

WHO SPEAKS FOR THE REGION: INFORMATION SUPPLY AND THE MAKING OF SUBNATIONAL LAW

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Article History

Received: 01-04-2026

Revised: 27-04-2026

Accepted: 20-05-2026

Keywords:

subnational legislation;
legislative information; post-
adoption scrutiny; regulatory
review; regional authority

ABSTRACT

A subnational statute is the end of an information chain. Someone is elected, someone staffs the chamber, someone supplies the account of the problem, someone drafts, and someone is supposed to review what resulted. This study treats that chain as the object of analysis and asks what the empirical literature establishes about each link. The method is a structured conceptual review of research published between 2017 and 2024 across legislative behaviour, subnational regulation, constitutional adjudication and the comparative measurement of regional authority. Five findings follow. Every link for which evidence exists carries a documented distortion, and no link corrects the one before it. Representation reforms deliver competence without dismantling the structures that constrain it. Legislative staff systematically misperceive the preferences of those they serve, in patterns shaped by which external groups supply them with information, so the account of a regional problem that reaches the drafting table is the account most readily supplied. Preparation is rarely performed even though ex ante impact assessment reduces the hazard of first modification by thirty-two to forty-two per cent. And the terminal link is largely missing: a nationwide survey of provincial legislative rules of procedure found 93.1 per cent with no formalised post-adoption scrutiny at all, with a single province showing comprehensive implementation, while the administrative review mechanism that once invalidated thousands of subnational regulations was removed without an equivalent replacement. The study argues that subnational legislative quality is a property of the information chain rather than of drafting skill.

ABSTRAK

Peraturan daerah adalah ujung dari sebuah rantai informasi. Ada yang terpilih, ada yang menjadi aparat dewan, ada yang memasok gambaran tentang persoalannya, ada yang menyusun naskahnya, dan ada yang seharusnya menelaah hasilnya. Kajian ini menjadikan rantai itu sebagai objek analisis dan menanyakan apa yang ditetapkan kepustakaan empiris tentang setiap matrantainya. Metodenya adalah telaah konseptual terstruktur atas riset terbitan 2017 hingga 2024 pada bidang perilaku legislatif, pengaturan daerah, adjudikasi konstitusional, dan pengukuran perbandingan kewenangan daerah. Lima temuan mengikutinya. Setiap matrantai yang buktinya tersedia memuat penyimpangan yang terdokumentasi, dan tidak ada matrantai yang mengoreksi matrantai sebelumnya. Pembaruan keterwakilan menghadirkan kecakapan tanpa membongkar struktur yang mengekangnya. Aparat dewan secara sistematis salah menangkap preferensi pihak yang dilayaninya, dengan pola yang dibentuk oleh kelompok luar mana yang memasok informasi, sehingga gambaran persoalan daerah yang sampai ke meja perancang adalah gambaran yang paling mudah dipasok. Persiapan jarang dilakukan padahal penilaian dampak sebelum penetapan menurunkan risiko perubahan pertama sebesar tiga puluh dua sampai empat puluh dua

	persen. Adapun matarantai terakhirnya sebagian besar hilang: survei nasional atas tata tertib dewan provinsi menemukan 93,1 persen tanpa pengawasan pascapenetapan yang diformalkan sama sekali, dengan satu provinsi menunjukkan penerapan menyeluruh, sementara mekanisme telaah administratif yang dahulu membatalkan ribuan peraturan daerah dicabut tanpa pengganti yang setara. Mutu peraturan daerah adalah sifat rantai informasinya, bukan sifat keterampilan merencangkannya. Kata kunci: peraturan daerah; informasi legislatif; pengawasan pascapenetapan; telaah peraturan; kewenangan daerah
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I. INTRODUCTION

Poor subnational legislation is usually explained by drafting capacity. The explanation is intuitive, occasionally correct, and incomplete in a way that matters for reform, because it locates the problem at the one point in the process where training programmes can address it and ignores every point before and after.

A statute is the terminal product of an information chain with at least five links. Someone is elected under rules that determine who can be. Someone staffs the chamber under arrangements that determine what the chamber can know. Someone supplies the account of the problem the statute will address. Someone drafts, with or without an assessment of what the draft will do. And someone is supposed to examine what resulted, after it has operated.

This study asks what the empirical literature establishes about each link, and the answer is uniform: wherever evidence exists, the link carries a documented distortion, and no link corrects the one before it. Hertel-Fernandez et al. (2019), surveying senior legislative staff, find systematic misperception of the preferences of those served, in patterns shaped by which external groups supply information. Brenner and Fazekas (2023), across more than 2,500 laws in four countries, find ex ante impact assessment reducing first-modification hazard by thirty-two to forty-two per cent — a large effect for a procedure that is frequently omitted. Syam et al. (2024), surveying provincial legislative rules of procedure nationwide, find 93.1 per cent with no formalised post-adoption scrutiny at all.

The terminal link deserves particular attention because it was recently weakened by judicial decision rather than by neglect. Butt (2019) shows that the removal of executive review of subnational regulations eliminated the mechanism that had invalidated thousands of problematic instruments, in favour of a court with a weak record and insufficient capacity, on reasoning that left unresolved which higher instruments such regulations may be reviewed against.

Four questions organise the analysis. First, what does the evidence establish about each link? Second, does any link compensate for a distortion introduced earlier? Third, what happened when the strongest corrective mechanism was withdrawn? Fourth, what would repair the chain at least cost?

2. LITERATURE REVIEW

Link one: who is elected

Datta (2023), assessing gender quotas in rural local bodies, concludes that elected women leaders have demonstrated competence in running local institutions and advancing development agendas, while patriarchal structures persist and reserved seats alone are insufficient without proactive institutional support. The finding is precise in a way that matters for chain analysis: the reform delivered the capability it promised and did not remove the constraint operating on it, so the distortion moved rather than disappearing.

Schakel and Romanova (2022) establish that the composition of subnational legislatures is itself a target. Hypothesising that central incentives to interfere in regional elections rise with regional authority but fall where regional executives are directly elected, they find support for both, and a qualitative component across nine cases identifies six manipulation strategies including aligning election timing, restricting party registration, gerrymandering, nationalising campaigns, party switching and recentralising authority outright. Where regional authority is high, who is elected is contested from above.

Kölling et al. (2024), studying tax innovation across regions from 1986 to 2018, find adoption driven by political composition — left-wing and regionalist coalitions innovate more, property taxes track left ideology, environmental taxes track regionalist participation, and governments avoid new taxes in election years. Legislative output is therefore predictable from electoral composition independently of the underlying policy problem, which is what a chain account predicts.

Link two: who staffs the chamber

Febrian (2022) examines the institutional standing of the regional legislative secretariat and finds it unsettled — a body whose position between the executive and the chamber it serves determines what independent analytical capacity the chamber possesses. Braeuninger et al. (2017), examining governments, parliaments and legislative activity, establish the institutional conditions under which legislative output varies, locating a substantial share of the variation in the resources available to the chamber rather than in the preferences of its members.

Cook and Fortunato (2023) supply the finding that generalises furthest. Across 19,095 agencies over five decades, higher institutional capacity in the body receiving reports produces stronger compliance and more accurate reporting from the agencies sending them, while low-capacity recipients systematically under-monitor. Accuracy is a property of the relationship rather than of the reporting unit, which means a weakly staffed chamber receives worse information not because anyone withholds it but because nobody has reason to invest in producing it well.

Link three: who supplies the account of the problem

Hertel-Fernandez et al. (2019) is the central study for this link and the one whose implications the subnational literature has not absorbed. Surveying senior legislative staff, they find systematic

misperception of the preferences of those served, in patterns shaped by which external groups supply information. The distortion is not random error; it is directional and traceable to an identifiable supply source.

Eldes et al. (2024) distinguish the informational from the confrontational function of legislative oversight and find them separable, which matters because a chamber may be active in confrontation while acquiring little information. Callaghan and Karch (2021) find bill content shaping legislative outcomes and subnational resistance to national policies, locating part of the variation in how a problem is framed before it reaches a vote. Cavari et al. (2023) reevaluate the policy success of private members bills and find standard success measures poorly matched to what such bills achieve.

For asymmetric or specially situated regions the supply problem is sharper, because the justification for differentiated treatment rests on a claim about a population's distinctness. Moland (2024), across thirteen states and 43,372 respondents, distinguishes sovereignty differentiation from capacity differentiation and finds public support diverging sharply between them; Dewi (2024) documents recognition promised and not delivered, strengthening an independence movement instead; Ragandang and Podder (2022) find youth participation in a transitional authority confined to a small minority and dependent on endorsement by elders. In each case the account of what the region needs is supplied by someone, and who that is shapes the instrument.

Link four: who drafts, and whether anything is assessed first

Brenner and Fazekas (2023) establish the value of preparation and, by implication, the cost of its absence. Ex ante impact assessment reduces first-modification hazard by thirty-two to forty-two per cent and repeated modification by thirty-eight to forty-nine per cent, with the effect largest when political power changes. A statute drafted without assessment is a statute likely to be reopened, and reopened at the moment least conducive to careful revision.

Perwira et al. (2024) supply the domestic illustration at the sharpest end. The enabling law for a capital relocation passed in a process lasting forty-three days with insufficient inclusive deliberation, benchmarked against four comparator states where relocation followed participatory process. Read against Brenner and Fazekas (2023), a forty-three-day passage predicts a high hazard of subsequent modification, which is a testable prediction about that instrument's future.

Astariyani et al. (2024) examine the validity of sanctions arrangements within regional regulations and find drafting defects concentrated where the sanction exceeds the delegating authority. Ambarwati et al. (2023) address the control and evaluation of regional regulations on taxes and levies specifically, identifying the same pattern in the fiscal domain. Both are drafting findings, and both describe defects that an assessment step would have surfaced.

Link five: who reviews what resulted

De Vrieze and Norton (2020) frame post-adoption scrutiny as a distinct governmental function rather than an extension of routine oversight, which means it can be absent without anything else appearing to be missing. Caygill (2020) finds that a decade after one national legislature formally adopted a systematic approach, the practice had still not become a regular part of committee work.

Syam et al. (2024) establish the domestic position. Surveying the rules of procedure of provincial legislatures nationwide, they find 93.1 per cent had not formalised post-adoption scrutiny procedures at all, with a single province showing comprehensive implementation. Astariyani et al. (2023) analyse what preventive and evaluative mechanisms remain available for regulating subnational instruments and find the architecture incomplete.

The administrative alternative was removed by judicial decision. Butt (2019) documents the constitutional court decisions invalidating executive review of subnational regulations, showing that the reasoning left unresolved whether the apex court may review such regulations against all higher instruments or only statutes; that the bench was evenly split four to four with one judge suspended, yet the majority opinion issued as the court's decision without acknowledging the split; and that the removal eliminated the mechanism that had invalidated thousands of problematic regional regulations, in favour of a court with a weak record and insufficient capacity. Butt (2019b) examines judicial reasoning and review in that court.

Elston and Zhang (2023) find implementation of public accounts committee recommendations partial and dependent on executive prioritisation. Bonollo (2019) finds the outcome measurement of supreme audit institutions itself underdeveloped. Castillo-Ortiz (2024) shows that umpire courts in multilevel systems carry three mutually corrosive legitimacy claims — democratic, multilevel and technocratic — that political actors weaponise selectively. Casas et al. (2024) measure the cost of an adverse ruling on regional autonomy: support for independence rising by roughly five percentage points, alongside reduced trust in courts and lower satisfaction with democracy. Gordon (2023) shows that the effective reach of any constitutional guarantee depends on the institutional, jurisdictional and jurisprudential architecture of the courts reading it.

What the measurement instruments record about the chain

The comparative apparatus for studying subnational authority codes what regions may do and not how well they do it. Niedzwiecki et al. (2021) extend a regional authority dataset across twenty-seven countries from 1950 to 2010 and discuss the difficulty of coding states that oscillate between regimes. Shair-Rosenfield et al. (2021), analysing 1,767 observations across ninety-five countries, find the ratio of internal to external communication significantly influencing regional autonomy, conditional on regime openness — a communication variable, which is the closest the measurement programme comes to the chain examined here.

Dardanelli, Kincaid, Fenna, Kaiser, Lecours and Singh (2019) build the apparatus for measuring movement rather than level; Dardanelli and colleagues (2019) apply it across six federations and

conclude that most centralised chiefly through legislative rather than fiscal means. Bolgherini and Lippi (2022) find regions moving from co-decision-makers to implementers with no formal institutional reform at all. Bradbury et al. (2024) find asymmetry politically reversible across two elections. Lele (2023) identifies inclusion in policy design and delivery of promised outcomes as the variables separating arrangements that work from those that do not — both of them properties of the chain rather than of the text.

RESEARCH GAP

Three gaps follow. The first is that the chain has not been analysed as a chain. Each link has its own literature — electoral studies, legislative organisation, information and lobbying, drafting quality, post-legislative scrutiny — and they cite one another rarely, so no account exists of whether a distortion introduced at one link is amplified or damped at the next.

The second is that no study measures information supply into subnational legislatures. Hertel-Fernandez et al. (2019) establish the phenomenon at national level in one system; the equivalent study at subnational level, where analytical capacity is thinner and interested parties are fewer and closer, has not been performed anywhere in the reviewed literature.

The third concerns the withdrawal of executive review. Butt (2019) documents the removal and its immediate implications, but no study has assessed what the subnational regulatory stock looks like in the period since, which is the direct empirical question the decision raises.

3. METHOD

The study is doctrinal and conceptual. It advances no new empirical estimate; it specifies a chain and assembles what the published evidence establishes about each link.

The chain was specified in advance from legislative process theory rather than derived from the literature, in order to avoid selecting links to match available evidence. Five links were defined functionally: selection of representatives, analytical support available to the chamber, supply of problem information, drafting including any *ex ante* assessment, and post-adoption review including both legislative and administrative mechanisms.

A corpus was then assembled of peer-reviewed research published between 2017 and 2024 addressing any of the five links in a subnational or comparable legislative setting, together with the domestic literature on subnational regulation and constitutional adjudication. Each item was verified against the publisher record, the digital object identifier resolver, or an indexing record, and items in journals discontinued from major indexes or flagged as predatory were excluded regardless of topical fit.

Each link was assessed on three criteria: whether direct evidence exists for subnational settings; what distortion the evidence identifies; and whether any subsequent link is documented as

correcting it. Three limitations apply. Several links are evidenced only at national level and their transfer to subnational settings is argued rather than shown. The chain specification is functional and other specifications are defensible. And a doctrinal study establishes what institutions provide, not how actors behave within them.

4. RESULTS AND DISCUSSION

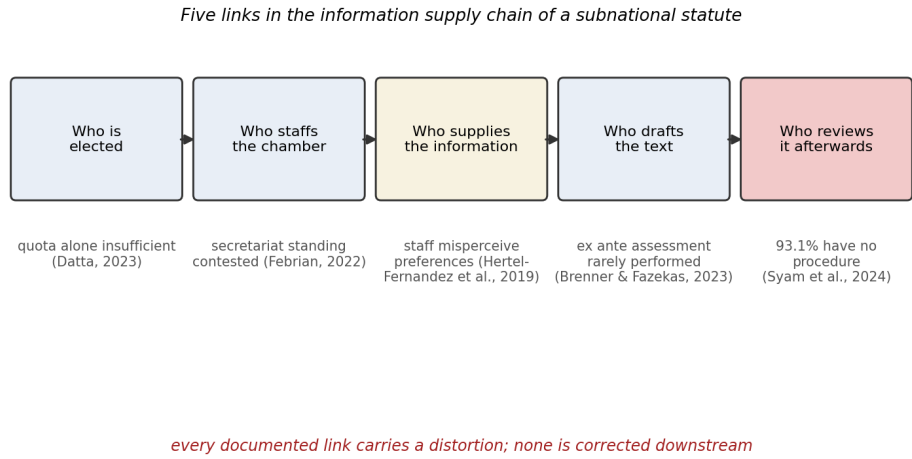


Figure 1. Five links, and the distortion documented at each

Finding one: every evidenced link carries a distortion

Coded across the five links, the corpus produces a uniform result. At selection, quota reform delivers competence without removing the constraint on it (Datta, 2023) and composition is contested from above through six identified strategies (Schakel & Romanova, 2022). At staffing, secretariat standing is unsettled (Febrian, 2022) and report accuracy is a property of the receiving body’s capacity (Cook & Fortunato, 2023). At information supply, misperception is systematic and directional, shaped by who supplies (Hertel-Fernandez et al., 2019). At drafting, assessment that would reduce modification hazard by up to forty-two per cent is frequently omitted (Brenner & Fazekas, 2023), with a forty-three-day passage as the domestic limiting case (Perwira et al., 2024). At review, 93.1 per cent of provincial chambers have no procedure (Syam et al., 2024).

No study in the corpus documents any link correcting a distortion introduced earlier. That is the substantive finding, and it is a stronger claim than the observation that each link is imperfect. A chain in which errors are independently introduced and independently uncorrected accumulates them.

Table 1. The five links assessed

Link	Documented distortion	Corrected downstream?	Principal evidence
Who is elected	Composition contested from above; quota alone insufficient	No	Schakel & Romanova (2022); Datta (2023)

Who staffs the chamber	Secretariat standing unsettled; report quality follows recipient capacity	No	Febrian (2022); Cook & Fortunato (2023)
Who supplies information	Systematic directional misperception shaped by supplier	No	Hertel-Fernandez et al. (2019)
Who drafts	Ex ante assessment frequently omitted	No	Brenner & Fazekas (2023); Perwira et al. (2024)
Who reviews afterwards	93.1% of provincial chambers have no procedure; executive review removed	Not applicable	Syam et al. (2024); Butt (2019)

Note. Compiled by the author from the reviewed corpus.

Finding two: the terminal link was removed, not merely neglected

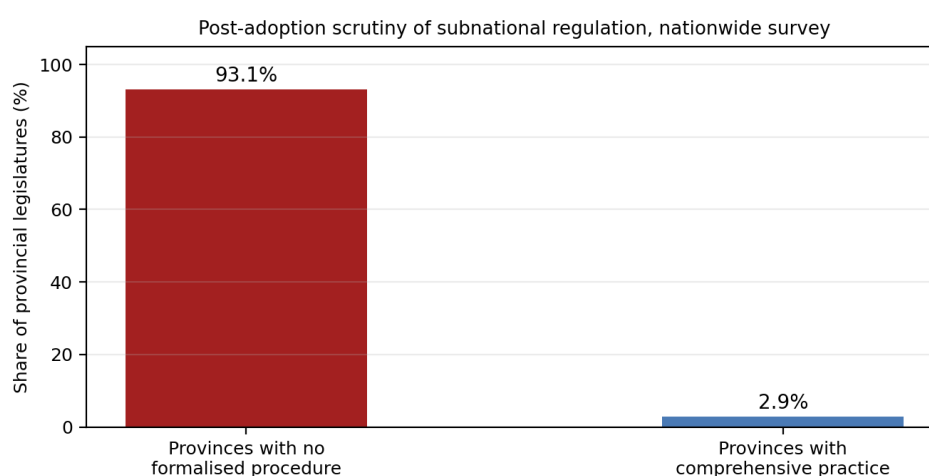


Figure 2. Post-adoption scrutiny across provincial legislatures

The final link differs from the others in kind. The distortions at links one to four are the ordinary consequence of institutions operating under constraint. The weakness at link five is partly the result of a decision.

Butt (2019) documents an administrative review mechanism that had invalidated thousands of problematic regional regulations being eliminated by a court whose own capacity to assume the function was insufficient, on reasoning that left the reviewable standard unresolved, and by a bench evenly split four to four without that split being acknowledged in the decision. Astariyani et al. (2023) map what remains and find the architecture incomplete; Astariyani et al. (2024) and Ambarwati et al. (2023) identify the specific defects — invalid sanctions, uncontrolled tax and levy instruments — that the removed mechanism had been catching.

The legislative alternative is largely unbuilt. Syam et al. (2024) find 93.1 per cent of provincial chambers without a formalised procedure and a single province with comprehensive implementation. Caygill (2020) establishes that even formal adoption does not produce practice within a decade. The subnational regulatory stock is therefore reviewed by neither the

administrative mechanism, which was removed, nor the legislative one, which does not exist in most jurisdictions.

Finding three: the distortion at link three is the one nobody is looking for

Of the five links, information supply is the least examined subnationally and the most consequential, because it determines what problem the statute is drafted to solve. Hertel-Fernandez et al. (2019) establish that staff misperceive systematically and that the pattern follows which external groups supply information. At subnational level the conditions that produce the effect are stronger: analytical capacity is thinner, the number of organised suppliers is smaller, and the distance between supplier and legislator is shorter.

Kölling et al. (2024) supply indirect confirmation, finding regional tax innovation predicted by partisan composition and electoral timing rather than by fiscal conditions — the pattern expected where the account of the problem is supplied by political rather than analytical channels. Cavari et al. (2023) and Callaghan and Karch (2021) both locate substantial variation in how a problem is framed before it reaches a vote.

For regions holding differentiated status the stake is higher, because the justification for their arrangement is a claim about what their population needs. Moland (2024) shows that public support diverges sharply according to whether differentiation is understood as voluntary or as imposed — a distinction constructed in public discourse rather than in the instrument. Dewi (2024) documents recognition promised and undelivered, and Ragandang and Podder (2022) find participation in a transitional authority confined to a small minority mediated by elders. In each case an account of the region reached the drafting table, and the identity of its supplier shaped what was enacted.

Finding four: the measurement instruments cannot see the chain

The comparative datasets used to study subnational authority code formal powers. Niedzwiecki et al. (2021), Shair-Rosenfield et al. (2021) and Dardanelli and colleagues (2019, 2019) collectively provide the most systematic apparatus available, and none contains a variable for the quality of the process producing subnational law. A region with extensive powers exercised through a distorted chain codes identically to one with the same powers exercised through a functioning chain.

Shair-Rosenfield et al. (2021) come closest, finding the ratio of internal to external communication significantly influencing regional autonomy conditional on regime openness. That is a communication variable operating on authority; the variable this study would add operates in the other direction, asking what communication does to the exercise of authority already held.

Bolgherini and Lippi (2022) show why the omission matters practically: regions moved from co-decision-makers to implementers with no formal institutional reform, which means a coding

scheme based on formal powers would record no change at all. Bradbury et al. (2024) show asymmetry reversible through party positioning rather than through amendment. Lele (2023) identifies inclusion in design and delivery of outcomes as the decisive variables, both of them chain properties.

What would repair the chain at least cost

Four measures follow, ordered by cost. First, establish the post-adoption procedure. Syam et al. (2024) show it is absent in 93.1 per cent of provincial chambers, and it is created by amending rules of procedure — an act within each chamber's own competence requiring no statute and no budget line.

Second, require a statement of information sources with each draft instrument. Hertel-Fernandez et al. (2019) identify the supplier as the mechanism of distortion; disclosure of who supplied the analysis does not remove the distortion but makes it visible to the chamber and to any later reviewer.

Third, adopt ex ante assessment for the effect Brenner and Fazekas (2023) actually measure — a thirty-two to forty-two per cent reduction in the hazard of reopening, largest when power changes. The value is stability rather than perfection, and stability is what allows a post-adoption procedure to have something durable to examine.

Fourth, and most demanding, restore an effective review of the subnational regulatory stock. Butt (2019) establishes that the administrative mechanism was removed without a functioning successor and that the court inheriting the function lacked the record and capacity to perform it. Whether the replacement is judicial, administrative or legislative is a constitutional design question beyond this study; that some replacement is required follows directly from the evidence that neither remaining candidate is operating.

Limitations

Four limits bound the argument. Two links — information supply and analytical staffing — are evidenced principally at national level and their subnational transfer is argued rather than demonstrated. The five-link specification is functional and not unique. The claim that no link corrects an earlier distortion rests on the absence of evidence for such correction rather than on evidence of its absence. And a doctrinal analysis establishes institutional provision rather than behaviour.

5. CONCLUSION

The quality of subnational law is usually treated as a drafting problem. The evidence assembled here locates distortions at every stage that has been studied: in who is elected, where composition is contested from above through six documented strategies and quota reform delivers capability without removing constraint; in who staffs, where secretariat standing is unsettled and report

quality follows the recipient's capacity; in who supplies the account of the problem, where misperception is systematic and traceable to the supplier; in who drafts, where an assessment procedure that cuts reopening hazard by up to forty-two per cent is routinely omitted; and in who reviews, where 93.1 per cent of provincial chambers have no procedure and the administrative mechanism that once caught thousands of defective instruments was removed without a functioning successor.

No link corrects the one before it. That is what distinguishes a chain account from a list of shortcomings, and it is why capacity-building at the drafting stage — the standard remedy — addresses one link of five and the one least likely to be decisive.

The cheapest repair is at the end. A post-adoption scrutiny procedure is created by amending a chamber's own rules; a source-disclosure requirement costs a paragraph in each draft; and ex ante assessment already exists as a drafting practice with a measured effect. What none of these can substitute for is an effective review of the regulations already in force, which was removed by decision and has not been replaced.

ACKNOWLEDGEMENTS

The authors thank the editorial team of Research Center Progresif for their assistance.

DECLARATIONS

Author contributions (CRediT)

Fahmi Amirulloh Anwar: conceptualisation; methodology; formal analysis; writing - original draft; writing - review and editing.

Conflict of interest

The authors declare that they have no competing interests.

Data availability

All data supporting the findings of this study are available within the article and from the publicly accessible sources cited therein.

Funding

This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors.

Declaration on the use of artificial intelligence

No generative artificial intelligence tool was used in the preparation of this manuscript.

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