

THE PRAGMATIC THOUGHT AND ECONOMIC RATIONALITY IN LOCAL LEGISLATIVE POLICY FORMATION: AN ETHNOGRAPHIC STUDY

Teddy Asmara^{1*}, Ester Elisabeth Aspin², Faisal Arif³

¹Faculty of Law, Universitas Swadaya Gunung Jati, Cirebon, Indonesia

²College of Communication, Boston University, Massachusetts, United States

³Prosecutor's Office of the Republic of Indonesia, Jakarta, Indonesia

*teddyasmara25@yahoo.com

Abstract

This study explores the role of economic rationality in legislative processes, particularly in the context of local regulations in Indonesia. Focusing on the Kutawangi Regional Regulation on Cultural Heritage, the research highlights how economic interests shape legislative actions, leading to inefficiencies and failures in legal protection for cultural heritage. Through ethnographic case studies, the research examines the interactions among legislators, NGOs, and other stakeholders, revealing a pattern of pragmatic economic rationality that prioritizes personal and institutional benefits over policy substance. The study finds that such practices—such as outsourcing academic text production and manipulating legislative procedures—undermine the quality and effectiveness of laws. The research further uncovers the widespread use of symbolic legislation and bureaucratic pathologies as strategies to meet performance targets without addressing substantive policy issues. The findings suggest that these practices not only compromise legislative integrity but also reflect broader systemic issues in governance. To improve legislative quality and restore public trust, the study advocates for interventions such as ethics training, anti-corruption programs, and enhanced transparency in legislative processes.

Keywords: Practical Cognition; Legislative Behavior; Local Legislative; Pragmatic Economic Rationality.

A. Introduction

In Weberian tradition, economic rationality is primarily understood to be cognition in this context. Even though it has a subjective and actor-centric dimension, it is nonetheless situated within a social framework (Dobbin, 2004, 2005; Holton & Turner, 2010; Vallet & Pressman, 2020). This strategy is consistent with the recommendation made by Wintgens and Philippe (2016) that legislative studies should place a higher priority on gaining knowledge of the process rather than concentrating exclusively on the final product. Arvind (2013) provides additional evidence for this concept when he states that to know the law, one must first understand how and why it came into existence. As a result, it is deemed essential to research the ideas and actions that occur within the legislative process.

The research began as a case study on the Regional Regulation on Cultural Heritage; however, as a result of two empirical facts, the scope of the study was broadened to include other laws and regulations. To begin, several earlier studies (Arifin, 2018; Keling, 2019) revealed the legal inadequacies of municipal rules, which resulted in the ineffectiveness of cultural heritage protection (Arifin, 2018; Keling, 2019). Second, cultural heritage protection activists and the Kutawangi Regional Government demonstrated a shift in interests, as evidenced by their passive

approach towards updating the Local Regulation on Cultural Heritage for eight years, followed by sudden intensive talks. This shift in interest was evidenced by the Kutawangi Regional Government updating the Local Regulation on Cultural Heritage. According to Seidman and Seidman (2009) and Otto et al. (2008), the conclusion that can be derived from these facts is that the mindset of people involved in legislation might lead to the failings of law enforcement. These failures could be attributed to several different interests, such as political interests (Cerar, 2009; Wintgens & Philippe, 2016), personal interests (Simarmata, 2019), and other concerns, such as those linked to shifting goals and bureaucratic pathologies (R Baldwin et al., 2012; Huizinga & de Bree, 2021; R. B. Seidman, 1987).

In contrast to Rodiyah (2012), who used a macro strategy, and Ibrahim (2012), who relied on quantitative analysis, the originality of this research resides in its theoretical focus on economic rationality and its methodological use of an ethnography-case study methodology. This distinct approach is crucial, as it allows for a deeper exploration of how economic rationality—often overlooked in legislative studies—shapes policy outcomes and governance effectiveness. Understanding this aspect is vital because legislative failures frequently stem from competing economic and political interests rather than legal inadequacies alone. In addition, this study indirectly critiques (Handayani, 2013b), whose research presents itself as non-doctrinal, sociological, and empirical, yet whose substance and analysis largely remain within doctrinal paradigms. Handayani's research argues that the relationship between religion and science is complex. However, this study expands the discourse by situating economic rationality within micro-level interactions (Tyler, 2017), and investigating how meaning is constructed through legislative participants' cognitive processes and social interactions (Ritzer & Stepnisky, 2018). The sociological dimension concerns patterns and tendencies, whereas the psychological dimension refers to the drive to function, which is interrelated. These features align with the Weberian interpretative sociology approach known as the *Verstehen* technique, which consists of two steps (Vallet & Pressman, 2020). Consequently, this research is urgent because it seeks to uncover how economic rationality operates inside the legislative process and its implications for policy acceptance, implementation, and societal impact. Without this understanding, legislative inefficiencies will persist, undermining the legitimacy and effectiveness of governance.

B. Method

This investigation employed a constitutive approach to studying legal culture (Mautner, 2011). Therefore, the constructivist paradigm aligned well with the qualitative approach (Argyrou, 2017; Denzin & Lincoln, 2018). The research design sought to integrate micro-ethnographic with case studies, emphasizing mini-ethnographic case studies relating to specific concerns and social settings, while also taking into account time constraints (Fusch et al., 2017; Spradley, 2016). Concurrently, the investigation adopted the emergent design (Creswell, 2014), bridging the gap between intrinsic and instrumental case studies (Stake, 2005). While the Local Regulation on Cultural Heritage Draft was purposefully selected as the primary case, other legislation cases and the second research question were determined based on context developments and the guidance of informants in the field (Creswell, 2014; Spradley, 2016). This choice ensured that the data collected was accurate and comprehensive regarding the research issue (Webley, 2016) and allowed for an investigation of economic rationality patterns in legislative activity. As a result, the two distinct forms of case studies constitute inseparable units of investigation.

Observations of public debates, internal conversations, and socialization of the draft regulation concept were used to obtain the data for this study. A series of in-depth interviews were conducted with participants and informants. Participants' observations were carried out exclusively in the regulatory setting for the Local Regulation on Cultural Heritage Draft. In contrast, non-participant observations were employed in the legislative context for other draft

regulations. Using discursive methods and positive questions, in-depth interviews were used to get verbal confirmation from participants regarding their behaviors. This was accomplished by collecting the participants' responses. Throughout the entirety of the ethnographic research cycle that took place in the field (Spradley, 2016) or the constant interrelation processes in data collection, interpretation, analysis, and representation (Bens & Veters, 2018), interpretive analysis was carried out utilizing a dialogical technique that was based on an emic-ethical-reference perspective or triangulation dialogue (Thohir, 2019). This method sought to understand the role of economic rationality in law-making and the social acceptance of this role.

C. Results and Discussions

1. Unraveling the Enigma of Pragmatic Economic Rationality

For a quarter of a century, Kutawangi has undergone a legal crisis in protecting cultural heritage, namely seventeen years without having a Local Regulation on Cultural Heritage and eight years using the 2009 Local Regulation on Cultural Heritage. Some of these are invalid because they are not by Law No. 11 of 2010 concerning Cultural Heritage. The legal crisis is an implication of the interest of legislators. If viewed from the intensity of interest, they did not or were less concerned with protecting cultural heritage in the first period. Then in the next period, they are more interested yet less serious. In this recent period, the government is indicated to apply the technique of symbolic legislation, namely that a regulation was formed for political and social purposes other than the objectives stated in the legislation in the related regulation substance (Klink, 2016). Therefore, there is no question of quality and effectiveness.

To fulfill the provisions of Article 96 of Law No. 12 of 2011 in conjunction with Article 188 of Presidential Regulation No. 87 of 2014 concerning community participation, the concept of the Local Regulation on Cultural Heritage Draft was discussed in a public consultation event. Of the one hundred and six participants, only three used cultural heritage buildings for daily activities. In contrast, others were participants from the regional work unit components, non-governmental organizations (NGOs), academics, and experts from the regional office of the Ministry of Law. Citizen participation in the legislative process is indeed a matter of debate. From the ideal side of democratization and functionalization of legislation, citizens who are the target of the norms to be formed must be given access to express their aspirations (A. Seidman & Seidman, 2009). From a practical point of view, several studies have shown that citizen involvement could be more efficient and even tend to be rowdy by irrelevant statements, unreasonable demands, and excessive expectations (Mamontova & Gladun, 2021; Widiati, 2018). However, Voerman (2015) sees the increase in public participation, and transparency does not necessarily harm the efficiency and speed of the legislation process.

The debate issue about community participation did not cross the government's mind. The Legal Department as the organizer of the public consultation, and the Culture Service as the initiator of the legislation, changed the purpose of the public consultation event into meeting the performance target of public spending. Their actions, which in the literature stated above, belong to the type of bureaucratic pathology, are considered a technique to avoid excess budget financing. Meanwhile, another goal unrelated to legislation is maintaining friendships with NGOs, activists and community organizations that have been considered conducive to government performance.

Subsequent discussions were carried out internally and were limited to only attended by the government, NGOs, developer associations, academics, and experts from the Ministry of Law. They should have included the communities who own or control cultural heritage buildings. The composition of the discussion participants is similar to the legislation by elitists and based on the intimacy of relations with bureaucrats (Ibrahim, 2012; Zainal, 2018). There are two crucial issues in this discussion. First, the design concept eliminates cultural heritage objects on the

grounds wherein it is the domain and authority of the museum directorate. The Cultural Heritage Law regulates objects, buildings and cultural heritage areas comprehensively, as it was later implemented in Local Regulations on Cultural Heritage in several regions. This fragmentary legislation, practiced by bureaucrats in Kutai, tries to impose sectoral perceptions and interests (Simarmata, 2019), and NGOs’ participation is the opposite of Danusastro’s (2016) research on the role of NGOs, because here instead use access for personal interests.

Second, the draft concept does not rely on economic analysis and the impact of legislation (Lee, 2019; Otto et al., 2008) that is regardless of the financial capacity of the region to extend the object of protection by increasing the number of building units and the cultural heritage areas accompanied by the imposition of incentives and compensation. This regulatory technique is doubtful of its effectiveness and has the potential to be counterproductive to the center of business and trade activities being used as a cultural heritage area. The work team in drafting the design concept acts as a ‘problem owner’, namely controlling the discourse of existence, causes, and solutions to problems (Maloy, 2010), because planning to be a team member in the rules that will be formed. In short, they tend to be pragmatic in functioning their economic rationality with their respective motives, interests, and ways.

They can reflect pragmatic economic rationality almost without conflict because individual actors only benefit directly and immediately from forming legislation. In contrast, group and institutional actors expect benefits from the Local Regulation implementation being conducted. The dimensions of contrast and similarities between individual and group actors can be seen in Table 1 below.

Table 1.
Components of Pragmatic Economic Rationality in Legislative Action

| Behavior | Actors | |
|---|---|--|
| | Group/Institutional | Individual |
| Relation with the Local Regulation Substance | Interested | Not Interested |
| Relation with the Current Local Regulation Implementation | Role Holder | Not a Role Holder |
| Method | Manipulation of the Local Regulation Draft Substance and legislative procedures | Manipulation of the legislative procedures |
| Purpose | Legal status/activity | Take advantage of the situation |
| Intention | Benefit in the future and continuously | Benefit in that moment, and only once |
| Impact | Direct | Legislation quality degradation |
| | Indirect | Budget exploitation |
| | | perfunctory |
| | | Budget manipulation |

Source: Authors’ Analysis Results

Interest groups of developer associations and NGOs are trying to influence the design team to reconstruct regulations that can benefit them, namely gaining access to active participation as implementers of protecting buildings and cultural heritage areas. Conceptually, what is done by interest groups indicates state capture symptoms (Ambarwati, 2021; Ramiza, 2020; Sitorus, 2011), while what the design team is doing is like playing a designer with scribes’ character (A. Seidman & Seidman, 2009), namely acting as a participant in determining the operationalization of policies. Meanwhile, individual actors such as those from the Law Office and Culture and Tourism Office take advantage of the moment for two purposes simultaneously. In an institutional capacity, it is to avoid excess budget financing and, as an officer, to increase

the frequency of performance and other personal goals. Its activities are not oriented to or related to efforts to produce good draft laws. The fundamental similarity between actors, individuals, institutions, and groups is their pragmatic mind in maximizing economic benefits by exploiting and manipulating the budget and not caring about the quality of legislation. This condition strengthens the results of Purawan's (2014) research, which revealed that legislation's planning and discussion stages were vulnerable to deviant acts.

The hesitation in applying pragmatic economic rationality in legislation indicates that pragmatic ways of thinking reflect on or as common sense. Hence, they need to become acquainted with their stock of social knowledge (Berger & Luckman, 1991; Gava & Gronda, 2017). As a knowledge closely related and easily recognizable in everyday life, pragmatic reasoning justification refers to the jargon of '*sabisa-biasa kudu bisa*', a kind of work ethic of the bureaucratic community in West Java. Even though it is unofficial, it has been known since at least 1990, and for several years backward, it has been used as the tagline of the Governor of West Java. On the ideal side, it means fighting spirit and unyielding or synonymous with '*lamun kiyeung tangtu pareung*'. Practically, doing it in any way is recommended to get results. The latter meaning is in line with the message received from the lecturer that "a good dissertation is a finished one, not because of the novelty of the theory or the depth of analysis." Its implementation here is in line with understanding the work of legislation as an arena or access to obtain subjective benefits, even though it ignores the idealization of legislation. It even tends to use corrupt ways.

2. Exploring the Social Legitimacy of Pragmatic Economic Rationality

Article 56, paragraph (2) of Law no. 11 of 2012 allows the choice of information, explanation, or academic text when drafting a draft concept for regional regulations, unlike laws that require an academic text. They chose academic text since it makes money with third-party services. Technically, it can be done by direct service procurement with a maximum value of Rp. 100 million or a simple selection with Rp 200 million (Articles 39 and 43 of Presidential Regulation No. 54/2010 Governing Government Procurement of Goods and Services). Academic literature frequently continues a memorandum of understanding for colleges providing community service. As experts, lecturers prefer consulting offices versus working from home. Thus, the lecturer's expression: "dealing with campus, you know, small money, big hassle," must resonate with Baledga's representative's statement: "Don't let the making of this academic text as a project for lecturers at state and private universities. That must be eliminated if it exists."

It is reasonable to label the word 'project' for designing a Local Regulation Draft because the service provider's consulting office only receives funds of 70-80% before being taxed. What is prohibited by law is reproached by morals, but according to their understanding, every work always has a commission or joke: "It is a project for sure; That's the rules of the game." With this understanding, the consulting firm has implemented efficiency strategies from an early age; for example, when recruiting experts from academia, they neglect their scientific competence and academic abilities. The important thing is that the person agrees on the honorarium amount and is present during the discussion with the service-requesting party. Also labeled 'project' is what Baldwin (2013) says "Everyone wants regulation to be stable – unless they think it is bad regulation, when they want it changed at once" become relevant to the increasing production of legislation in the region.

The concept of inflation and legislative deflation from Flores (2016) can be applied to the quality of academic text about the attributes of friendship and a 20-30% discount. Inflation of scientific value in academic text, at least read in the philosophical, sociological, and juridical reasons because it only fulfills the formal requirements for drafting legislation. They tend to ignore scientific standards; for example, reasoning construction is not about empirical research

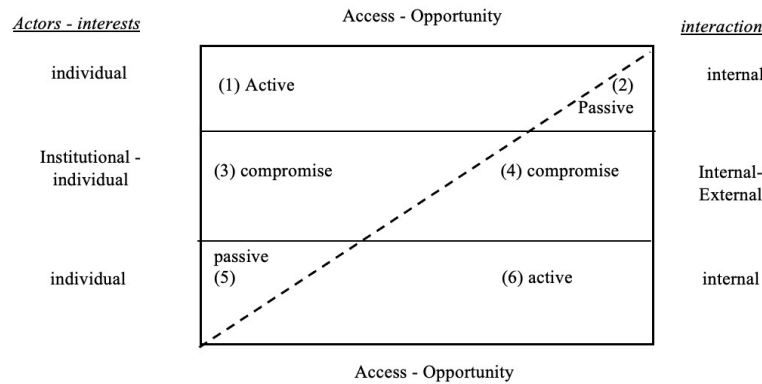
data but only refers to literature studies, which is duplicative. This condition has been a concern of Putuhena (2013), who associated it with the absence of an institution that monitors the quality of academic text. Below, you can see the quality of academic text in several local regulation drafts, which were proposed at the initiative of members of the legislature by Article 86 in conjunction with Article 78 of Presidential Regulation No. 87 of 2014, and the discussion was carried out in the regional legislative body forum.

Two incorrect references to “Tangerang Regency,” an unconnected city, were in the proposed corporate social and environmental responsibility regulation. A legislator impulsively cleared his throat and said, “Hmm... copy-paste,” generating surprised looks and slight chuckles from other members as the presenter hesitated to read these words. While remedial, its remark implied they would not fight the oversight. Discussions on the proposed local regulation for establishing traditional, shopping and modern markets had a similar dynamic. In addition to the misattributed city names, the legislation’s main proponent was a legislature member with experience in business, specifically traditional market development. He was enthusiastic about evaluating, renovating, and relocating conventional markets, so his colleagues knew he was interested in this regulation.

Creating the local environmental management regulation is similar to the two above. Despite concealing the aforementioned goals, the draft local regulation drafting team swaps persons instead of demonstrating scientific competency. Language professors with law master’s degrees are the new hires. Some still believe the professor is the most intelligent and talented; he is a trademark to ensure quality for counterfeit products. However, signing the document is the only proof of its existence. Consultants and companies who supply employment sometimes use the term ‘borrow a name’ when they have multiple jobs to fulfill.

The phenomenon of the tendency of legislators to ignore the quality of legislation or to be apathetic is often associated with the factor of resource capacity, both themselves and expert staff (Centia et al., 2019; Zuada et al., 2019), and in line with his attitude which pays more attention to political aspects than technical aspects and as long as it does not interfere with loyalty to the party and personal goals of each (Tov, 2010). However, in the context here, it is more connoted to material benefits, namely that some participants want to get directly and immediately from the budget for the procurement of legislation, and others want to get later from implementing the legislation being drafted. The two corrupt acts had almost no problems; they were permissive as implied by the statement: I have neighbors; we have agreed not to interfere to help each other as much as possible unless the 'headquarters' gives firm directions. The meaning of the word ‘neighbor’ means colleagues or other political parties, and ‘headquarters’ is the leader of a political party from the member of the legislature concerned.

The actors’ actions in the discussion of the legal regulation draft concept are not necessarily disciplined by the regulations, ideas, and values related to legislation. As the thesis of symbolic interactionism (Ritzer & Stepnisky, 2018), they have relative freedom to define legislative activities, choose to be active, passive, or compromise by negotiating the meaning of benefits which are arranged by a tangle of verbal symbols: twenty percent; rules; project; copy paste; wow; neighbor; and headquarters. All of this is part of believing in pragmatic economic truths, or as pragmatists have argued, the truth of correspondence is created by ideas, reality, and results or satisfaction (Kusch, 2019). The pragmatic tendency scheme is related to the position of the actors and the essence of individual and institutional interests, as shown in Picture 1 below.



Source: Authors' Analysis Results

Picture 1. Schematic of Pragmatic Economic Rationality Tendencies

Access obtained from the legislative initiative rights of legislative members or executive officials to act actively (1) reflecting their interests requires opportunities from their colleagues to act passively (2). At other times, they act passively (5) to provide opportunities for their colleagues to be free to act actively (6) using their access. This passive action means permissiveness, as a sign of tacit approval, to maintain personal relationships, for example, when legislature members exercise their right to submit legislation and do not question the quality of the local regulation draft and academic text concepts in the discussion session. Meanwhile, compromising actions (3) and (4) are express and open agreements in the sense of using detailed language and concrete actions carried out by and for institutional interests. Compromising actions are, for example, carried out by manipulating discussion events to avoid excess budget financing and negotiating the price of services for drafting regional regulations and academic texts with outside parties. Especially for this last interaction, sometimes it is also carried out by individual actors, namely the proposer of the legislation itself.

Further cases at the provincial and national levels can be relevant for tracking the potential for social acceptance of pragmatic economic rationality in legislative practice. In the public discussion of the draft local regulation on investment, the reviewer recognized the identity of one of the academic text drafting personnel who was not a scientist in the field of business law or whose scientific competence needed to be more relevant to the investment issue. Inevitably, he criticized the substance of the academic text, which needs to understand economics, especially about business and investment, and the essence of legal material is more policy nuanced than legal regulations. From a legislative point of view, the first critique is particularly relevant to the importance of a multi-disciplinary approach and disciplinary collaboration in legislation (Robert Baldwin, 2013; Wintgens, 2016). Meanwhile, the second criticism is reminiscent of Comarcain's opinion that the crucial role of legislators in the legislative process is to put policy ideas into law and build its construction (Cormacain, 2017).

The reviewer was revealed to be an expert in drafting the regional regulation on environmental management, as previously described. He reflected on his changed perspective, stating that he now had greater freedom than in his time on the Council, where he was not actively involved in the drafting process, and was surprised by the number of documents adopted without sufficient scrutiny. Nonetheless, he felt a moral obligation to contribute and subsequently proposed participating in the revision of future discussions. However, he acknowledged that the process had limitations, as no further discussions occurred.

At first glance, it seems appropriate to cooperate in public investment discussions with employers' associations. Behind that lies a motivation completely unrelated to the quality of the substance of the regional regulation draft concept, except to seek personal gain from implementing the procedure for establishing legislation. The proponent can 'save' the cost of

implementation because by cooperating, most of the costs are borne by the employers' association as a partner, and there is no difficulty in mobilizing the presence of the entrepreneur group. Meanwhile, association officials hope to get support from high-ranking officials in the government bureaucracy for succession in the West Java Chamber of Commerce and Industry.

At the national level, it can be seen in the actions of the Secretariat General of the Regional Representatives Council, which must race against the deadline for preparing financial performance reports. They held consultations and public discussions on the Draft Law on Increasing Regional Original Income in two universities whose chancellors were close acquaintances of the Regional Representatives Council members. If you do not have such a relationship, it won't be easy to ask for a place and time suddenly. "Think of it as an emergency meeting", said the reviewers from academics who received the invitations and materials two days before the event. The impromptu event was more obvious from the contents of the Regional Representatives Council member's speech, which contradicted the main issues mentioned in the academic text. The reviewer from this campus explained several design concept materials outside the academic text and criticised its hasty, careless, or impressive design; as stated in Sihombing (2016), the academic text was made after drafting the draft concept. Reviewers from other campuses were reminded of the fatal consequences of plagiarizing the laws of foreign countries as intended by Seidman & Seidman (2009) because the draft text imitates the economic policies and legal instruments of foreign countries instead of using the comparative method.

The act of imitating the work of legislation in the regions, as a reflection of pragmatic economic rationality, the indications lead to praxis cognition or common sense constructed by patterns: repetition in the case here; spread in several areas (Arie, 2016; Handayani, 2013a) and his confession as by the deputy chairman of the Surakarta City Assembly at Regional Level: "Please copy and paste, but don't be too much." With the hypothetical discourse, social acceptance of pragmatic economic rationality in legislative behavior, from the Bergerian perspective, is undergoing a process of objectification (Berger & Luckman, 1991), or from a Bourdieuan perspective, it has the potential to become a legislative habitus (Mautner, 2011). What they learn from the practice of everyday life, when put into practice in the work of legislation in general, has an impact on budget inefficiency. Therefore, the pragmatic pattern of economic rationality may still be relevant as an inductive support for Harding (2018), who argues that "Indonesia's decentralization has not been perfectly implemented or realized and can be criticized for allowing many opportunities for local corruption."

The study highlights the pervasive influence of pragmatic economic rationality in legislative practices within specific local government areas, notably in West Java. The findings reveal a systematic pattern of legislators and associated stakeholders manipulating academic texts and drafting regulations to serve personal and institutional interests. This is evident in outsourcing academic text production, prioritizing financial incentives over scholarly integrity, and replicating legislative content without rigorous review. The misattributed reference to "Tangerang Regency" in a draft regulation and the lack of scrutiny in drafting investment-related policies further exemplifies the low commitment to legislative quality. Additionally, the cooperation between policymakers and business associations, particularly in shaping local investment regulations, underscores the alignment of legislative initiatives with financial gain rather than public welfare. This pattern reflects broader trends in legislative behavior at the regional and national levels, where financial incentives and political pragmatism outweigh policy substance.

D. Conclusion

This study reveals that individuals involved in the legislative process engage in economic rationality by manipulating legislative content and procedures for personal gain. Despite various motivations, their actions often reflect corrupt behavior, particularly concerning budget

allocation. The prioritization of self-interest over collective welfare undermines the integrity of the legislative system and erodes public trust. Furthermore, the participants' pragmatic mindset, shaped by their daily experiences, reinforces their acceptance of utilizing legislation for personal advantages, thereby normalizing unethical practices within the statutory framework. Addressing this issue requires comprehensive interventions, including ethics training, anti-corruption programs, and increased transparency in budget allocation. Promoting a culture of ethical governance, where public service prioritizes collective welfare over personal interests, is crucial for restoring legislative integrity. Encouraging a strong sense of responsibility among legislators can shift the prevailing self-serving mentality toward a commitment to societal well-being and good.

REFERENCES

- Ambarwati, S. (2021). Omnibus Law on Job Creation: State Capture? *Jurnal Media Hukum*, 28(1), 29–46. <https://doi.org/10.18196/jmh.v28i1.10654>
- Argyrou, A. (2017). Making the case for case studies in empirical legal research. *Utrecht Law Review*, 13(3), 95–113. <https://doi.org/10.18352/ulr.409>
- Arie, M. (2016). An Approach of Legisprudence Theory to Assess the Quality of Local Regulation. *Hasanuddin Law Review*, 2(3), 371–384. <https://doi.org/10.20956/halrev.v2i3.699>
- Arifin, H. P. (2018). Politik Hukum Perlindungan Cagar Budaya Di Indonesia. *Dialogia Iuridica: Jurnal Hukum Bisnis Dan Investasi*, 10(1), 65–76. <https://doi.org/10.28932/di.v10i1.1034>
- Arvind, T. T. (2013). Vilhelm Lundstedt and the Social Function of Legislation. *The Theory and Practice of Legislation*, 1(1), 33–57.
- Baldwin, R, Cave, M., & Lodge, M. (2012). *Understanding Legislation: Theory, Strategy, and Practice* (2nd ed). Oxford University Press.
- Baldwin, R. (2013). *Regulatory stability and the challenges of re-regulating: A CERRE study*. Centre on Regulation in Europe.
- Bens, J., & Veters, L. (2018). Ethnographic legal studies: reconnecting anthropological and sociological traditions. *Journal of Legal Pluralism and Unofficial Law*, 50(3), 239–254. <https://doi.org/10.1080/07329113.2018.1559487>
- Berger, P. L., & Luckman, T. (1991). *The Social Construction of Reality*. Penguin Books.
- Centia, S., Widianingsih, I., & Alexandri, M. B. (2019). Faktor-Faktor Yang Mempengaruhi Produktifitas Legislasi DPRD Kabupaten Garut Periode 2014-2019. *Responsive*, 2(1), 14–18.
- Cerar, M. (2009). The Relationship Between Law And Politics. *Annual Survey of International & Comparative Law*, 15(1), 19–41. <http://digitalcommons.law.ggu.edu/annlsurvey/vol15/iss1/3>
- Cormacain, R. (2017). Legislation, legislative drafting and the rule of law. *The Theory and Practice of Legislation*, 5(2), 115–135. <https://doi.org/10.1080/20508840.2017.1394045>
- Creswell, J. (2014). *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (4th ed). SAGE Publication.

- Danusastro, S. (2016). Penyusunan Program Legislasi Daerah yang Partisipatif. *Jurnal Konstitusi*, 9(4), 643. <https://doi.org/10.31078/jk943>
- Denzin, N., & Lincoln, Y. (2018). Introduction: The Discipline and Practice of Qualitative - qualitative-research. In *The Sage Hand Book of Qualitative Research* (pp. 29–71). Sage Publications.
- Dobbin, F. (2004). The Sociological View of the Economy. In *The New of Economic Sociology* (pp. 1–48). Princeton University Press.
- Dobbin, F. (2005). Comparative and Historical Approach to Economic Sociology. In *The Handbook of Economic Sociology* (2nd ed, pp. 26–48). Princeton University Press.
- Fusch, P. I., Fusch, G. E., & Ness, L. R. (2017). How to conduct a mini-ethnographic case study: A guide for novice researchers. *Qualitative Report*, 22(3), 923–941. <https://doi.org/10.46743/2160-3715/2017.2580>
- Gava, G., & Gronda, R. (2017). Introduction to Pragmatism and Common-Sense. *European Journal of Pragmatism and American Philosophy*, IX(2), 0–3. <https://doi.org/10.4000/ejpap.1034>
- Handayani, I. G. A. K. R. (2013a). Legal Drafting Local Regulation in Local Parliament. *International Journal of Business, Economics and Law*, 2(3), 2011–2014.
- Handayani, I. G. A. K. R. (2013b). Pembentukan Peraturan Daerah Berbasis Lingkungan Dalam Rangka Mewujudkan Praktik-Praktik Good Governance Di Daerah. *Yustisia Jurnal Hukum*, 2(1), 66–73. <https://doi.org/10.20961/yustisia.v2i1.11072>
- Holton, R., & Turner, B. (2010). *Max Weber on Economy and Society*. Routledge.
- Huizinga, K., & de Bree, M. (2021). Exploring the Risk of Goal Displacement in Regulatory Enforcement Agencies: A Goal-Ambiguity Approach. *Public Performance and Management Review*, 44(4), 868–898. <https://doi.org/10.1080/15309576.2021.1881801>
- Ibrahim, A. (2012). Pelembagaan Prinsip Dasar Demokrasi Dalam Legislasi Peraturan Daerah Di Jawa Timur. *Jurnal Hukum Ius Quia Iustum*, 19(3), 363–381. <https://doi.org/10.20885/iustum.vol19.iss3.art2>
- Keling, G. (2019). Penegakan Hukum Cagar Budaya Di Indonesia: Studi Kasus Sma 17 “1” Yogyakarta (Law Enforcement of Cultural Heritage in Indonesia: a Case Study of the 17 “1” Senior High School. Yogyakarta). *Jurnal Kebudayaan*, 14(1), 1-14.
- Klink, B. V. (2016). Symbolic Legislation: An Essentially Political Concept. In *Symbolic Legislation Theory and Development in Biolaw* (pp. 19–36). Springer International Publishing.
- Kusch, M. (2019). Georg Simmel and pragmatism. *European Journal of Pragmatism and American Philosophy*, 11(1), 1–17. <https://doi.org/10.4000/ejpap.1490>
- Lee, Y. S. (2019). General theory of law and development: An overview. *Law and Development Review*, 12(2), 351–375. <https://doi.org/10.1515/ldr-2019-0024>
- Maloy, T. F. (2010). The Social Construction of Regulation: Lesson from the War Against Command and Control. *Buffalo Law Review*, 58(2), 267–355. [http://www.buffalolawreview.org/past_issues/58_2/Malloy Web 58_2.pdf](http://www.buffalolawreview.org/past_issues/58_2/Malloy%20Web%2058_2.pdf)
- Mamontova, V., & Gladun, E. (2021). Local Legislative Process in Russia: Perspectives and

- Barriers. *Russian Law Journal*, 9(3), 83–110.
- Mautner, M. (2011). Three approaches to law and culture. *Cornell Law Review*, 96(4), 839–867. <http://scholarship.law.cornell.edu/clr/vol96/iss4/25>
- Otto, J. M., Stoter, W. S. R., & Arnscheidt, J. (2008). Using legislative theory to improve law and development projects. In *Law Making for Development: an exploration into the theory and practice of international legislative projects* (pp. 53–74). Leiden University Press. <http://library.oapen.org/handle/20.500.12657/32870>
- Purawan, A. A. (2014). Korupsi Legislasi Dalam Pembentukan Peraturan Perundang-Undangan. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 3(3), 347. <https://doi.org/10.33331/rechtsvinding.v3i3.30>
- Putuhena, M. I. F. (2013). Politik Hukum Perundang-Undangan : Mempertegas Reformasi Legislasi Yang Progresif. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 2(3), 375. <https://doi.org/10.33331/rechtsvinding.v2i3.66>
- Ramiza, H. (2020). Korupsi State Capture Sebagai Crime Against Humanity. *Media Iuris*, 3(2), 181. <https://doi.org/10.20473/mi.v3i2.20891>
- Ritzer, G., & Stepnisky, J. (2018). *Modern Sociological Theory* (8th ed). Sage Publications.
- Rodiyah. (2012). Aspek Demokrasi Pembentukan Peraturan Daerah Dalam Perspektif Socio-Legal. *Masalah-Masalah Hukum*, 41(1), 144–152.
- Seidman, A., & Seidman, R. B. (2009). ILTAM: Drafting Evidence-based Legislation for Democratic Social Change. *Boston University Law Review*, 89(2), 435–485.
- Seidman, R. B. (1987). Drafting for the rule of law: Maintaining legality in developing countries. *Yale Journal of International Law*, 12, 84.
- Sihombing, E. N. A. M. (2016). Problematika Penyusunan Program Pembentukan Peraturan Daerah (Problems on Forming Local Regulations Programs). *Jurnal Legislasi Indonesia*, 13(3), 285–296.
- Simarmata, R. (2019). The Role of Local Bureaucrats In the Law-making Process. In *Real Legal Certainty and Its Relevance* (2nd ed, pp. 109–125). Leiden University Press. <https://scholarlypublications.universiteitleiden.nl/access/item%3A2732840/view> (March 8, 2020)
- Sitorus, L. E. (2011). State Capture: Is It a Crime? How the World Perceived It. *Indonesia Law Review*, 1(2). <https://doi.org/10.15742/ilrev.v1n2.82>
- Spradley, J. (2016). *Participant Observation*. Waveland Press.
- Stake, R. (2005). Qualitative Case Studie. In *The Sage Hand Book of Qualitative Research* (3rd ed, pp. 443–466). Sage Publications Inc.
- Thohir, M. (2019). Etnografi Ideasional (Suatu Metodologi Penelitian Kebudayaan). *Nusa: Jurnal Ilmu Bahasa Dan Sastra*, 14(2), 194. <https://doi.org/10.14710/nusa.14.2.194-205>
- Tov, I. B. S. (2010). Law Makers as Law Breakers. *William & Mary Law Review*, 52(3), 805–871.
- Tyler, T. R. (2017). Methodology in Legal Research. *Utrecht Law Review*, 13(3), 130–140. <https://doi.org/10.18352/ulr.410>

- Vallet, G., & Pressman, S. (2020). Economics and Sociology: An Introduction. *Review of Political Economy*, 32(2), 141–148. <https://doi.org/10.1080/09538259.2020.1803599>
- Voermans, W., ten Napel, H. M., & Passchier, R. (2015). Combining efficiency and transparency in legislative processes. *Theory and Practice of Legislation*, 3(3), 279–294. <https://doi.org/10.1080/20508840.2015.1133398>
- Webley, L. (2016). Stumbling Blocks in Empirical Legal Research: Case Study Research. *Law and Method*, 2003, 1–21. <https://doi.org/10.5553/rem/.000020>
- Widiati, E. P. (2018). Efficient Public Participation in the Local Law-Making Process. *Yuridika*, 33(3), 389. <https://doi.org/10.20473/ydk.v33i3.8914>
- Wintgens, L., & Philippe, T. (2016). Introduction. In *Legislation in Context: Essays in Legisprudence* (pp. 1–8). Routledge.
- Wintgens, L. J. (2016). Legisprudence as a New Theory of Legislation. In *The Theory and Practice of Legislatio* (pp. 3–25). Routledge.
- Zainal, M. A. (2018). Proses Pembentukan Peraturan Daerah Kabupaten Muna Sulawesi Tenggara. *Al-Izzah: Jurnal Hasil-Hasil Penelitian*, 13(2), 210. <https://doi.org/10.31332/ai.v13i2.1052>
- Zuada, L. H., Samad, M. A., & Aisyah, N. (2019). Kajian Tingkat Kepercayaan Publik Terhadap Dewan Perwakilan Daerah Provinsi Sulawesi Tenggara. *Journal of Public Administration and Government*, 1(1), 9–22. <https://doi.org/10.22487/jpag.v1i1.11>