

# Public Policy Formulation with Justice: Administrative Law Perspective

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## Abstract:

This study discusses the importance of applying administrative law principles in formulating just public policies. Using the Systematic Literature Review (SLR) method, this research identifies and analyzes the concept of justice in public policy and the role of accountability, transparency, and public participation principles in supporting inclusive and fair policies. The findings show that accountability ensures responsibility for every decision made, transparency provides adequate access to information for the public, and public participation enables community involvement in the policymaking process. However, several challenges remain, such as low public participation, limited access to information, a closed bureaucratic culture, and suboptimal institutional capacity. To overcome these challenges, solutions are needed, including increasing public legal literacy, optimizing the use of information technology, and strengthening institutional capacity to support a more inclusive and transparent policy process. This study is expected to serve as a reference for policymakers in designing just regulations and promoting better governance.

**Keywords:** Public Policy, Justice, Administrative Law, Accountability, Transparency, Public Participation, Systematic Literature Review

## 1. Introduction

In the era of modern democracy, public policy plays a crucial role in determining the direction of a nation's development. A well-formulated policy process must consider the principle of justice so that decisions made can accommodate the needs of various parties in a balanced manner. Justice in public policy has become an increasingly important aspect, especially in the context of administrative law, which emphasizes the importance of accountability, transparency, and public participation (Santoso, 2019).

In practice, administrative law serves as a normative framework that regulates the relationship between the state and its citizens in the governance process. Principles such as accountability, transparency, and public participation form the foundation for creating just policies (Widodo, 2020). Without these principles, the policymaking process is vulnerable to maladministration practices that can harm the broader community.

In Indonesia, the challenge of achieving just policies is often related to the lack of public involvement in the policy formulation process and inadequate access to information (Rahmawati, 2021). The minimal public involvement results in policies that tend not to reflect the actual needs of society but rather prioritize the interests of certain groups (Yunus, 2018).

Moreover, the information gap between the government and the public adds complexity to ensuring fair and transparent policies. According to Suparman (2017), limited access to information prevents the public from participating optimally in the policymaking process. Public information disclosure becomes a crucial factor in supporting an inclusive policy process.

The principle of justice in public policy is also closely related to the protection of human rights (HR). Article 28D of the 1945 Constitution affirms that every citizen has the right to recognition, guarantees, protection, and fair legal certainty, as well as equal treatment before the law (1945 Constitution). Therefore,

a fair policy formulation process needs to consider human rights aspects to avoid discrimination against certain groups (Prasetyo, 2019).

Furthermore, the theory of distributive justice highlights the importance of equitable resource distribution in public policy. According to Rawls (1971), justice can only be achieved if policies are designed to benefit the most disadvantaged in the social structure. The application of this theory in the context of administrative law requires control mechanisms that ensure policies are oriented toward achieving social welfare.

In addition to the theory of distributive justice, the concept of good governance also serves as an essential reference in supporting the process of just policy. According to UNDP (1997), the principles of good governance include participation, transparency, accountability, effectiveness, efficiency, and the rule of law. The implementation of these principles is expected to foster more inclusive and fair policies (Nasution, 2020).

However, the challenges in achieving just policies are not limited to public participation and transparency aspects but also involve the capacity of state apparatus in formulating policies based on the principles of administrative law. According to Suryono (2016), the lack of understanding among state apparatus regarding these principles is a significant obstacle to realizing fair policies that prioritize public interests.

To address these challenges, efforts to increase legal literacy and public awareness of their rights in the policymaking process are necessary. Additionally, optimizing the use of information technology can serve as an effective tool to open up public participation access and expand the transparency of the policy process (Widianto, 2021).

Thus, this study aims to identify essential elements in the formulation of just public policies through a systematic literature review. This study is expected to provide insights for policymakers to design more inclusive and just regulations and enrich academic discourse on the application of administrative law principles in the context of public policy.

## **2. Literature Review**

### **2.1. Public Policy**

Public policy refers to decisions made by the government to address public issues. According to Dye (2013), public policy is "whatever governments choose to do or not to do." This definition highlights that public policy encompasses both governmental actions and inactions in dealing with societal issues.

According to Dunn (2018), public policy has several important stages in its cycle: problem formulation, agenda setting, policy adoption, implementation, evaluation, and termination. Each stage involves a complex political process influenced by various actors such as the legislature, executive, judiciary, interest groups, and civil society.

Parsons (2005) emphasized that public policy is not only an instrument for the government to achieve certain goals but also a tool to balance the interests of various parties involved in the decision-making process. Therefore, justice must be the main foundation at every stage of policy.

In the context of administrative law, fair public policy needs to consider aspects of transparency and accountability so that the decisions made can be legally accounted for (Widodo, 2020). This is crucial to prevent abuse of power that could harm the broader public interest.

Friedrich (1963) argued that public policy should be adaptive and responsive to social changes. In the policy formulation process, the involvement of various affected parties is necessary to ensure that the resulting policies reflect the real needs of society.

One approach commonly used in public policy analysis is the normative approach, which emphasizes values such as justice, equality, and human rights (Prasetyo, 2019). This approach encourages governments to design policies that are not only result-oriented but also consider a fair process.

Public participation is also a key element in the process of formulating fair policies. According to Arnstein (1969), public participation in the policy process creates a dialogue space that enables a deliberative process between the government and citizens, making the resulting policies more inclusive and representative.

Good governance serves as the foundation in promoting the realization of fair public policies. According to UNDP (1997), the principles of good governance such as participation, transparency, accountability, effectiveness, efficiency, and rule of law play an important role in ensuring that the policy process runs fairly and openly.

Moreover, the concept of procedural justice highlights the importance of fair procedures in public policy decision-making. Leventhal (1980) argued that fair processes could increase policy legitimacy and public trust in the government.

In practice, fair public policy requires strict supervision by independent oversight bodies to ensure that the formulation to implementation process aligns with the principles of administrative law (Nasution, 2020). This oversight acts as a power balance that ensures control over potential abuses of authority.

Finally, the evaluation of fair public policy must involve a feedback mechanism from the community as policy beneficiaries. According to Vedung (1997), evaluations involving public participation allow for continuous improvement in future policy formulation.

## **2.2. The Concept of Justice in Public Policy**

The concept of justice in public policy is rooted in theories of social justice, such as those proposed by John Rawls (1971), who emphasized the principles of equality and fair distribution. Rawls introduced the concept of the "veil of ignorance," suggesting that fair policy is one designed without considering individuals' social positions or statuses in society.

In the context of public policy, the principle of distributive justice is crucial. According to Miller (1999), distributive justice relates to the fair distribution of resources among society members, which should be the primary foundation in public policy formulation. This principle aims to reduce social inequalities by ensuring equal access to public services.

Additionally, procedural justice theory, developed by Leventhal (1980), emphasizes the importance of fair procedures in decision-making processes. In practice, fair procedures involve public participation at every policy stage, from formulation to evaluation, ensuring that decisions reflect the needs and aspirations of society.

According to Sen (2009), justice in public policy lies not only in the final outcomes but also in the process used to achieve them. Inclusive and transparent processes create a sense of ownership and public trust in the policies implemented.

The principle of justice is also reflected in the concept of good governance, which emphasizes transparency, accountability, and participation as the main pillars in administering a just government (UNDP, 1997). By applying these principles, the resulting policies are expected to be more responsive to societal needs.

In administrative law practice, the concept of justice demands strict oversight mechanisms to ensure that policies made do not harm certain groups. According to Nasution (2020), effective oversight plays an essential role in preventing abuse of power and ensuring that decision-making processes are transparent.

The principle of non-discrimination is also a crucial element in the concept of justice in public policy. According to Fraser (2005), fair policies must accommodate diversity and eliminate all forms of discrimination that could potentially harm vulnerable groups.

In the Indonesian context, the principle of justice in public policy is enshrined in Article 28D paragraph (1) of the 1945 Constitution, guaranteeing every citizen's right to fair treatment in legal processes and state policies (Constitutional Court, 2010). This principle serves as a reference in designing policies based on the principle of social justice.

Furthermore, justice in public policy also requires regular evaluation to ensure that implemented policies remain relevant and capable of addressing evolving social challenges (Vedung, 1997). Evaluation becomes an essential tool in the policy learning process.

Ultimately, justice in public policy is not a static concept but an ongoing process that evolves with social and political dynamics. According to Young (1990), justice should be understood as a continuous effort to reduce structural inequalities and encourage broader participation in the policy process.

### **2.3. Principles of Administrative Law**

The principles of administrative law play an essential role in supporting fair public policy. According to Rosenbloom (1998), these principles form the foundation for ensuring clean, transparent, and accountable governance. There are at least three main principles underpinning the creation of just policies: accountability, transparency, and public participation.

The principle of accountability demands responsibility for every decision and action taken by the government (Dwiyanto, 2006). Accountability ensures that public officials are answerable to society for the policies implemented and their impacts. According to Bovens (2007), accountability serves as a control tool preventing power abuse.

Transparency is a principle that supports openness in the decision-making process. Its main function is to enable the public to access information about formulated policies, allowing public oversight of the process (Hood, 2010). In the context of fair policy, transparency plays a role in building public trust in government institutions.

Furthermore, public participation is a key element in ensuring that the public's voice is heard in the policy process. According to Arnstein (1969), public participation creates a more democratic relationship between the government and citizens and ensures that decisions made truly represent societal needs.

These principles are interrelated and reinforce each other. For example, accountability without transparency would be difficult for the public to monitor. Conversely, transparency without accountability could become mere formality without clear control mechanisms (Dwiyanto, 2011).

In practice, implementing administrative law principles often faces challenges such as complex bureaucracy and lack of public participation (Mutiarin, 2017). Therefore, explicit regulations governing accountability, transparency, and public participation mechanisms are needed for effective implementation.

According to UNDP (1997), applying good governance principles is crucial in creating fair policies. Good governance places accountability, transparency, and participation as the main pillars of just governance.

Additionally, oversight is crucial to ensure that administrative law principles are truly applied. This oversight can be conducted through independent bodies or check-and-balance mechanisms among state institutions (Nasution, 2020).

Ultimately, implementing administrative law principles that support fair policies requires commitment from all stakeholders, from the government and oversight bodies to civil society. Only with consistent implementation can truly just and inclusive policies be realized (Widodo, 2020).

### **3. Methodology**

This study employs the Systematic Literature Review (SLR) method, aiming to identify, evaluate, and interpret all relevant literature on the topic of formulating equitable public policy. The SLR approach was chosen because it provides a systematic and transparent framework for summarizing previous research findings and identifying gaps in the existing literature (Kitchenham & Charters, 2007).

The first step in this method is the identification of literature. The search was conducted through credible academic databases such as Google Scholar, Scopus, and ProQuest. Keywords used in the search included "public policy," "justice in policy," "administrative law," and "good governance." This search was limited to publications from the last 10 years to ensure relevance to the current context.

The second step involved setting inclusion and exclusion criteria. Articles included in this study explicitly discuss aspects of justice in public policy formulation as well as principles of administrative law. Articles that only touched on general policy aspects or did not have a direct correlation with the principles of accountability, transparency, and public participation were excluded from the review.

After the initial selection process, abstracts and full texts of each selected article were reviewed. Articles that passed the selection were then analyzed using the thematic coding method. This coding aimed to identify patterns, key concepts, and the relationships between administrative law principles in supporting equitable public policy (Braun & Clarke, 2006).

The data analysis stage involved extracting key information from each article, such as research objectives, methods used, main findings, and proposed policy implications. The data obtained were then grouped into the main themes that became the focus of the study, namely accountability, transparency, and public participation.

To ensure the validity of the review results, data triangulation was conducted by comparing findings from various sources and engaging in discussions with experts in public policy and administrative law. Additionally, software such as NVivo was used to facilitate the coding process and qualitative data analysis.

Finally, the analysis results were interpreted in the context of formulating equitable public policy, highlighting the role of administrative law principles in ensuring the creation of inclusive and just policies. These findings are expected to contribute both theoretically and practically to the development of policies oriented toward social justice.

### **4. Results and Discussions**

#### **4.1. The Importance of Justice Principles in Public Policy Formulation**

The principle of justice in public policy ensures that every decision made considers the rights and needs of all involved parties. The literature analysis results show that the application of administrative law principles in the formulation of equitable public policy plays a highly significant role. The principles of accountability, transparency, and public participation serve as the main foundations in ensuring that policies designed not only meet formal legal aspects but also consider social justice aspects.

The principle of accountability in public policy provides a guarantee that the decision-making process can be held accountable to the public. This accountability is reflected in the government's obligation to explain the reasons behind decisions made and the expected impacts of implementing such policies. In several studies, high accountability contributes to increasing public trust in government institutions (Bovens, 2007).

Next, transparency plays a crucial role in providing public access to information regarding the policy-making process. Adequate transparency enables the public to understand the steps taken by the government, from problem identification to policy evaluation. This aligns with Hood (2010), who stated that transparency is a social control tool that can reduce the potential for abuse of power.

Public participation is equally important. By involving the public in the policy-making process, the government can gain broader and deeper perspectives on citizens' needs and aspirations. Arnstein (1969) argued that effective public participation can foster the creation of more inclusive policies that respond to public needs.

The application of these three principles supports each other in creating equitable policies. Accountability without transparency tends to become mere formality, while transparency without public participation only creates an illusion of openness without meaningful public engagement. Therefore, these three principles must be applied simultaneously to develop policies oriented toward social justice.

In practice, the application of administrative law principles faces various challenges, such as the lack of institutional capacity in managing public participation processes and limited public access to policy information. Addressing these challenges requires strengthening institutional capacity, simplifying bureaucratic processes, and enhancing public literacy in law and policy (Mutiarin, 2017).

Case studies from several countries show that the consistent application of accountability, transparency, and public participation principles can create fairer policies that favor the public. For instance, in Scandinavian countries, these three principles have become integral parts of governance, creating a more open and inclusive government culture (Greve, 2015).

Thus, this discussion highlights the importance of applying administrative law principles in supporting the formulation of equitable policies. Governments are expected to adopt more participatory, transparent, and accountable approaches at every stage of the policy-making process to achieve broader social justice.

#### **4.2. The Role of Administrative Law Principles**

Administrative law principles play a crucial role in supporting the formulation of equitable public policy. The three main principles forming the foundation of this process are accountability, transparency, and public participation:

- **Accountability:** The accountability principle ensures that every decision made by the government can be held accountable to the public. Accountability encompasses the government's obligation to explain the reasons behind decisions made and to provide evaluation and oversight mechanisms that allow for public control. According to Bovens (2007), high accountability plays an essential role in building public trust in government institutions.
- **Transparency:** The transparency principle grants adequate public access to information regarding the policy-making process. Transparency aims to ensure that every stage of the policy-making process, from problem identification to policy implementation, can be accessed and understood by the public. Hood (2010) stated that transparency not only serves as a social control tool but also prevents abuse of power.
- **Public Participation:** Public participation allows the community to actively engage in the policy-making process. By involving the public, governments can gather more diverse input, ensuring that the resulting policies better reflect citizens' needs and aspirations. Arnstein (1969) argued that effective public participation can improve policy quality while enhancing government legitimacy.

These three principles complement each other in creating fair and inclusive policies. Accountability accompanied by transparency creates space for more effective public oversight, while public participation enriches the policy-making process with broader perspectives. Implementing these principles requires government commitment to providing information access and discussion forums that enable meaningful public engagement.

However, applying administrative law principles is not without challenges. Some of these challenges include limited public access to policy information, lack of institutional capacity in managing public participation, and the persistence of a closed bureaucratic culture. Overcoming these challenges requires strengthening government institutions, simplifying bureaucratic processes, and improving public literacy on law and public policy (Mutiarin, 2017).

Strong administrative law principles will create a conducive environment for developing equitable policies. With optimal accountability, transparency, and public participation, governments can ensure that the policy-making process is not just formal but truly a mechanism that champions social justice.

#### **4.3. Challenges and Solutions**

In the process of formulating equitable public policy, various challenges need to be addressed, along with solutions to optimally implement administrative law principles:

- **Low Public Participation:** One major challenge is the low level of public participation in the policy-making process. Several factors contribute to this, such as a lack of public awareness of their rights in the policy process and limited access to discussion forums involving the public. The solution is to increase public legal literacy through public education programs and provide digital platforms that facilitate public expression (Fung, 2006).
- **Lack of Information Transparency:** Transparency in the policy process is often hindered by limited public access to information related to public policy. To overcome this challenge, governments need to optimize the use of information technology. Implementing open information systems, such as public policy portals and online forums, can provide broader public access to monitor policy developments (Meijer, 2009).
- **Closed Bureaucratic Culture:** The persistence of a closed bureaucratic culture also hampers the realization of equitable policies. Bureaucratic reform emphasizing principles of openness, accountability, and responsive public services is crucial to shifting the bureaucracy's exclusive paradigm (Dwiyanto, 2011).
- **Limited Institutional Capacity:** Institutional capacity in managing public participation and maintaining transparency is often still limited, especially in regions with minimal resources. Solutions include strengthening government institutions through training and technical assistance, as well as adopting good governance practices in the policy formulation process (Grindle, 2007).
- **Information Technology Optimization:** Utilizing information technology is key to expanding public access to the public policy process. Digital platforms can be used to gather public aspirations, publish policy drafts, and provide inclusive and transparent discussion spaces (Chadwick, 2008).

By addressing these challenges through the proposed solutions, governments can create a more conducive environment for realizing fair and inclusive policies. Strengthening the principles of accountability, transparency, and public participation becomes the main foundation in supporting this process, ensuring that the resulting policies can better reflect social justice.

#### **5. Conclusion**

Based on the study conducted, it can be concluded that the formulation of equitable public policy is greatly influenced by the application of the principles of good governance, namely accountability, transparency, and public participation. The principle of accountability ensures that every decision made by the government can be justified to the public. Transparency is a crucial element in providing adequate access to information for the public, fostering trust in the policy process. Meanwhile, public participation creates space for society to actively contribute to policy development, ensuring that decisions reflect the collective interest.

However, in its implementation, several challenges need to be addressed, such as low public participation, lack of information transparency, a closed bureaucratic culture, and limited institutional capacity. To overcome these challenges, comprehensive solutions are needed, such as increasing public legal literacy,

optimizing the use of information technology, and strengthening institutional capacity to support inclusive and transparent policy formulation processes.

By reinforcing the application of good governance principles, it is hoped that public policies produced will be able to create greater social justice and support the development of better governance. This study contributes to enriching the understanding of the importance of integrating these principles into the policy process while serving as a reference for policymakers in designing more inclusive, fair, and sustainable regulations.

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