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FAST TRACK LEGISLATION WITHOUT A LEGAL TRACK: A COMPARATIVE CRITIQUE OF ACCELERATED LAW-MAKING IN INDONESIA AND OTHER JURISDICTIONS

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Abstract

This study critically examines the trend of "fast-track legislation" in Indonesia, particularly focusing on the Omnibus Law on Job Creation, the IKN Law, and the 2024 Constitutional Court Law. While fast-track legislation is often used as a tool for crisis management, Indonesia's approach raises significant concerns due to its lack of a formal procedural framework. Unlike mature democracies such as the United Kingdom, the United States, and New Zealand, which have regulated systems for expedited law-making, Indonesia's fast-track process is largely unregulated and accelerates policy changes without proper public scrutiny. The study uncovers a troubling pattern where speed becomes a substitute for thorough deliberation, leading to a democratic deficit and allowing executive power to bypass essential checks and balances. By comparing Indonesia's practices with those of established democracies, the research highlights that fast-track mechanisms can be effective when guided by clear legal standards, judicial review, and transparency. However, Indonesia's current system risks undermining democratic accountability, as urgency is often used as a tool to avoid public participation and scrutiny. The article concludes by calling for the urgent codification of a transparent, participatory framework for expedited legislation within Indonesia's existing legal structures. This framework should define criteria for urgency, ensure procedural safeguards, and prioritize public involvement, ultimately ensuring that the pursuit of speed does not come at the cost of democratic integrity.

Keywords: *Fast Track Legislation; Accelerated Law-making; Comparative Law; Democratic Process; Public Participation.*

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1. Introduction

In the architecture of modern democracy, the legitimacy of law-making rests on a delicate tripod of transparency, inclusivity, and accountability. Ideally, the legislative process is a deliberate marathon, not a sprint. Yet, when faced with genuine crises or pressing public needs, many legal systems employ *fast-track legislation*, a mechanism designed to bypass standard temporal constraints without dismantling democratic safeguards.[1] Mature jurisdictions such as the United Kingdom, the United States, and New Zealand have long integrated these expedited

[1] Wand Mei Herry Susilowati, "Application of Fast-Track Legislation Method in Presidential System of Government in Indonesia," *Cepalo* 8, no. 1 (June 2024): 49–68, https://doi.org/10.25041/cepalo.v8no1.3346.

paths into their constitutional fabric. In these countries, urgency is not a wildcard; it is a regulated procedure reserved for exceptional threats to national security, public health, or economic stability, ensuring that swift action remains tethered to democratic scrutiny.

Indonesia, however, presents a sharp and somewhat paradoxical departure from this global norm. While its legal framework lacks a formal, codified concept of *fast-track legislation*[2], the practice of accelerated law-making has become an increasingly dominant, albeit unofficial, feature of its political landscape. The enactment of Omnibus Law on Job Creation and the recent 2024 Constitutional Court Law serve as stark reminders of this trend. These laws were propelled through the legislature with striking speed, often bypassing the National Legislation Program (*Prolegnas*) and eluding the very public they were meant to govern. This procedural shortcutting has sparked a firestorm of criticism, not only for its lack of transparency[3] but also for its skeletal public consultation[4], and questionable urgency, collectively raising significant concerns about the erosion of democratic values and procedural integrity in Indonesia's law-making process. Beyond the halls of parliament, these manoeuvers have triggered large-scale civil unrest, forcing a significant drain on national energy and resources as the public seeks to reclaim its voice through the streets.[5]

This study steps into the gap between Indonesia's *ad-hoc* practices and the structured fast-track systems found elsewhere. The novelty of this research lies in its critique of the legal vacuum, examining how the absence of a formal track for expedited laws does not just create procedural confusion, but actively undermines the rule of law. By operating without a map, Indonesia risks transforming legislative urgency from a tool of crisis management into a tool of political convenience.

Drawing on the dual lenses of public participation theory and the principle of the rule of law *(rechtsstaat)*, this study dissects the risks of Indonesia's current trajectory. It argues that when speed is prioritized over deliberation, the casualty is often public trust and legal certainty. By positioning Indonesia's approach against international best practices, this research seeks to move the conversation beyond mere criticism. It advocates for an urgent legislative evolution: the codification of a transparent, participatory, and accountable framework for managing urgency, ensuring that in the race of govern, Indonesia does not leave its democratic integrity behind.

2. Method

To critically dissect the phenomenon of accelerated law-making in Indonesia, this study utilizes a qualitative doctrinal legal method[6] harmonized with a comparative legal analysis.[7] This methodological pairing allows for a dual-layered investigation: first, an internal critique of

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2 Yassar Aulia, Ali Abdurahman, and Mei Susanto, "Fundamental Principles of The Legislation Process," *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 6, no. 1 (April 2021): 41–64, https://doi.org/10.22373/petita.v6i1.109; Ekawestri Prajwalita Widiati, "Efficient Public Participation in the Local Law-Making Process," *Yuridika* 33, no. 3 (October 2018): 389, https://doi.org/10.20473/ydk.v33i3.8914.

3 Rosita Miladmahesi et al., "The Possibility of the Implementation of Fast-Track Legislation in Indonesia," *Padjadjaran Jurnal Ilmu Hukum (Journal of Law)* 10, no. 1 (2023): 101–21, https://doi.org/10.22304/pjih.v10n1.a6.

4 Z. Payvand Ahdout, "Enforcement Lawmaking and Judicial Review," *Harvard Law Review* 135, no. 4 (2022): 937–1006. https://harvardlawreview.org/print/vol-135/enforcement-lawmaking-and-judicial-review/

5 Siti Mariyam, Adhi Satria, and Markus Suryoutomo, "The Making of Law in Indonesia: A Criticism and Evaluation of The Practise of Legislative Function in The House of Representatives," *Law Reform* 16, no. 2 (September 2020): 215–23, https://doi.org/10.14710/lr.v16i2.33773.

6 Pradeep M.D., "Legal Research- Descriptive Analysis on Doctrinal Methodology," *International Journal of Management, Technology, and Social Sciences*, December 6, 2019, 95–103, https://doi.org/10.47992/IJMTS.2581.6012.0075.

7 E.J. Imwinkelried, "A Comparative Law Analysis of the Standard for Admitting Scientific Evidence: The United States Stands Alone," *Forensic Science International* 42, nos. 1–2 (July 1989): 15–31, https://doi.org/10.1016/0379-0738(89)90195-3.

Indonesia's legislative deviations, and second, an external benchmarking against global standards of procedural integrity.

The research begins with a rigorous doctrinal examination of primary legal materials.[8] At the heart of this inquiry is the 1945 Constitution of the Republic of Indonesia, which serves as the ultimate normative yardstick. This is analyzed alongside Law No. 12 of 2011 on the Formation of Laws and Regulations (as amended), Indonesia's procedural "rulebook"—and the substantive texts of recent "fast-tracked" statutes, namely the Job Creation Law (2020), the Capital City (IKN Law) (2022), and the 2024 Constitutional Court Law. By scrutinizing these texts, the study identifies the specific points where the practice of legislative sprinting departs from the established constitutional marathon.

Data for this inquiry was gathered through a comprehensive documentary review, triangulating primary legislative texts with secondary sources such as judicial decisions, legislative minutes, and scholarly discourse. This ensures the analysis is not merely abstract but is grounded in the lived reality and political dynamics of Indonesia legislative politics.

The analytical framework is bifurcated into two critical stages:

1. Normative Legal Analysis. This stage involves a qualitative legal interpretation of Indonesian legal texts, focusing on the tension between efficiency and the core tenets of the *rechtsstaat,* specifically legal certainty and meaningful democratic participation. The goal is to articulate how current *ad-hoc* practices might inadvertently erode the constitution foundations they are meant to uphold.
2. Comparative Legal Benchmarking. To provide a broader perspective, the study draws a comparative map involving the United Kingdom, the United States, and New Zealand. These jurisdictions were purposefully selected not just for their democratic longevity, but because they offer a blueprint for how legislative urgency can be codified without sacrificing accountability. By contrasting Indonesia's lack of a formal track with these structured systems, the study highlights specific safeguards and procedural standards that could serve as a catalyst for legislative reform in Indonesia.

By weaving together an internal doctrinal critique with an external comparative lens, this methodology provides a robust foundation for a reform-oriented argument that is both theoretically sound and practically relevant.

3. Results and Discussion

3.1. Global Paradigms: The Legal Architecture of Fast-Track Legislation

In the contemporary discourse of modern constitutionalism, the concept of fast track legislation is recognized as a sophisticated, streamlined procedural mechanism. It is fundamentally designed to facilitate the rapid consideration and eventual enactment of laws[9], serving as a vital governmental tool when navigating urgent national exigencies or fulfilling complex international obligations. Across the global landscape, various jurisdictions have integrated to approach enhance the overall efficiency of their legislative frameworks.[10] This is particularly evident in high-stakes arenas such as the negotiation of international trade agreements, the management of public health emergencies, or the implementation of large-scale, systemic economic reforms.

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[8] Nasid Majeed, Amjad Hilal, and Arshad Nawaz Khan, "Doctrinal Research in Law: Meaning, Scope and Methodology," *Bulletin of Business and Economics* 12, no. 4 (2021): 559–63. https://doi.org/10.61506/01.00167

[9] Anugerah Perdana et al., "Reformulation of Public Participation in Fast- Track Legislation in an Open Cumulative National Legislative Program," *Jurnal Konstitusi* 20, no. 4 (December 2023): 678–703, https://doi.org/10.31078/jk2047.

[10] Juliantz Ilham Prasetyo, "Aktualisasi Fast Track Legislation Di Berbagai Negara Serta Pengadopsian Metodenya Pada Pembentukan Peraturan Perundang-Undangan Di Indonesia," *National Journal of Law* 8, no. 2 (2024): 122–53.

The United States offers one of the most prominent examples of this mechanism through what is known as the Fast Track Authority. This authority empowers the executive branch to negotiate international trade agreements which Congress must then either approve or disapprove in their entirety, without the possibility of adding amendments. This structure ensures that the federal government can react with necessary speed to the volatile shifts of global economic conditions. Formally designated as the Trade Promotion Authority (TPA), this tool grants the executive a significant degree of autonomy,[11] a necessity in today's hyper-globalized economy where trade relationships can be upended overnight by geopolitical friction, sudden economic crises, or disruptive technological breakthroughs.[12] By allowing the President to negotiate without the burden of securing prior Congressional approval for every detail, the TPA ensures that the United States maintains a competitive edge, fostering a legislative environment that is responsive to the emerging challenges of the digital economy and the broader culture of industry 4.0.[13]

The procedural core of the Fast Track Authority, is specifically engineered to insulate trade agreements from the traditional legislative process, which is often characterized by protracted debates and paralyzing delays.[14] Under this binary decision-making model, Congress is presented with a straightforward choice: to accept or reject the pact as negotiated. This methodology is intended to produce a more unified and cohesive national trade policy, effectively neutralizing the risk of policy fragmentation that typically arises from the introduction of individual, interest-driven amendments.[15] However, this expedited path is not a bypass of democratic principles; rather, the authority includes rigorous provisions that mandate constant executive consultation with Congress throughout the negotiation phase.[16] This ensures that lawmakers remain stakeholders in the process, maintaining a delicate balance between the executive's need for diplomatic agility and the legislature's mandate for democratic oversight.

Furthermore, the implications of the Fast Track Authority reach far beyond simple procedural efficiency; they are a direct reflection of the United States' broader strategic and economic interests on the world stage.[17] By facilitating accelerated decision-making, the TPA serves as a catalyst for economic growth and job creation, strengthening the competitiveness of domestic businesses in foreign markets.[18] In an era where international negotiations often involve a labyrinth of multi-country interests, the ability to finalize terms swiftly allows the nation to secure favorable outcomes for both producers and consumers. Ultimately, the authority

[11] Christopher A. Casey and Cathleen D. Cimino-Isaacs, "Trade Promotion Authority (TPA)," Congress.Gov, 2024. https://www.congress.gov/crs-product/IF10038

[12] Ahmed M. Khedr and Sheeja Rani S, "Enhancing Supply Chain Management with Deep Learning and Machine Learning Techniques: A Review," *Journal of Open Innovation: Technology, Market, and Complexity* 10, no. 4 (December 2024): 100379, https://doi.org/10.1016/j.joitmc.2024.100379.

[13] Mohd Javaid et al., "Digital Economy to Improve the Culture of Industry 4.0: A Study on Features, Implementation and Challenges," *Green Technologies and Sustainability* 2, no. 2 (May 2024): 100083, https://doi.org/10.1016/j.grets.2024.100083.

[14] Laura L. Wright, "Trade Promotion Authority: Fast Track for the Twenty-First Century," *William & Mary Bill of Rights Journal* 12, no. 3 (2004): 979–1006. https://scholarship.law.wm.edu/wmborj/vol12/iss3/18/

[15] Clara Weinhardt and Deborah Barros Leal Farias, "Developing Countries in Global Trade Governance: Comparing Norms on Inequality in the WTO and GSP Schemes," *Review of International Political Economy*, February 25, 2025, 1–27, https://doi.org/10.1080/09692290.2025.2455504.

[16] "V Political Process : Public Opinion, Attitudes, Parties, Forces, Groups and Elections / Vie Politique : Opinion Publique, Attitudes, Partis, Forces, Groupes et Élections," *International Political Science Abstracts* 74, no. 2 (April 2024): 256–303, https://doi.org/10.1177/00208345241247504.

[17] Samuel E. Trosow, "Fast-Track Trade Authority and the Free Trade Agreements: Implications for Copyright Law," *Canadian Journal of Law and Technology* 2, no. 2 (2003): 135–49. https://digitalcommons.schulichlaw.dal.ca/cjlt/vol2/iss2/4/

[18] Isah Ibrahim Danja and Xingping Wang, "Matching Comparative Advantages to Special Economic Zones for Sustainable Industrialization," *Heliyon* 10, no. 14 (July 2024): e34411, https://doi.org/10.1016/j.heliyon.2024.e34411.

serves as a cornerstone of modern American governance, allowing the state to navigate and thrive within an increasingly interconnected and complex global trade landscape.[19]

In the United Kingdom, the concept has been utilized in the context of Brexit, where the government sought to expedite the passage of legislation necessary to withdraw from the European Union.[20] This approach allowed for a more rapid legislative response to the complexities and uncertainties surrounding the transition, facilitating the implementation of new laws that would govern the UK's relationship with the EU and the rest of the world. The use of Fast Track procedures in such scenarios underscores the importance of adaptability in legislative frameworks, enabling governments to navigate pressing issues effectively while maintaining a degree of legislative oversight.

A similarly significant application of fast-track principles can be observed in the United Kingdom, particularly during the turbulent era of Brexit. A the UK government faced the monumental task of withdrawing from the European Union, it sought to utilize expedited procedures to pass the vast amount of legislation necessary to secure a functional departure.[21] This approach provided a crucial legislative bridge over uncertainties of the transition period, facilitating the rapid implementation of new domestic laws that would define the UK's post-EU relationship with the global community.[22] about the fundamental adaptability of the legislative framework. It highlighted how a sovereign state can re-establish trust and manage the intricate legal implications of leaving a major international organization by accelerating its internal law-making processes.[23]

The Brexit case study underscores the critical necessity for flexibility within legislative systems. By prioritizing urgent measures such as new immigration policies and independent trade frameworks, the UK government was able to focus its resources on the most pressing ramifications of the withdrawal. This strategic relaunch of the internal market, often in direct response to immediate economic pressures, demonstrates that while speed is essential, it must be balanced with continued legislative scrutiny to remain legitimate.[24] In essence, the UK's experience reflects a broader global trend: the evolution of legislative express lanes that allow governments to respond to unprecedented challenges without abandoning the core tenets of democratic governance.

The experiences of other Commonwealth nations, specifically Canada and Australia, provide a compelling study in how mature democracies adapt their legislative frameworks to meet acute societal stresses. Both jurisdictions have increasingly institutionalized mechanisms that allow for expedited debate and truncated voting processes, particularly when confronted with the dual pressures of public health crises or the necessity for rapid structural economic reforms.[25] This paradigm shift toward legislative agility is not merely a pragmatic choice for efficiency; it represents a fundamental reimagining of the parliament's role in an era of high-

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[19] Hal Shapiro and Lael Brainard, "Fast Track Trace Promotion Authority," *Policy Brief The Brookings Institution Washington, DC* 91 (2001). https://www.brookings.edu/articles/fast-track-trade-promotion-authority/

[20] Duncan A. Taylor, "The United Kingdom Is Leaving the European Union: Analyzing the Contractual and Legal Implication for a Member Leaving," *Southern Illinois University Law Journal* 42 (2018): 347–66. https://heinonline.org/HOL/P?h=hein.journals/siulj42&i=369

[21] Ben Christian and Dirk Peters, "Establishing Trust and Distrust When States Leave International Organisations: The Case of Brexit," *Journal of European Public Policy* 32, no. 5 (May 2025): 1253–79, https://doi.org/10.1080/13501763.2024.2319720.

[22] Adam A. Ambroziak, "Strategy for the Re-Launching of the EU Internal Market in Response to the Economic Crisis, 2008-2010," *Yearbook of Polish European Studies* 14 (2011): 27–54. https://www.ceeol.com/search/article-detail?id=146630

[23] Fayreizha Destika Putri and Ani Purwanti, "Legal Politics in the Amendment of Regional Head Electoral Law," *Diponegoro Law Review* 3, no. 1 (April 2018): 122, https://doi.org/10.14710/dilrev.3.1.2018.122-131.

[24] Jun Du, Oleksandr Shepotylo, and Xiaocan Yuan, "How Did the Brexit Uncertainty Impact Services Exports of UK Firms?," *Journal of International Business Policy* 8, no. 1 (March 2025): 80–104, https://doi.org/10.1057/s42214-024-00202-6.

[25] Harry Hobbs and George Williams, "Australian Parliaments and the Pandemic," *UNSW Law Journal* 46, no. 4 (2023): 1314–55. https://doi.org/10.3316/informit.451279210119787

speed governance. It ensures that the state can respond with necessary celerity to dynamic and often unpredictable circumstances, while theoretically maintaining the delicate equilibrium between executive decisiveness and democratic accountability.

However, the adoption of such expedited pathways in Canada and Australia is not without its constitutional friction. By streamlining the legislative journey, these governments are essentially recognizing that traditional 'slow-walk' deliberation can, in times of crisis, exacerbate national emergencies. Yet, this 'need for speed' inevitably raises profound questions regarding the trade-off between procedural efficiency and deliberative thoroughness. The restricted opportunities for amendments, while preventing legislative paralysis, may inadvertently limit the depth of scrutiny and the breadth of public participation. As these nations navigate such complexities, they face the ongoing challenge of ensuring that the pursuit of responsiveness does not erode the bedrock of citizen trust or the long-term integrity of the democratic process.

Moving to the European context, the United Kingdom's House of Commons has established what scholars often describe as 'legislative exceptionalism', particularly concerning national security and anti-terrorism contingencies. This fast-track procedure is not a general tool for all laws but is explicitly reserved for scenarios where the time-sensitivity of a threat necessitates an almost immediate governmental response. A definitive benchmark for this process was the enactment of the Anti-terrorism, Crime, and Security Act of 2001, which allowed for the rapid consideration of security measures in the wake of emerging global threats. By condensing the timeline for debate, the UK legislature aims to bolster national safety without dismantling the essential safeguards required to protect civil liberties.

In this high-stakes environment, the UK's expedited procedures are viewed as a critical instrument for maintaining order in an increasingly volatile global landscape. The ability to introduce and pass legislation within a matter of days is vital when the cost of delay is measured in terms of national safety. Nevertheless, this approach triggers essential constitutional dialogues regarding the 'normalization' of emergency powers. It forces a continuous debate between policymakers and legal experts on how to prevent the erosion of civil rights when the executive is granted such significant procedural advantages. Ultimately, the UK model underscores a pivotal lesson for any jurisdiction seeking to accelerate its law-making: the swifter the process, the more robust the external checks and balances must be to preserve the soul of a constitutional state.

Within the legal framework of the United Kingdom law[26], the deployment of fast-track procedures is governed not by administrative whim, but by a recognized set of scenarios where the traditional legislative timeline would prove counterproductive. According to the comprehensive report by the Authority of the House of Lords, these expedited tracks are supported by specific justifications tailored to the nature of the crisis at hand.

The Implication of TPA extend beyond mere procedural efficiency; they also enhance the United States' negotiating power on the global stage. By assuring the President that trade agreements will be presented to Congress for a straightforward up-or-down vote, TPA empowers the executive branch to engage more confidently with foreign partners.[27] This assurance can lead to more favorable negotiation terms, as other countries recognize that the U.S. government can swiftly ratify agreements without the risk of extensive legislative modifications.[28] Consequently, TPA streamlines domestic legislative processes and positions the United States as a formidable player in international trade discussions. The taxonomy of fast-tracked bills in the UK typically falls into several critical clusters: (a) Most notably the Northern Ireland peace process and devolution settlement, which constitute the largest statistical category of expedited bills; (b) Addressing anomaly, oversights, or uncertainties

[26] Authority of the House of Lords, *Fast-Track Legislation: Constitutional Implications and Safeguards Volume I: Report* (London, 2009).

[27] Eli J. Kirschner, "Fast Track Authority and Its Implication for Labor Protection in Free Trade Agreement," *Cornell International Law Journal* 44, no. 2 (2011): 385–415. https://scholarship.law.cornell.edu/cilj/vol44/iss2/5/

[28] Andrew T. Guzman, "The Design of International Agreements," *European Journal of International Law* 16, no. 4 (September 2005): 579–612, https://doi.org/10.1093/ejil/chi134.

revealed in existing legislation, often in direct response to the nuances of court judgment; (c) Ensuring laws are active ahead of forthcoming national events or managing sudden economic shocks and funding issues within public authorities (including industrial actions within the prison system; (d) Implementing international agreements, responding to treasury announcements in Budgets, and addressing counter-terrorism concerns that arise from evolving security landscapes.

While this accelerated process is an essential tool for providing timely solutions to these pressing issues, it inherently creates a constitutional tension. The speed of enactment necessitates heightened scrutiny to ensure that such 'emergency' measures do not inadvertently erode individual freedoms or bypass the core tenets of democratic principles. As the nature of national security and economic stability continues to shift, the debate over the effectiveness of these processes remains a vital point of discourse among legal experts and the public alike, focusing on the threshold where efficiency might infringe upon fundamental rights.

Shifting the focus to the United States, the mechanism of legislative acceleration is perhaps most famously embodied in the TPA. This authority serves as a sophisticated strategic instrument in international trade policy, granting the President the ability to negotiate complex global pacts with a high degree of procedural certainty.[29] The TPA is specifically designed to solve the collective action problem inherent in trade negotiations by limiting Congress's ability to amend or filibuster a proposed agreement. In the standard legislative environment, majoritarian law-making often falls prey to prolonged debates and fragmented alterations that can alienate foreign partners.[30] By contrast, the TPA provides a fast track where Congress is presented with a binary choice: to approve or disapprove the agreement in its entirety. In a hyper-connected global economy, this streamlined pathway is viewed as essential for fostering economic growth, job creation, and stable international relations through rapid legislative response.

The implications of the TPA reach far beyond domestic procedural efficiency; they act as a force multiplier for American negotiating power on the world stage. By guaranteeing that a trade deal will face a straightforward up-or-down vote, the TPA allows the executive branch to enter negotiations with foreign partners with a level of credibility and confidence that would otherwise be impossible. Foreign nations are more likely to offer favorable terms when they are assured that the U.S. government can ratify an agreement without the risk of it being picked apart by hundreds of individual legislative modifications. Consequently, the TPA does not merely speed up the clock; it strategically positions the United States as a formidable and predictable player in the high-stakes arena of international trade discussions.

Despite its strategic advantages, the TPA remains a focal point of intense constitutional and socio-political debate. Critics contend that the expedited nature of the "fast track" fundamentally undermines the constitutional prerogative of Congress to regulate foreign commerce. The primary concern is that by abdicating its right to amend trade pacts, the legislature risks passing agreements that fail to provide adequate safeguards for domestic industries or fundamental labor rights.[31]

The "take-it-or-leave-it" structure of the TPA creates a perceived democratic deficit, where the interests of multinational corporations may inadvertently be prioritized over the welfare of local economies and the workforce. Consequently, the discourse surrounding the TPA is not merely about procedural speed, but about finding a delicate equilibrium between the executive's need for negotiating agility and the imperative to ensure that international commitments reflect the core values and interests of the American populace.[32] This ongoing tension underscores the

[29] Casey and Cimino-Isaacs, "Trade Promotion Authority (TPA)."

[30] Tonja Jacobi and Jeff VanDam, "The Filibuster and Reconciliation: The Future of Majoritarian Lawmaking in the U.S. Senate," *University of California Davis Law Review* 47 (2013): 261–342. https://scholarlycommons.law.emory.edu/faculty-articles/13/

[31] Brock R. Williams, *U.S. and Global Trade Agreements: Issues for Congress* (2018). https://www.everycrsreport.com/reports/R45198.html

[32] Ian F. Fergusson, Mark A. McMinimy, and Brock R. Williams, *The Trans-Pacific Partnership (TPP) Negotiations and Issues for Congress* (2015). https://ecommons.cornell.edu/items/0f722c23-872c-4d55-884c-9db77120cd3a

profound complexity of modern trade policy, where the efficiency of the state must be constantly weighed against the integrity of the democratic process.

In contrast to the US model, New Zealand's approach focuses on the "urgency motions" within its House of Representatives, a mechanism that has been a cornerstone of its legislative procedure for over a century. Unlike the American TPA, which is limited to trade, New Zealand's urgency motions are broader tools used by successive governments to prioritize their legislative agendas, particularly during national emergencies such as the COVID-19 pandemic.[33]

Technically, urgency functions as a procedural lever that compels the House to extend its sitting hours, granting the executive the authority to determine which matters take precedence during these sessions. While public perception often equates "urgency" with a total bypass of scrutiny, the reality is more nuanced. Urgency does not inherently mean a lack of debate; rather, it often provides additional legislative time by suspending normal adjournment rules. However, in certain instances, it can indeed lead to a curtailment of select committee review and public reflection, creating a tension between speed and thoroughness.

The invocation of this mechanism is strictly regulated by the House's Standing Orders, which prescribe the specific conditions under which extraordinary urgency can be sought. It is significant to note that these procedural requirements are not static; they can be modified through a majority vote or a resolution by the Business Committee, and in rare cases, suspended entirely.[34] This flexibility allows for a rapid response to crisis, yet it relies heavily on the political culture of the House to prevent abuse.

In New Zealand's unicameral system, the role of the Minister is paramount. Only a Minister of the Crown can move a motion for urgency, which can be introduced without prior notice and may encompass multiple bills or specific stages of a single piece of legislation.[35] Procedurally, these motions are strategically timed to follow the conclusion of "general business," ensuring that the government's priority items do not disrupt the standard sitting day until necessary. This initiative reflects a dual commitment: the government's duty to address pressing national issues swiftly, and the parliament's role in maintaining the functionality and welfare of the state during emergencies.

The comparative analysis of these diverse jurisdictions, from the United States to the United Kingdom, Canada, Australia, and New Zealand, reveals a consistent global trend toward the formalization of Fast-Track pathways. Each nation has established a structured legal architecture to manage urgency, ensuring that expedited law-making is an exception governed by rules, rather than an unregulated habit.

The primary lesson from these global paradigms is that legislative agility does not have to come at the expense of legal certainty. By codifying these processes within Standing Orders or specific statutory authorities (like the TPA), these countries prevent conflicts with existing legal frameworks and uphold the integrity of the rule of law. Ultimately, a predictable and transparent fast-track process is essential for maintaining public trust; it ensures that even when the state must move with extraordinary speed, it continues to operate within the boundaries of democratic accountability and constitutional rigor.

3.2. The Regulatory Void: The Absence of a Formal Fast Track Framework Concept in Indonesian Legislation

In contrast to the global paradigms previously discussed, the Indonesian legal landscape exhibits a significant normative vacuum regarding the formalization of expedited law-making. The term "fast track," which is internationally recognized as a sophisticated procedural deviation

[33] Claudia Geiringer, Polly Higbee, and Elizabeth McLeay, *What Is the Hurry?: Urgency in the New Zealand Legislative Process 1987-2010* (Wellington: Victoria University Press, 2011).

[34] Elizabeth McLeay, Claudia Geiringer, and Pollu Higbee, "Urgent' Legislation in the New Zealand House of Representatives and the Bypassing of Select Committee Scrutiny," *Policy Quarterly* 8, no. 2 (2012): 12–22. https://doi.org/10.26686/pq.v8i2.4414

[35] Andrew Geddis, "Parliamentary Government in New Zealand: Lines of Continuity and Moments of Change," *International Journal of Constitutional Law* 14, no. 1 (January 2016): 99–118, https://doi.org/10.1093/icon/mow001.

to accommodate urgency[36], is conspicuously absent from the lexicon of Law No. 12 of 2011 on the Formation of Legislative Regulations, as well as its subsequent amendments. This linguistic and conceptual omission is not merely a matter of terminology; it indicates a profound structural absence. The current Indonesian legislative framework does not provide a specialized "express lane" that would allow for the acceleration of the legislative process without compromising the rigid procedural steps mandated by the Constitution.

The persistence of more traditional, protracted timelines in Law No. 12 of 2011 suggests that Indonesian law-making process prioritizes a linear and exhaustive evaluation over procedural speed. While this may be interpreted as a deliberate effort to uphold the principle of thoroughness and to safeguard due process of law, the practical reality in a rapidly evolving democratic society presents a different challenge. In sectors where the pace of life and economic exigencies demand agile regulatory responses, such as global business transactions or sudden public health crises, the lack of a codified fast-track mechanism becomes a significant bottleneck.

Furthermore, the implications of this regulatory void extend to a wide array of stakeholders, including governmental entities, the private sector, and the general public. Without a legitimate, pre-defined pathway for urgency, the legislative process often falls into a state of 'procedural improvisation.' This creates significant delays that can hinder the state's ability to capitalize on time-sensitive opportunities or respond effectively to urgent legal needs. In the long term, the absence of a structured fast-track option may inadvertently contribute to legislative backlogs and a perception of inefficiency, potentially diminishing public confidence in the responsiveness of the national legal system.

Crucially, this absence is also felt in the National Legislation Program *(Prolegnas).* As suggested in the context of fast-track legislation, there is a pressing need for an open cumulative system that allows for more flexible planning while maintaining the integrity of the P3 Law *(Pembentukan Peraturan Perundang-undangan).* Currently, the *Prolegnas,* which serves as the primary legislative agenda for the House of Representatives and the Government, is frequently bypassed or modified in an ad-hoc manner. This 'bypassing' of established planning stages occurs precisely because there is no formal fast-track mechanism to govern urgent bills.

The omission of these expedited processes signals a critical need for future legislative revisions. For Law No. 12 of 2011 to remain relevant and responsive, it must eventually integrate a "fast track" option that is both constitutionally sound and procedurally transparent. Such an amendment would not only enhance the law's effectiveness but would also align Indonesia with global best practices, ensuring that the pursuit of efficiency does not come at the expense of justice or democratic accountability.

Within the Indonesian constitutional architecture, the PERPPU *(Peraturan Pemerintah Pengganti Undang-Undang)*, serves as the primary, albeit exceptional, mechanism for expedited legislation This instrument grants the executive branch the authority to bypass the traditional, often protracted, legislative cycle to address immediate crises. However, the legitimacy of a PERPPU is not absolute; it is strictly anchored in the constitutional requirement of a 'compelling emergency' *(ihwal kegentingan yang memaksa).*[37] This threshold serves as a vital power to legislate rapidly is not misused or exercised in a manner that undermines democratic safeguard, ensuring that rapid law-making remains a response to genuine necessity rather than a tool for executive overreach.

The theoretical essence of PERPPU is its utility in managing sudden disruptions, such as natural disasters, systemic economic shocks, or global health crises. By demanding a clear rationale for such urgency, the law fosters a culture of accountability. It reinforces the principle

[36] Irene Welser and Christian Klausegger, "Fast Track Arbitration: Just Fast or Something Different?," 259–79, https://www.cerhahempel.com/fileadmin/docs/publications/Welser/Beitrag_Welser_2009.pdf.

[37] Constitutional Court of the Republic of Indonesia, "Origin of Perppu and State of Emergency in Constitutional Law," 2023, https://en.mkri.id/news/details/2023-07-28/Origin_of_Perppu_and_State_of_Emergency_in_Constitutional_Law.

that even in times of crisis, the Rule of Law must prevail, and any deviation from standard legislative deliberation must be justified by the collective welfare. [38]

Despite the existence of PERPPU for emergencies, recent years have seen the emergence of an informal “fast-track” approach within the standard legislative process. The most prominent example is the Job Creation Law (Omnibus Law). This massive legislative undertaking was accelerated through the House of Representatives, notably bypassing its initial placement in the *Prolegnas*. This rapid passage ignited a nationwide debate regarding the adequacy of public consultation and the depth of legislative scrutiny, leading to significant questions about the law’s social legitimacy.

Similarly, the Law on the National Capital (UU IKN) followed a lightning-fast trajectory, finalized in a mere 70 days.[39] Critics argue that such speed precludes meaningful stakeholder engagement and comprehensive deliberation, which are essential for long-term urban planning and governance. This trend of "stealth legislation" is further exemplified by the sudden emergence of the 2024 Constitutional Court Law, which appeared with minimal procedural transparency, fueling concerns about the erosion of legislative integrity in the post-reform era.

As of 2025, this pattern of expedited deliberation has shifted focus to the Military Law (UU TNI). This legislation has become a flashpoint for public discourse, particularly concerning its implications for civil-military relations and national security.[40] The contentious nature of this amendments underscores a broader struggle for accountability and the evolving role of the military within Indonesia’s democratic landscape.[41] Without a transparent and participatory process, such critical reforms risk alienating the public and undermining the democratic ethos of the nation.

This curent landscape reveals a stark inconsistency between procedural speed and the participatory principles mandated by the Indonesian Constitution. While the constitutional framework emphasizes the necessity of involving diverse stakeholders to ensure equitable development, actual regulatory practices often sideline these voices in favor of expediency.[42] This disconnect does more than just speed up the clock; it risks producing "half-baked" regulations that fail to reflect the aspirations of the community they serve.

Bridging this gap requires a rigorous re-examination of how public participation is facilitated in Indonesia.[43] Addressing the barriers to meaningful engagement, such as lack of transparency and restricted timelines is essential for restoring public trust. Ultimately, for Indonesia to achieve a truly effective “fast-track” system, it must align its regulatory procedures with its constitutional mandates, ensuring that every law, no matter how quickly enacted, remains a genuine reflection of the people's collective will.

3.3. Critical Analysis: The Structural Flaws of Indonesia’s Fast-Track Practices

The fast-track practices observed in Indonesia, particularly within the realms of regulatory reform and investment facilitation, demand a rigorous critical analysis. While framed as

[38] Sonya Claudia Siwu and Rofi Aulia Rahman, “The State of Emergency in Indonesia. A Great Lesson from the Covid-19 Pandemic,” *INCLAR 3rd International Conference on Law Reform* (Surabaya), INCLAR 3rd International Conference on Law Reform, 2022. https://doi.org/10.18502/kss.v7i15.12082

[39] Ni’matul Huda, Idul Rishan, and Dian Kus Pratiwi, “Fast-Track Legislation: The Transformation of Law-Making Under Joko Widodo’s Administration,” *Yustisia Jurnal Hukum* 13, no. 1 (2024): 117–33. https://doi.org/10.20961/yustisia.v13i1.71061

[40] Kaharuddin et al., “Omnibus Law in the Dynamics of Constitutional Law: A Comparative Research of Indonesia, The United States, The Philippines, and Canada,” *Administrative and Environmental Law Review* 6, no. 1 (2025): 1–22. https://doi.org/10.25041/aelr.v6i1.4054

[41] Leonard C. Sebastian, Emirza Adi Syailendra, and Keoni Indrabayu Marzuki, “Civil-Military Relations in Indonesia after the Reform Period,” *Asia Policy* 13, no. 3 (2018): 49–78. https://doi.org/10.1353/asp.2018.0041

[42] Retno Saraswati, “The Function of Ideal Law in Preparation Regulation Legislation in Order to Creating Equitable Regional Development,” *Diponegoro Law Review* 2, no. 1 (April 2017): 114, https://doi.org/10.14710/dilrev.2.1.2017.114-122.

[43] Aartje Tehupeiory, “Legal Protection to Individual Rights in Land Procurement for Public Interest,” *Diponegoro Law Review* 2, no. 1 (April 2017): 101, https://doi.org/10.14710/dilrev.2.1.2017.101-113.

necessity for economic progress, these initiatives often suffer from inherent flaws that fundamentally undermine their democratic legitimacy. A primary concern is the systematic marginalization of stakeholder engagement. In many instances, expedited reforms are implemented without meaningful consultation with local communities, civil society, or affected stakeholders.[44] This oversight does not merely represent a procedural lapse; it signifies a deliberate narrowing of the democratic space.

As conceptualized by Sherry R. Arnstein in her seminal “Ladder of Citizen Participation,” the Indonesian fast-track model often operates at the lower rungs of the ladder, specifically within the realms of ‘manipulation’ or ‘therapy,’ rather than genuine ‘citizen power.’ By bypassing traditional deliberation, the state effectively strips the community of control over the legislative process.[45] This loss of community agency is further elucidated by John Gaventa’s "Power Cube" framework, which highlights how "closed" and "invited" spaces of participation are manipulated to favor dominant power dynamics. When the legislative process is expedited without transparency, the "hidden" and "invisible" powers, represented by elite interests, exert undue influence over the "visible" power of formal law-making. Consequently, the resulting policies often fail to reflect the genuine needs of the populace, leading to social unrest and the exacerbation of inequalities for marginalized groups.

Another significant risk inherent in Indonesia’s fast-track practices is the heightened potential for regulatory capture and corruption. While these processes are marketed as tools to attract foreign investment, they can inadvertently create an environment where regulatory bodies hyper-susceptible to influence from powerful business interests.[46] In the rust to streamline approvals, regulations are often bent or overlooked in favor of expediency, prioritizing private profit over public welfare. This lack of transparency further entrenches systemic corruption[47], as stakeholders may exploit the expedited system for personal gain. When the integrity of governance is compromised for the sake of speed, public trust in institutions inevitably erodes, fostering an environment of legal uncertainty and social injustice rather than promised economic growth.

Lastly, fast-track development practices often sideline environmental sustainability and social responsibility. In the rust to attract investment and boost economic growth, short-term benefits tend to take precedence over long-term environmental and social well-being. As a result, these practices can contribute to serious problems such as: deforestation, loss of biodiversity, and the displacement of local communities—threats that put Indonesia’s rich natural environment and social cohesion at risk. When environmental and social impact assessments are ignored or treated as mere formalities, development projects may do more harm than good, compromising not only their sustainability but also the health and livelihoods of future generations. For this reason, it is crucial to rethink fast-track approaches so they support sustainable development and social justice, ensuring that economic progress in Indonesia is both responsible and inclusive.

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[44] Sarah C. Masefield et al., “Stakeholder Engagement in the Health Policy Process in a Low Income Country: A Qualitative Study of Stakeholder Perceptions of the Challenges to Effective Inclusion in Malawi,” *BMC Health Services Research* 21, no. 1 (September 2021): 984, https://doi.org/10.1186/s12913-021-07016-9.

[45] Arnstein Sherry R, “A Ladder Citizen Participation”, AIP Journal, 1969, 216-224, https://www.historyofsocialwork.org/1969_ENG_Ladderofparticipation/1969, Arnstein, ladder of participation, original text OCR C.pdf; John Gaventa, “Reflections on the Uses of the ‘Power Cube’ Approach for Analyzing the Spaces, Places and Dynamics of Civil Society Participation and Engagement”, CFP Evaluation Series 2003-2006 No. 4, Institute of Development Studies, University of Sussex, United Kingdom, 2005, https://www.powercube.net/wp-content/uploads/2009/11/reflections_on_uses_powercube.pdf

[46] S. Sri Sakuntala et al., “The Complexity of Corruption and Recent Trends in Information Technology for Combating Corruption in India,” *Public Administration and Policy* 27, no. 2 (September 2024): 126–39, https://doi.org/10.1108/PAP-05-2023-0058.

[47] Mohamed Hassan Mudey and Rozita Arshad, “Corruption Impedes Good Governance in Somalia’s Public Sector,” *Journal of Financial Crime* 32, no. 3 (March 2025): 706–21, https://doi.org/10.1108/JFC-07-2024-0225.

A critical dimension of this phenomenon is the creation of 'artificial urgency'. This concept transcends mere reaction to crisis; it is often a strategic maneuver employed by political and economic actors to advance their specific interests.[48] By exaggerating the severity of a situation, actors can galvanize support for policies that might otherwise face intense scrutiny.[49] This manipulation creates a narrative where immediate action is the only viable path, effectively silencing counter-arguments and alternative solutions.

The implications of artificial urgency are profound. It shifts the focus away from systemic, long-term issues in favor of rapid, often ill-conceived, interventions.[50] In the context of Indonesia's legislative landscape, this has led to the prioritization of short-term economic gains over environmental sustainability and social responsibility. The failure to integrate thorough environmental and social impact assessments into the fast-track process jeopardizes Indonesia's natural heritage and the well-being of future generations. Therefore, a critical re-evaluation of these practices is essential to ensure that Indonesia's pursuit of economic progress does not abandon the fundamental principles of sustainable development and social equity.

The distortion of public perception through manufactured crises carries long-term repercussions for societal trust and civic engagement.[51] As established in the discourse of modern political science, when a populace perceives that urgency was strategically fabricated rather than a genuine response to a crisis, the result is a systemic surge in skepticism toward governing.[52] This disillusionment is not merely a transient sentiment; it is a fundamental erosion of the social contract that can paralyze future collaborative problem-solving. In an environment where the public is repeatedly subjected to the 'cry wolf' effect of artificial urgency, citizens may become instinctively resistant to governmental calls for action, even when legitimate, life-threatening crises emerge.[53]

Drawing upon the scholarly discourse regarding legislative expediency, the concept of 'artificial urgency' can be defined as the strategic imposition of highly compressed timelines that are not warranted by technical complexity or objective necessity of a law. In the Indonesia context, this phenomenon acts as a primary barrier to democratic integrity. By compressing the legislative window, political actors effectively: (a) Neutralize comprehensive public consultation; (b) Bypass rigorous academic and legal peer review; (c) Minimize the opportunity for thorough legislative deliberation. While this approach might secure a short-term political 'win' or expedite an investment-related statute, it produces laws that poorly harmonized with existing legal frameworks. This 'half-baked' statutes often lead to unintended legal consequences, ultimately necessitating judicial reviews and creating a cycle of legal uncertainty that undermines the very principle of good governance.

This systemic avoidance of public input is not merely a political critique; it is a direct violation of the Indonesian legal mandate. Article 96 of Law No. 12 of 2011, explicitly grants the community the right to participate in the formation of legislative regulations. This provision was designed as a constitutional safeguard to ensure that governance is predicated on the active

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48 András Körösényi, Gábor Illés, and Rudolf Metz, "Contingency and Political Action: The Role of Leadership in Endogenously Created Crises," *Politics and Governance* 4, no. 2 (June 2016): 91–103, https://doi.org/10.17645/pag.v4i2.530.

49 Luh Putu Sudini and Made Wiryani, "Juridical Analysis of Local Government Authority on the Establishment Local Regulations Eco-Tourism Development," *Diponegoro Law Review* 7, no. 1 (April 2022): 53–69, https://doi.org/10.14710/dilrev.7.1.2022.53-69.

50 Anneke Zuiderwijk, Yu-Che Chen, and Fadi Salem, "Implications of the Use of Artificial Intelligence in Public Governance: A Systematic Literature Review and a Research Agenda," *Government Information Quarterly* 38, no. 3 (July 2021): 101577, https://doi.org/10.1016/j.giq.2021.101577.

51 Francis Fukuyama, *Identity: The Demand for Dignity and the Politics of Resentment* (New York: Farrar, Straus and Giroux, 2020).

52 Nathanaël Colin-Jaeger and Lucie Reed, "Survey Article: 'Democracy in Crisis?' Evaluating Deliberative Innovations in the French Context," Halshs-05030354, 2025, https://shs.hal.science/halshs-05030354v1/document.

53 James N. Rosenau, "A Pre-Theory Revisited: World Politics in an Era of Cascading Interdependence," *International Studies Quarterly* 28, no. 3 (September 1984): 245, https://doi.org/10.2307/2600632.

participation of citizens, who are best positioned remains transparent and that public institutions remain accountable to the citizenry. When authorities fail to engage the community, they do more than disregard a procedural step; they overlook the vital grassroots insights that prevent policies from becoming detrimental to the populace. Effective governance is predicated on the active participation of those who will be most affected by the law. By neglecting this involvement, a 'participatory vacuum' is created, wherein the voices of marginalized groups are effectively silenced.

Ultimately, the disconnect between governing bodies and the populace leads to a crisis of legitimacy. When decisions are perceived as being made in isolation, citizens lose faith in the welfare-oriented purpose of the state. This misalignment between intended democratic ideals and actual regulatory practices suggests that without a formal, transparent 'Fast-Track' rule that respects Article 96, the Indonesian legislative process will continue to face social resistance and legal challenges. Addressing this inconsistency is the only path toward a more responsive and democratic regulatory environment that reflects the collective will of the nation.

The shortfall in participation does more than merely contravenes statutory mandates; it erodes the very spirit of inclusivity upon which democratic governance thrives. When diverse viewpoints are sidelined, the collaborative innovation required to solve complex societal challenges is stifled, replaced by a climate of apathy and disillusionment.[54] In the Indonesian context, this erosion of trust is not just a socio-political concern but a fiscal and institutional one, as citizens become increasingly skeptical of the government's stewardship over public resources and the legal system.[55]

The 'delegitimization' of legislation has consequently emerged as a central theme in contemporary Indonesian legal discourse. As the boundaries of legislative authority are tested, the Constitutional Court has been forced into an active role as the arbiter of legitimac.[56] A watershed moment in this dynamic was the judicial review of the Job Creation Law, which the Court declared "conditionally unconstitutional" primarily due to procedural flaws and the lack of meaningful public participation.

This landmark ruling underscores a pivotal shift: the judiciary is no longer merely reviewing the substance of laws but is increasingly acting as a guardian of the process. Such interventions reveal the contentious nature of law-making when speed is prioritized over constitutional principles. While these rulings provoke debates regarding 'judicial activism' versus 'judicial restraint,' they establish a vital precedent. They signal to lawmakers that the 'Fast-Track' approach, if uncodified and exclusionary, will inevitably face a wall of judicial delegitimization.

The persistent tension between legislative urgency and judicial oversight suggests that Indonesia must look toward the 'Structured Fast-Track' models employed by other democratic nations. As highlighted by the OSCE Guidelines on Democratic Law-making, establishing clear, predefined regulations for expedited legislation is the only way to enhance legal certainty. By delineating specific criteria for urgency, these frameworks minimize ambiguity and foster a sense of reliability among stakeholders. A structured approach would allow the Indonesian House of Representatives to: (a) Allocate resources efficiently to urgent matters without abandoning the rigors of deliberation; (b) Prevent conflicts with existing laws, thereby mitigating the risk of future judicial challenges (d) Foster an environment where businesses and individuals can plan for the future, knowing that the 'rules of the game' will not change overnight through stealth legislation.

The careful regulation of fast-track legislation is not merely a technical necessity; it is a moral imperative for the long-term health of the political system. Adherence to transparent

[54] Amanda Machin, "Climates of Democracy: Skeptical, Rational, and Radical Imaginaries," *WIREs Climate Change* 13, no. 4 (July 2022), https://doi.org/10.1002/wcc.774.

[55] Anggi M. Lubis and Robby Irfany Maqoma, "Why Should We Trust the Government with Our Hard-Earned Money?," TheJakartaPost, 2025, https://www.thejakartapost.com/opinion/2025/03/18/why-should-we-trust-the-government-with-our-hard-earned-money.html.

[56] Eka N.A.M. Sihombing and Ali Marwan Hsb, *Paradigma Hukum Ketatanegaraan Indonesia* (Medan: Enam Media, 2020).

guidelines would bolster public confidence, encouraging civic engagement rather than resistance. For Indonesia, the path forward involves a formal amendment to Law No. 12 of 2011, integrating a fast-track mechanism that explicitly respects the participatory mandates of Article 96. Only by codifying speed within a framework of accountability can the state ensure that its response to urgency remains a genuine reflection of the people's collective will.

4. Conclusion

The evolution of law-making in Indonesia has reached a critical juncture where the practice of accelerated legislation increasingly mirrors global *fast-track models,* yet it remains dangerously uncodified, unregulated, and largely unchecked. While established democratic jurisdictions, such as the United Kingdom, the United States, and New Zealand, provide formal legal architectures to navigates urgency, Indonesia continues to operate within a regulatory vacuum. This study's analysis of recent legislative benchmarks, including the Job Creation Law, the IKN Law, and the 2024 Constitutional Court Law, reveals a troubling trajectory: the strategic use of speed is frequently employed not as a response to objective necessity, but as a mechanism to bypass deliberative hurdles and insulate policy from public scrutiny.

Comparative insights demonstrate that fast-track mechanisms are not inherently antithetical to democracy. When guided by clear legal standards, subjected to rigorous judicial review, and accompanied by transparent oversight, these 'express lanes' can serve the state's need for agility without sacrificing constitutional integrity. In contrast, Indonesia's current informal fast-track practices risk marginalizing the public voice and delegitimizing the very laws intended to foster national progress. The persistent reliance on artificial urgency creates a disconnect between state action and the collective will, ultimately leading to a cycle of judicial challenges and social resistance.

Ultimately, this article concludes that Indonesia must move beyond procedural improvisation by establishing a robust legal framework within Law No. 12 of 2011 to govern expedited legislation. Such a framework must explicitly define the criteria for urgency, stipulate mandatory procedural safeguards, and most importantly, ensure that the participation mandates of Article 96 are not threated as optional. Without these structural reforms, fast-track legislation in Indonesia will continue to function as a shortcut that undermines the foundations of democratic law-making and erodes the enduring public trust in the nation's legal institutions.

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