of public policies, especially related to the pattern of public involvement or participation which is the central point in this collaborative governance.

RESEARCH METHODS

This article uses a qualitative research method using a case study approach, as well as using an explanatory technique. The case study approach according to experts is one of the methods or strategies used in qualitative research, and the most widely used based on the topic under study (Yin, 2003) . Qualitative research methods, as used in this study, involve exploring and understanding the meanings that individuals or groups of individuals ascribe to social or humanitarian issues. Meanwhile, the case study approach was chosen because of its ability to provide answers to various interrelated and interdependent factors related to policy implementation, outputs, outcomes, and impacts.

While the data collection techniques include interviews with informants. Data analysis includes description, tabulation, assessment, and interpretation of data and information obtained from documents, interviews, and surveys. The interpretation of the data analysis is based on the identification of patterns between issues and factors related to public services that underline the existence of a common theme. The general theme serves as a guide in drawing conclusions

and policy implications. If you look at the scope, the case study is only limited to the micro area because it examines behavior at the level of individuals, groups, institutions and organizations. The cases are also limited to certain types of cases, at a certain place or locus and at a certain time. Case studies in qualitative research are not intended to take or obtain generalizations, therefore they do not require populations and samples (Rahadrijo, 2017).

RESULTS AND DISCUSSION

Collaborative governance is therefore a type of governance in which public and private actors work collectively in a distinctive way, using particular processes, to establish laws and rules for the provision of public goods (Ansell & Gash, 2007, p. 544) Based on this definition, according to Ansell & Gash, there are 6 (six) criteria that need to be emphasized in collaborative governance, including the first; there is a forum initiated by a public institution. Second; participants in the forum must involve non-government elements. Third; participants should be directly involved in policy-making and not simply “consult” with the government. Fourth; the forum should be formally organized and have regular meetings. Fifth; policies taken must be based on consensus. Sixth; collaboration focused on public policy or public management.

If you pay attention to the criteria listed above and are associated with the stages or process of forming a regional regulation, basically it is found that there are similarities between these criteria and the stages or processes of their formation. This can be seen from the planning stage to the determination stage. Regarding forums initiated by public institutions, this is in line with the process of forming regional regulations where there are forums run by the regional government or DPRD, generally referred to as public consultations. The forum also involves parties or elements from non-government, namely in this case stakeholders related to the material in the draft regional regulation. At this forum, participants should be directly involved, not just consulting with the government, but at this stage the main focus of problems that often occur, because participants often only consult at the forum without having the ability to control or direct the policies to be agreed upon. Likewise, regular meetings cannot be held because they are only held once, even though the forum is formally recognized and decisions in the forum are taken based on consensus with the parties in the forum related to the public policy to be taken.

The formation of regional regulations as stated in Article 1 point 1 of Law Number 12 of 2011 concerning the Establishment of Legislations is the making of laws and regulations which include the stages of planning, drafting, discussing, ratifying or stipulating, and enacting. At the planning stage, it is carried out through a program for the formation of regional regulations (Propemperda) which contains a description of the list of regulations that will be compiled in one fiscal year along with the basis for formation, materials to be regulated, urgency, and who is proposing it. The discussion of the regional regulation is carried out by the Regional Regulation Formation Agency (Bapemperda) of the DPRD and the regional government which is coordinated through the legal department/bureau. The results of the discussion will later become a list of regulations that must be carried out in one year. If it is related to public

involvement, then the propemperda is based on orders from higher laws and regulations, regional development plans, implementation of regional autonomy and assistance tasks, and aspirations of regional communities. After starting with the preparation of the Propemperda, which is defined as a planning instrument for the formation of a regional regulation that is prepared in a planned, integrated, and systematic manner, the initiator of the regional regulation (may be by the DPRD or the Regional Head) then prepares a draft regional regulation accompanied by explanations or explanations and/or academic texts. Academic document itself is a text of research results or legal studies and other research results on a particular problem that can be justified scientifically as well as a solution to the problems and legal needs of the community. In the process of preparing this academic paper, of course, it can also involve elements outside the government, which will strengthen the draft regional regulation from the sociological and empirical aspects.

Furthermore, in the process of discussing the draft regulation, it begins with the submission of a cover letter. If the draft regional regulation is an initiative and is initiated by the regional head, a cover letter from the regional head is submitted to the DPRD leadership. Likewise, if the draft regional regulation is initiated by the DPRD, it begins with the submission of a cover letter from the DPRD leadership to the regional head. In the process of this discussion is carried out through 2 (two) levels of discussion. Level I talks;

For a provincial regional regulation draft from the Regional Head, it is carried out by:

- a) Explanation of the Regional Head in the plenary session regarding the draft regional regulation;
- b) The general view of the faction on the draft regional regulation; and
- c) The governor's response and/or response to the general view of the faction.

Meanwhile, in the case of a regional regulation draft originating from the DPRD (in this case a regional regulation draft on the arrangement and empowerment of street vendors), it is carried out by:

- a) Explanation of the chairman of the commission, the chairman of the joint commission, the head of the Bapemperda, or the head of the special committee in the plenary meeting regarding the draft regional regulation;
- b) The opinion of the Regional Head on the draft regional regulation; and responses and/or factions' answers to the opinion of the Regional Head.
- c) Discussion in commission meetings, joint commissions, or special committees conducted together with the Regional Head or an official appointed to represent him.

In this level I discussion, in the discussion process in commission meetings, joint commissions, or special committees carried out together with the Regional Head or an official appointed to represent him, then the involvement of elements outside the government or stakeholders through forums initiated by the initiator through public consultation. At this stage, the important role of stakeholders (society/public) can influence, direct, and even control the

direction of policies that will be made. This is in line with the opinion of Miftah Thoha (2003, p. 57) that the government can act democratically if the control role carried out by the community is carried out optimally, proportionally, constitutionally, and responsibly.

Observing the stages and processes, basically the stages of the process of public involvement or participation can be carried out starting from the planning stage, but in fact based on documents and interviews with informants, namely the Head of the Legislation Sub-Section of the DPRD Bone Regency related to the draft regional regulation on structuring and empowering street vendors. Carried out only once, namely at the planning stage, during the preparation of the Academic Paper and the initial draft of the regional regulation. Based on interviews with informants from representatives of street vendors, namely through APKLI, it was stated that they were involved in the public consultation. Their involvement is only limited to providing input and suggestions as well as conveying the problems that have been experienced by street vendors. If you look at these conditions, it can be said that the involvement of non-government elements in the public consultation forum is only limited to "consulting", in other words their position is not equal to that of the government in the forum.

According to Ansell and Gash (2007), when stakeholders do not have the same capacity, organization, status or resources to participate as other stakeholders, the collaboration process will be vulnerable to being manipulated by powerful actors. The role or involvement of stakeholders in the public consultation can be said to be caused by the understanding of the actors concerned about the urgency of public participation in adequate policy making. The presence of elements outside the government can be considered to hinder or prolong the policy-making process, of course, this is based on the information obtained that the more actors outside the government are involved, the more likely it is to hinder the discussion process. This view certainly needs to be straightened out and re-understood.

In the theory of community participation, Korten argues that community participation connotes "the direct involvement of ordinary people in local affairs", the content of this understanding can be forced or free, and can also be manipulative or spontaneous (Muluk, 2009).. This theory is in line with that proposed by Ansell and Gash who use the term collaborative governance in government conditions that emphasize a deliberative and consensus-oriented participatory approach (2007, p. 548) Public policy making, especially laws and regulations (in this case local regulations) must be based on aspirations and participation. This condition is based on the basic logic of the Indonesian state which places the Regional Head and DPRD as the holder of the people's sovereignty. One of the essences of the formation of local regulations is participation which can be interpreted as a space for collaboration. Of course, what must be considered is the essence of participation, not to be considered as a formality to fulfill existing provisions (Mochtar, 2022). As written by Arnstein (1969) with the term "tokenism" level of participation, which means that public participation is used only to fulfill the requirements for the formation of regulations. If this happens, the essence of participation or collaboration will be lost, because it seems as if public aspirations or input are accepted.

Regarding the regulation and empowerment of street vendors that have been stipulated and promulgated, in reality it is not in line with expectations or expectations. The problem of

eviction of street vendors has still occurred since 3 years of the enactment of the regulation. In fact, the aspirations or inputs conveyed at the public consultation forum cannot be fulfilled or implemented. Based on the results of interviews with representatives of street vendors, it was stated that there was no difference since the regulation was enacted from the previous one, because the evictions they experienced previously are still being felt today. On the other hand, one of the causes as stated by the Head of the Legal Division of the District Government. Bone is the absence of implementing regulations from the regional regulations which contain the determination of zones that can be used by street vendors to trade.

Observing the information above, it can be said that another problem is that the consensus that has been agreed upon during the public consultation and discussion of the draft regional regulation is not running. This means that stakeholder inputs (representatives from the PKL association) who want the evictions to not happen again cannot be answered with the local regulations that have been made. Consensus must be based on commitment. The content of commitments related to the guarding of promises or agreements, without a high commitment, it is difficult to realize the unity of the promise (Haq, 2020). This commitment was later not seen in the process of forming and implementing the regulation.

Therefore, it can be said that there are problems in the process of forming the regional regulation up to the implementation stage. The consensus is that the eviction of street vendors only occurs during the formation process but is not stated properly and firmly in policies in the form of local regulations. This condition can also be caused by the absence of control from non-government elements in the subsequent formation process other than at the stage of public consultation during the planning process, so that to solve these problems, the collaborative governance model can be applied at each stage of the formation of local regulations. This model needs to be developed to strengthen the position of the public/community in policy making, and of course to minimize the risk of rejection of a policy in the community.

SPACE FOR COLLABORATIVE GOVERNANCE IN THE FORMATION OF REGIONAL REGULATIONS

To implement collaborative governance in the process of forming local regulations, it is necessary to look at the current policy basis regarding this matter. In Law 23 of 2014 concerning Regional Government, Article 354 states that; in the implementation of Regional Government, the Regional Government encourages community participation. In encouraging community participation, Local Governments:

- a) Convey information on the implementation of Regional Government to the public;
- b) Encourage community groups and organizations to play an active role in the administration of local government through community capacity building support;
- c) Develop institutionalization and decision-making mechanisms that enable community groups and organizations to engage effectively; and/or
- d) Other activities in accordance with the provisions of the legislation.

Based on the explanation of the law, "effective" involvement in point c above means that community participation is not only a formality but really concerns the interests of the welfare of the community. Developing institutionalization and decision-making mechanisms is left to local governments to implement. The institutionalization of a decision-making system that involves the community effectively is needed to meet the demands of participation in a democratic country, as the results of research on collaborative governance in the US and Korea proposed by Jung, Mazmanian, and Tang (2009, p. 5). Thus, the provisions in the Regional Government Law can become a space for the application of collaborative governance in the process of forming local regulations. Even though they use the term community participation, if you look back at what Ansell and Gash (Islamy, 2018) stated, they state that various terms that are often used and exchanged by various experts, including participatory governance, also have the same meaning as collaborative governance. In addition, the Decision of the Constitutional Court (MK) No. 91/PUU-XVII/2021 concerning the Job Creation Law makes the participation obligation stronger and broader by stating that there must be broad and meaningful community involvement, which the Constitutional Court describes as meaningful participation and should fulfill the public's right to participate with the concept of right to be heard, right to be considered and "the right to be explained right to be explained on these opinions and aspirations (Mochtar, 2022). The decision shows the importance of the position of the public or the community in the formation of legislation.

Therefore, it is important to offer the government related to the collaborative governance model in the formation of this regional regulation, whose basic concept lies in the involvement of stakeholders (non-state elements) in a deliberative and egalitarian way to reach a common consensus.

COLLABORATIVE GOVERNANCE MODEL IN FORMATION OF PERDA

In the concept created by Ansell and Gash, there are 4 (four) variables used to organize collaborative governance including starting conditions (initial conditions), collaborative process (collaboration process), institutional design (institutional design), and facilitative leadership (facilitative leadership).) (Ansell & Gash, 2007). Of the four variables, the collaborative process variable is the core of the Ansell and Gash model while the other variables provide support for the collaboration process. This variable will later be used to see how the process of collaboration or community involvement is in making local regulations.

Collaborative governance will be successful if there is an authentic dialogue that allows all parties to have a voice, discuss common interests, have an open mind, be aware of each other's position and have the desire to find the best solution for all parties. Therefore, the main focus of this article is on the collaborative process of the variables described by Ansell and Gash.

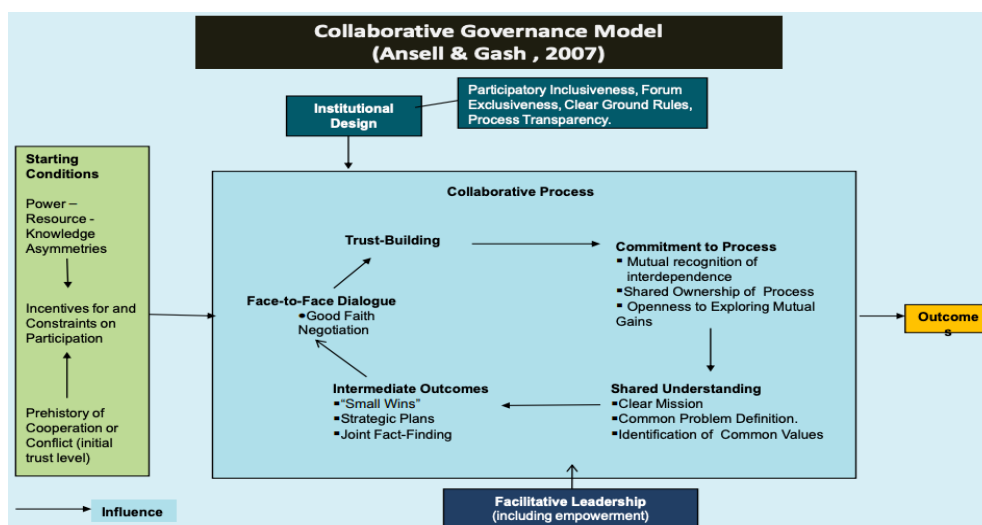
According to O'Leary (Islamy, 2018, pp. 39-40), there are six reasons why collaborative governance is said to be the best choice in governance, including;

1. The challenges of public problems that are increasingly complex and difficult to handle in a monopoly by a government organization, thus requiring multi-approach;

2. Several government organizations have implemented outsourcing mechanisms to increase their organizational capacity. This mechanism, of course, requires an additional budget that burdens the government budget. The outsourcing mechanism basically uses collaborative principles between government organizations and non-governmental organizations on the basis of work contracts;
3. There have been significant changes in relations between governments at different levels. Central-regional government relations that allow the creation of a working mechanism based on the principles of cooperation, collaborative and information exchange;
4. Improving the effectiveness of programs/activities financed by the government can encourage government employees to identify new ways to provide the best service for the community;
5. The development of technology that facilitates the exchange of information for integrated decision making through the principle of interoperability; Masyarakat mencari arena baru untuk mengambil dan berperan atau masuk dalam tata kelola governance, yang memungkinkan terciptanya collaborative dalam pemecahan masalah, serta dalam pengambilan keputusan

The process of collaborative governance models is often described as undergoing changes or development following the context and changes in strategy in order to achieve collaboration goals. There are many collaborative governance models that have been developed such as the Agranoff and McGuire (2003), Bryson, Corsby, and Stone (2006) models, Emerson, Nabatchi, and Balogh (2012) models, but based on our study of these various models, and adapted to problems that occur in the collaboration process related to the formation of local regulations, it is more suitable to develop the model from Ansell and Gash (2007) which also one of the main focuses is on the stages of the collaboration process

Figure 1: Ansell and Gash (2007) Collaborative Governance Model



Collaborative Process

At this stage of the collaboration process, it is described in stages, where feedback in the collaboration process will determine the next steps in the collaborative process. It is sometimes difficult to determine where to start the collaborative process. However, because communication is the core of collaboration, Ansell and Gash started from the face to face dialogue stage, but we will start at the trust building stage on the grounds that face to face dialogue can only be effective if trust between parties has been built first.

Trust Building

Building trust is not easy, but it must be done to ensure that the collaboration process runs effectively. Therefore, the initiator of collaboration can do several things, including making the collaboration process open and easily accessible to the public, in addition to providing understanding and assurance that the process to be carried out will involve stakeholders at each stage of the formation of local regulations.

Stakeholder involvement at each stage will provide confidence that what they aspire to or convey in the forum is still considered and discussed properly. This is in line with the meaning of meaningful participation, namely "right to be heard", "right to be considered" and "right to be explained" which are currently only being heard. And considered, but rarely found for an explanation if their suggestion or opinion is not accepted. Trust will certainly be built if the stakeholder rights are also applied in the next process. Mutual trust will arise as the parties work together, understand each other, and show each other that they are worthy, and can be relied on.

Face to face dialogue

The process at this stage, more emphasis on a process oriented to reach consensus. So that direct face-to-face dialogue is important for elements in collaborative governance (Local Government, DPRD, Stakeholders/PKL representatives). This stage builds communication between stakeholders. In order to build a good dialogue or communication, it is necessary to understand that the position of each actor in this matter has a balanced position so that there is no impression of "consulting" in this dialogue.

If in the process of forming a regional regulation on structuring and empowering street vendors it is found that the representation of street vendors is only "consulting", then this pattern should be changed by placing them in a balanced position. This can be done by positioning these stakeholders as parties who are considered to have an understanding of the conditions or facts that occur in the field or what they experience. Of course, this is not easy, because it takes an ability by the forum initiator to be able to identify stakeholders who have adequate capabilities to carry out direct dialogue. This is what we sometimes do not find in the process of involving non-government elements in the formation of local regulations. For example, only one group is identified to represent street vendors, even though not all street vendors are under the auspices of the association or group.

To develop this dialogue to be effective, it is necessary for the stakeholders involved to be given basic information regarding what will be discussed in the dialogue, meaning that the dialogue should be carried out not suddenly and in a hurry, so that there is time to prepare materials and information for stakeholders in the dialogue.

The purpose of this face to face dialogue is to reach consensus. Oortmerssen et.al, (2014) explained that consensus orientation is needed in a multi-stakeholder collaboration process, it can even be said that there is no collaboration without going through a consensus process. Consensus is an agreement of words or mutual consensus (regarding opinions and stances) that is reached through unanimity, therefore consensus is highly upheld in the collaborative process.

Commitment to the process

At this stage Ansell and Gash (2007) emphasize the commitment of stakeholders to have shared responsibility for the process that has been mutually agreed upon in the deliberation. This means that there is awareness to comply with the process that has been mutually agreed upon in the stages of forming local regulations. Mutual commitment in this matter is of course built on the basis of trust. This process can also run well if neither party has absolute position in the collaboration process.

The government must understand that they are not able to know everything that happens in the community, so they need the community for that. In addition, the government must show its commitment to every agreement that has been reached to be followed up. Commitment to a collaborative process requires a willingness to comply with the results of the deliberation, and this of course requires the generosity of the parties if the proposal is rejected or what is expected is not able to reach an agreement in the process.

Commitment to this process is also an obstacle related to the local regulation on structuring and empowering street vendors, where the consensus results contained in the local regulation policy are not followed up by issuing implementing regulations, resulting in what was expected so that the eviction of street vendors does not happen again failed to be realized. This will certainly be a problem if it is not addressed immediately, because of course it will certainly make trust in the government decrease. The feeling of ownership of policies that are born based on consensus cannot be carried out properly, so there needs to be a firm mechanism to make the parties involved in the process have a commitment to consensus. It could be by applying sanctions to parties who do not have a commitment to carry out the consensus.

Shared Understanding

At this stage, a common understanding is needed to unify perceptions of the substance and purpose of collaboration. This is done by equating perceptions related to the problem to be solved together, or by identifying the problem together so that a complete picture is obtained regarding the understanding of the problem. Specifically refers to the ability to understand and respect each other's positions and interests, even when one of the parties disagrees.

It must be understood that what is understood by the government (DPRD and Regional Government) is certainly different from what is understood by the community/public (PKL).

Each element involved in the collaboration process has its own capabilities and strengths. Precisely with these differences, the problem should be handled better, because it involves various perspectives. This is what should be held as a common value in the collaboration process.

Intermediate Outcome

The entire process that has been passed above will lead to the result of the collaboration process. The result is of course a consensus on everything that happens from the stages of the collaboration process that has been running. The results of this stage will certainly be material for discussion or dialogue at the next collaboration or improvement stage. The implementation of the consensus reached at this stage will certainly correlate with the level of stakeholder confidence in the collaboration process that will run in the next stages.

The collaborative governance model in the formation of local regulations can be placed at each stage of the formation of local regulations, namely the planning stage; stages of preparation; discussion stage; the ratification or stipulation stage, the promulgation stage, and the dissemination stage. The process was again strengthened by the amendment to Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Establishment of Legislation. Based on the explanation of these rules, it is stated that in preparing the Academic Paper of Regional Regulations it must be supported by certain study methods, including the Regulatory Impact Assessment (RIA) method and the Rule, Opportunity, Capacity, Communication, Interest, Process, and Ideology (ROCCIPI) method.

The use of the RIA method in the process shows a commitment to placing the position of the community or the public in the central position of forming local regulations. Regulatory Impact Assessment or commonly called RIA is a form of regulatory review method that is often used to see the consequences of a regulation. The basic concept of RIA is based on the concept of policy analysis developed by William N. Dunn (2003). RIA was first implemented as a process in American government in the 1970s (Parker, 2006). However, it became popular after the OECD began to implement the idea and published RIA in March 1995 in the form of guidelines for implementing RIA, until it spread in the UK and was implemented in OECD countries since the 2000s.

If you pay attention to this RIA stage, it is clear that every process must involve community participation, so it is very suitable to be collaborated with collaborative governance. The collaboration of these methods will certainly enrich and complement each other in the process of forming local regulations without reducing the meaning of each of these methods. Of course, the RIA method is applied to the process of drafting regional regulations in terms of the preparation of academic documents and draft regional regulations.

Thus the collaborative governance model can be applied to the stages of the process of forming existing local regulations, namely planning, drafting, and discussing or determining. Although we do not agree with the term “public consultation” that is used, because it seems that from a language perspective it is only consultative and places the position of non-government

elements as unbalanced with government elements. Therefore, we interpret the term public consultation as a collaborative forum.

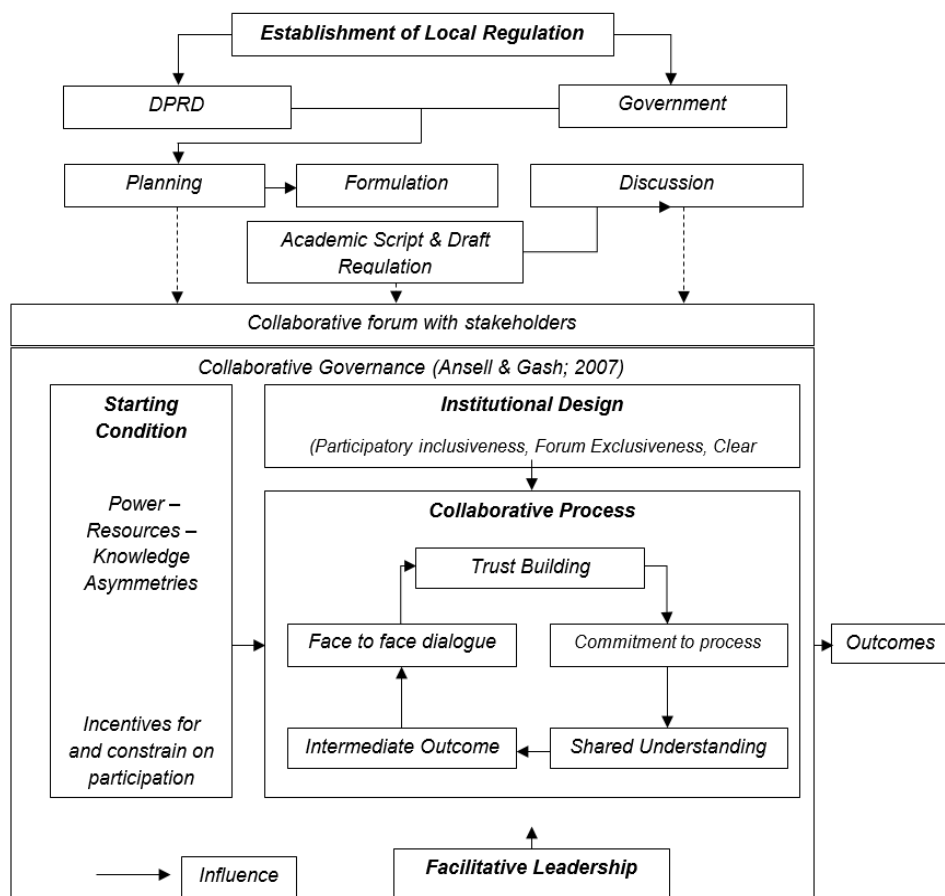
Table 1: RIA Stages

No.	Stages	Public Consultation (as RIA stages)
1.	Formulation of the problem	
2.	Identification of problems	
3.	Identify Alternative Actions	
4.	Cost and Benefit Analysis	
5.	Determination of Action Options	
6.	Determination of Implementation Strategy	

Source: PPM KKN Module Review of Perda FH UGM (2009)

The pattern of collaborative governance in the process of forming local regulations can be seen as follows:

Gambar 1 Collaborative Governance dalam Pembentukan Perda



CONCLUSION

Collaborative governance can basically be applied at every stage of the policy, and based on the results of the research above, we can conclude that in the formation of local regulations it is necessary to develop a pattern of public or community involvement in a broader and effective or meaningful direction. Effective or meaningful in this case focuses on the collaboration process which is not just a formality. The public consultation process which has been carried out so far is only a formality and puts the public in the position of consulting the government.

This pattern needs to be strengthened by a collaborative governance model that puts the position of the parties in the policy, namely the government and non-government elements, into balance with their respective competencies. To implement collaborative governance, it has been supported by various policies that can be used as the basis for its implementation, including the Law on Regional Government and the Law on the Establishment of Legislation. So we hope that the local government as the initiator of the collaboration forum can develop institutionalization and decision-making mechanisms that enable community groups and organizations to be involved effectively. Regarding the pattern of public involvement through a forum called Public Consultation, we interpret it as a collaborative forum which has the meaning of a deliberative and egalitarian process. In contrast to the impression that appears on the term public consultation.

For the government, it is necessary to improve the quality of resources to support the collaboration process, and provide the same understanding to policy makers that not all problems can be solved by the government, so collaboration in the current era is a must. Thus the egalitarian view by assuming all parties are equal and the dialogue process to reach consensus can be more meaningful. In addition, it is important to maintain commitment to the consensus results that have been reached together, even if necessary there must be sanctions for those who violate the consensus.

The limitation of this research is that it has not been able to describe in detail at other stages outside the collaboration process, which according to Ansell and Gash is also a variable that supports successful collaboration. So as a suggestion for further research to be able to elaborate on these other variables, and it is possible to use other collaborative methods that can be adapted to current conditions.

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