

Legal Validity and Efficacy in the Legislative Process in Indonesia

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Abstract

The concepts of legal validity and legal efficacy are fundamental to assessing the overall effectiveness of legislation. Legal validity refers to the enforceability of legal norms based on procedures formally authorized by law, while legal efficacy pertains to the actual implementation and the tangible benefits experienced by society. Law Number 12 of 2011, along with its subsequent amendments—Law Number 15 of 2019 and Law Number 13 of 2022—incorporates principles and provisions that reflect an effort to integrate these two dimensions. This article aims to examine the conceptual and normative positioning of legal validity and efficacy within Indonesia's legislative framework and to evaluate the extent to which these regulatory reforms have strengthened legislative effectiveness. Employing a normative juridical approach and legal document analysis, the study finds that public participation, the preparation of academic manuscripts, and the application of analytical tools such as ROCCIPI (Rule, Opportunity, Capacity, Communication, Interest, Process, and Ideology) and RIA (Regulatory Impact Assessment) are key mechanisms for enhancing the substantive effectiveness of Indonesian legislation.

Keywords: Legal Validity; Legal Efficacy; Legislative Process; Law-Making System; Legal Reform

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INTRODUCTION

A fundamental component of constitutional governance and the establishment of a state based on the rule of law is the creation of legislation. According to the Indonesian legal system, a regulation's quality is assessed not only by its formal legality but also by its substantive coherence and alignment with the goals of the law. In this framework, validity and efficacy are two important analytical concepts that are pertinent to studying the formation, application, and operation of legal norms. This distinction was first made by Peter Noll in 1971 to highlight the fact that a legal norm may be formally valid (Geltung) but have no practical significance unless it is also effective (Wirksamkeit). While efficacy relates to the actual empirical realization of legal norms in society, validity refers to a norm's legal enforceability based on its procedural and institutional legitimacy. Although conceptually separate, these two aspects work together to fulfill the entire purpose of the law. Accordingly, a regulation cannot be considered genuinely valid unless it is approved by legitimate authorities and does not conflict with higher legal standards, according to (Iryadi, 2017). Hence, the dialectical relationship between legality and functionality, which is reflected in the interaction of Geltung and Wirksamkeit in legal construction, must be taken into consideration when critically evaluating legislative development.

The concepts of validity and efficacy are both explicitly and implicitly present in the normative framework of Law Number 12 of 2011 concerning the Formation of Laws and Regulations in the practice of Indonesian law. The principle of "utility and efficacy" (kedayagunaan dan kehasilgunaan) is

specifically mentioned in Article 5, letter (e), as one of the pillars of the legislative process. This clause suggests that laws and regulations must take into account both their enforceability and their focus on the general welfare from the very beginning of their creation. Nevertheless, this law's interpretation of validity and efficacy has not been conceptually or methodically developed. In order to establish formally valid legal norms, Law No. 12 of 2011 primarily focuses on the technical and procedural aspects of lawmaking, including planning, drafting, deliberation, ratification, and promulgation. When a norm is established under the direction of a more authoritative standard or a capable organization, it is said to be valid ([Yuliani, 2017](#)). This demonstrates how the national legislative system is still dominated by a legal orientation.

Four perspectives—philosophical, juridical, sociological, and political—can be used to analyze the applicability of a legal norm within statutory regulations. According to philosophy, a norm is legitimate if it is consistent with the core principles of the state; in the Indonesian context, Pancasila is the state's fundamental norm. The term "juridical validity" describes the satisfaction of formal requirements, specifically that a norm be established by an authorized institution through a legitimate procedure and based on a higher legal norm. Sociological validity places a strong emphasis on the norm's actual efficacy in social practice as well as its acknowledgement and acceptance. Support from actual political power is necessary for political validity, especially when it comes to the creation and implementation of legal standards. Together, these four factors establish whether a legal standard is genuinely "valid" in both substantive and formal senses ([Yuliani, 2017](#)).

New dynamics in the conceptual construction of legal validity and substantive usefulness (in the legislative process) were introduced by the amendments to Law No. 12 of 2011 through Law No. 15 of 2019 and Law No. 13 of 2022. Implementing academic tools and scientific techniques strengthened a number of provisions, including the requirement that academic papers (*naskah akademik*) with philosophical, legal, and sociological analyses be prepared; greater public participation; and the acknowledgement of the omnibus method as a novel legislative technique. These changes represent a first step in combining the formal enforceability of the law with the practicality of its normative provisions. However, research-based and participatory methods have subtly reinforced substantive usefulness. The scholarly article serves as a forum for discussing the rationality of norms and evaluating the proposed regulation's social and empirical viability. Despite not using the term "daya guna" directly, the regulation's content and workings convey the essence of the idea ([Fitriani & Jordi, 2023](#)).

However, Law No. 12 of 2011 and its later amendments do not yet systematically map the ideas of substantive usefulness and legal validity. There are no explicit measures of usefulness beyond the presumption of normative benefit, nor is there a provision that defines the indicators of legal validity beyond formal procedures. As a result, it's critical to reconsider how the Indonesian legal system normatively expresses these two ideas.

The purpose of this paper is to comprehend how the framework of positive law develops the conceptual and normative construction of legal validity and substantive usefulness, rather than to evaluate the efficacy of particular regulations. This is necessary to guarantee that the creation of laws and regulations is based on a deliberate reflection of values, orientations, and the structural goals of the law itself, rather than just being limited to procedural compliance.

Law No. 12 of 2011 and its two amendments serve as the main sources for this study, which combines a normative juridical approach with conceptual analysis. In terms of legal structure and the underlying philosophical values, this method aims to investigate the normative model and orientation of substantive usefulness (and legal validity). This paper's primary goal is to outline and clarify the conceptual model of validity and usefulness within the legislative framework as outlined in Law No. 12 of 2011 and its amendments. It also seeks to advance awareness that laws should be viewed as a value-based system focused on public benefit and legal welfare, rather than just as a formal legal product.

HYPOTHESES DEVELOPMENT

In the study of evaluating legal norms, the ideas of legal validity and efficacy have solid theoretical underpinnings. This is mirrored in philosophical discourse when examining the relationship between the efficacy and applicability of legal norms. According to ([Navarro and Moreso, 1997](#)), a norm is only deemed effective if it is both internally legitimate in relation to the behavior it regulates and externally applicable by formal institutions. According to a related conceptual framework created by Peter Noll, a norm's efficacy indicates its ability to affect social behavior and achieve its regulatory goals, while legal validity refers to the formal legal structure of the norm. As a result, when assessing statutory law, one must consider both the substantive efficacy of legal norms in practice as well as their procedural legality.

Law Number 12 of 2011 on the Formation of Laws and Regulations has incorporated the principles of utility and efficacy into the Indonesian legal system. This principle is expressly included in Article 5, Letter (e), as a normative requirement that must be followed during the legislative process. This suggests that, despite its declarative regulation and lack of obvious operational indicators, the idea of efficacy has a formal basis within the framework of positive law. A logical and scientific approach to lawmaking is reinforced by Law No. 12 of 2011's requirement that an academic paper be prepared. In order to evaluate the reasonableness and public utility of suggested norms, the academic paper must include philosophical, legal, and sociological analyses. The first amendment, Law No. 15 of 2019, strengthened the uniformity of its application in regulatory planning procedures rather than amending this clause.

Additionally, by formally recognizing the omnibus method and emphasizing meaningful public participation in the drafting process, Law No. 13 of 2022 strengthens the technical aspects of legislation. According to Noll's theory, this development could be seen as an attempt to more quickly and thoroughly address societal needs, which is consistent with the goal of increasing the efficacy of the law. The Regulatory Impact Assessment (RIA) and the ROCIPPI method, which both stress evaluating legal norms in terms of their substance and implementational impact, have started to be adopted by Indonesian legislative practice to supplement these normative provisions. Despite not being specifically regulated by Law No. 12 of 2011, these techniques are becoming more and more common in academic paper preparation and are important tools for advancing evidence-based legislation.

Prior research on regulatory evaluation in Indonesia has typically concentrated on post-enactment evaluation or implementation efficacy. In order to answer the question of how well Indonesia's legislative system maintains a balance between legal legitimacy and normative functionality, it is equally crucial to look at how the concepts of legal validity and substantive usefulness are normatively constructed within the legislative framework.

According to this study, a regulatory framework that strikes a balance between, or formal legitimacy, and *daya guna*, or substantive legitimacy, is ideal. A legislative system that is not only legally sound but also responsive to public needs and practically implementable must be developed using this conceptual framework. In light of this, the purpose of this paper is to investigate, from a normative standpoint, how these two ideas are positioned within Law No. 12 of 2011 and its amendments, as well as how future regulatory reforms can be focused on enhancing both legal validity and efficacy as a cohesive basis for legislation.

METHOD, DATA, AND ANALYSIS

Research Method

The statute approach, also known as the legislative or statutory approach, and the conceptual approach are the two primary methods used in this normative juridical study. The normative construction and conceptual underpinnings of legal validity and substantive usefulness (in the creation of Indonesian laws and regulations) are examined using these methodologies.

This study uses the statutory approach to analyze Law No. 12 of 2011 and its two amendments, Law No. 15 of 2019 and Law No. 13 of 2022, in order to determine how much the two concepts are accommodated, either explicitly or implicitly, in the structure of positive law by legal principles,

procedures, and legislative objects. This method is consistent with doctrinal legal research, which emphasizes written legal norms as the primary subject of investigation (Zaini, 2011). Based on legal literature and theory, especially the framework created by Peter Noll, the conceptual approach is used to analyze and elucidate the normative and functional meanings of legal validity and usefulness. This method is crucial for determining whether the legislation's conceptual framework integrates the formal validity and substantive efficacy of legal norms (Zaini, 2011).

Legal Materials and Analytical Techniques

The following legal resources were used in this study: Law No. 12 of 2011, Law No. 15 of 2019, and Law No. 13 of 2022 are examples of primary legal materials; academic journals, textbooks, and pertinent scholarly articles are examples of secondary legal materials; and legal dictionaries, legal encyclopedias, and other documents that aid in conceptual understanding are examples of tertiary legal materials.

Analysis

A deductive approach was used to analyze the legal materials. First, theoretical ideas about legal validity and substantive usefulness were explored, and then those ideas were connected to the normative clauses in relevant laws and regulations. Using this approach, the researcher can determine whether legal theory and positive law are coherent, as well as whether theories of legal evaluation and the realities of national legislative practice are aligned or not.

(1) The normative construction of legal validity and usefulness in Law No. 12 of 2011 and its amendments; (2) the place of the principle of "utility and efficacy" within the legal structure and systematic framework of the law; and (3) the function of complementary instruments like scholarly papers, the omnibus method, meaningful public participation, and the RIA/ROCIPPI approach as mechanisms for reinforcing legal validity and/or efficacy. The study intends to give a methodical and thorough overview of how Indonesia's positive legal system conceptualizes and incorporates validity and usefulness in the creation of laws and regulations through this analytical process.

RESULTS

Legal Validity and Legal Efficacy in Indonesia's Legislative Framework

The foundation for assessing the role of legal norms in Peter Noll's theoretical framework is the idea of legal validity (*Geltung*) and efficacy (*Wirksamkeit*). A legal norm's formal enforceability, which is defined by its compliance with legal hierarchy, procedural requirements, and authorization by a competent authority, is referred to as legal validity. Efficacy, on the other hand, is the degree to which the norm successfully affects the targeted individuals' or institutions' actual behavior (Noll, 1971). Similar to this, (Navarro and Moreso, 1997) stress that a legal standard only "applies" if it is both formally enforceable (externally applicable) and ultimately has practical consequences (internally effective). The law runs the risk of staying "on paper" and not producing noticeable results in social life if these two aspects are not balanced.

Formally valid but practically ineffectual laws can result from a legislative system that only concentrates on formal legality, such as meeting procedural requirements when drafting and enacting laws. Noll (1971) cautions that when validity is not accompanied by efficacy, legal emptiness may arise. This is made clear when a law is put into effect with the best of intentions but falls short of meeting societal demands or is not embraced by the intended audience. High rates of non-compliance with recently passed regulations, according to empirical research, indicate a disconnect between legal formality and real-world efficacy (Navarro and Moreso, 1997).

Three crucial factors must be taken into account when designing statutory regulations: the structure of the implementing institutions; the cultural and sociological context influencing public acceptance (efficacy); and procedural validity (legality, ratification, and promulgation). Therefore, a dual framework for assessing whether a regulation is both legitimate under positive law and effective in social reality is provided by legal validity and efficacy.

When evaluating Indonesia's legislative model, this method is pertinent. Law No. 12 of 2011 and its later amendments have introduced a number of tools to support both dimensions, including

academic papers and the omnibus method, according to normative juridical and conceptual analysis. But in reality, the efficacy dimension is frequently left unspoken and devoid of distinct operational indicators. Therefore, the systematic integration of formal and substantive legal evaluations is necessary for an ideal regulatory model.

This framework necessitates an evaluation mechanism that connects formal legal requirements (validity) with empirical evaluation tools (efficacy). Both aspects can be strengthened with the creation of normative success indicators, such as social impact, compliance rates, and public acceptance levels. Law No. 13 of 2022's academic paper requirement encourages the use of instruments like the Regulatory Impact Assessment (RIA) and the ROCIPPI method, which provide practical steps to close this gap and guarantee that regulations are not only legally sound but also pertinent and applicable in society.

Law No. 12 of 2011 and Its Amendments' Legal Validity

The concept of formal legality, which serves as the foundation for the legitimacy of norms, is highly valued in Indonesian legislative formation. The legislative process's legitimate institutions, phases, and procedures are fulfilled in order to achieve this legality. The binding force of law derived from its formation and structure in accordance with the national legal framework is referred to as legal validity in this context. Rules that satisfy these formal requirements are regarded as legally binding and legitimate.

This method is based on the idea that formal aspects of a law, not how well it is applied in society, give it its binding power. As a result, formal validity is given top priority when laws are being formed in Indonesia. According to the study by ([Iryadi, 2017](#)), even though a law may be advantageous in substance, it runs the risk of not having legal validity if it is not created through the correct procedures. Stated differently, the legitimacy of a norm's enactment by an authorized authority is a major determinant of its legal force.

As the fundamental tenet of positive law, the principle of formal validity has been assimilated by Indonesia's legislative system, as evidenced by the institutionalization of stages in the legislative process and the standardization of procedures. The norm is deemed legally valid once all formal requirements are satisfied; evidence of its efficacy in society is not required. Despite not being entirely connected to post-implementation evaluation, this establishes legal validity as a key component of the national legislative process.

Numerous studies demonstrate that while enhancing formal legality in the Indonesian legal system does provide legal certainty, it frequently ignores the norm's functional aspect. According to ([Yuliani, 2017](#)), many regulations lack effective implementation mechanisms, which means they are procedurally valid but have no real impact. As a result, there is a discrepancy between normative legal validity and actual social reality.

In Indonesia's legislative system, legal validity is therefore primarily understood to be based on form and procedure rather than function. This explains why, rather than creating standards for substantive success, most legislative tools are made to guarantee adherence to procedural formation. However, maintaining legal authority and state legitimacy still requires careful consideration of the legality aspect.

Article 5, letter e, of Law Number 12, Year 2011, concerning the Formation of Legislation, expressly regulates the concept of efficacy (in the context of legislation formation in Indonesia). This article defines efficacy as the principle of usefulness and efficacy, highlighting the need for all legal products to not only exist and be formally valid but also to offer real benefits to society. Put another way, a regulation must be able to achieve real-world goals and provide tangible answers to the problems it is meant to control. This illustrates the need for regulations to be more than just legal documents; they also need to have an impact and be implemented effectively.

Law No. 12 of 2011 recognizes the significance of the efficacy principle, but its regulations are still declarative and lack technical justifications or metrics that could gauge how beneficial they are. To put it another way, the law doesn't offer a methodical framework that mandates regulators carry out assessments or quantifiable analyses to guarantee efficacy and advantages. Efficacy is only an ideal

aspiration that has not been deeply incorporated into the process of forming and reviewing regulations due to the lack of specific standards.

Consequently, formality and legal validity are given more weight in Indonesian positive law practice than substantive elements like efficacy and public benefit. In order to ensure consistent oversight and enforceability, legal validity—which pertains to a regulation's formal legitimacy—is regulated in a thorough and methodical manner. In contrast, the legislative process tends to undervalue efficacy, which necessitates both qualitative and quantitative assessment of regulatory impacts and implementation outcomes.

A structural flaw in the Indonesian legal system that could lead to the creation of less-than-ideal regulations is revealed by the normative discrepancy in how legal validity and efficacy are treated. Even legally sound and formally valid regulations don't always have a noticeable effect or provide the public with significant advantages. Realizing regulations that not only "exist" but are also "effective" in accomplishing their intended goals within the larger framework of good governance is severely hampered by this disparity. As a result, it is crucial to create reliable instruments and assessment systems that can thoroughly evaluate the effectiveness of regulations.

In order to improve, the efficacy principle must be more explicitly incorporated into future regulation creation through precise technical processes like regulatory impact assessments and post-implementation monitoring and evaluation. By taking these actions, the formal legality and substantive efficacy of regulations can be reconciled. As a result, the concept of usefulness and efficacy will not only be a catchphrase but will actually be applied in the process of creating and enforcing laws that benefit the state and society as a whole.

The fundamental foundation of the ideas of legal validity and efficacy is not significantly altered by Law Number 15 of 2019, the first amendment to Law Number 12 of 2011. More administrative and structural in nature, this amendment reorganizes the harmonization and monitoring procedures, enhances the management of the National Legislation Program (Prolegnas), and strengthens the role of the DPR Expertise Agency.

Since Law Number 12 of 2011's requirements for academic manuscripts are not changed by Law Number 15 of 2019, the use of science in the creation of laws continues to be a crucial component of the country's legislative system. The scholarly work includes sociological, legal, and philosophical research that serves as the foundation for norm formation. The academic manuscript serves as a tool to guarantee that norms are established based on needs and thorough analysis, even though it does not specifically use the term efficacy.

More substantial changes to legislative technique flexibility and participatory approaches are brought about by Law Number 13 of 2022. Legal efficacy can be strengthened from the very beginning of formation thanks to provisions pertaining to the omnibus method and the improvement of meaningful participation. Additionally, evaluative techniques like Regulatory Impact Assessment (RIA) and ROCIPPI, which are not specifically mentioned in the law but have been used in the preparation of academic manuscripts based on Minister of Law and Human Rights Regulation Number 20 of 2020, can be applied now that drafting methods based on scientific and participatory approaches are recognized. These two approaches offer a framework for evaluating norms from the perspectives of benefits, public acceptability, and implementability—the three main facets of the efficacy concept.

DISCUSSION

An essential framework for assessing the layout of the national legislative system is provided by the ideas of legal validity and efficacy in the creation of legislation. Peter Noll's differentiation between the two makes a clear distinction between the functional efficacy of norms (*Wirksamkeit*) and their legal-formal validity (*Geltung*). Analysis of Indonesia's regulatory framework reveals that while our legal system is highly effective at ensuring legal validity, it is still immature when it comes to ensuring efficacy. As a means of ensuring formal legality, Law Number 12 of 2011 methodically governs the phases of regulation formation, from planning to promulgation.

This is consistent with the idea of legal validity, according to which a legal norm is deemed legitimate if it is established by a recognized organization and follows a legal process. The usefulness and efficacy principle, which normatively states the efficacy component, does not, however, come with technical rules or metrics that can be used to assess the success and advantages of the norm in society. There is a discrepancy between normative intentions and institutional design because the main body of the law lacks substantive measures. To put it another way, despite the fact that the law requires that a regulation be applicable and beneficial, there is currently no assessment technique or measurement tool to guarantee that this is actually the case. Because of this, efficacy is an assumed concept that is supposed to be realized as long as formal procedures are followed, but in practice, many regulations are not implemented because of their poor design or content.

Furthermore, the basic reasoning behind the systematics of regulation formation is not significantly changed by Law Number 15 of 2019, which is the first amendment to Law Number 12 of 2011. There have been no notable changes to the provisions pertaining to principles, the requirement for academic manuscripts, and stages of formation. In this sense, the lack of modifications shows that the scientific method is still valued, albeit it hasn't yet been transformed from a purely administrative duty to a useful assessment instrument. The direction of change only starts to demonstrate a strengthening of the substantive dimension with Law Number 13 of 2022.

Legislators are starting to address the complex dynamics in society, as evidenced by the acceptance of the omnibus method, the expansion of meaningful participation, and the flexibility in drafting regulations. Nevertheless, there is currently no clear clause mandating the methodical substantive testing of norms using implementability or impact-based methodologies. Although not specifically regulated by law, the use of tools like the RoCIPPI method and Regulatory Impact Assessment (RIA) becomes crucial in this situation to close the gap between efficacy and legal validity. While ROCIPPI offers significant benchmarks to assess the quality and implementability of norms, RIA helps policymakers assess different policy alternatives and forecast the possible effects of a norm.

Unfortunately, these instruments are still optional and are not yet a standard feature of all legislative products. This circumstance illustrates how the national legislative system is still primarily focused on legal proceduralism as opposed to normative functionalism. As a result, the creation of regulations is primarily concerned with meeting formal and hierarchical requirements, with substance and direction towards resolving societal issues receiving less attention.

This suggests a misalignment between legal functionality and legal validity, which weakens the sociological and pragmatic legitimacy of norms. Thus, a paradigm shift in the creation of legislation is required, one that sees the law as a logical tool created in response to the actual needs of society rather than just as the result of a process. It is necessary to position the standardization of impact-based methodologies and the application of substantive evaluation principles as components of the legislative system rather than just policy initiatives. Law can only successfully and functionally bridge the gap between legal efficacy and validity in this way.

Table1: Conceptual Comparison between Legal Validity and Efficacy

Aspect	Validity	Efficacy
Definition	The validity of a norm legally through a legitimate formation procedure	The functionality of a norm in practice and its impact on society
Source of Validity	Formal legal procedures according to statutory provisions	Empirical relevance and the ability to solve problems
Basis of Evaluation	Who forms it, and through what procedure?	Whether the norm can be implemented and provides benefits
Time Dimension	Valid from the time of promulgation and recorded in the state gazette	Measurable after implementation in society
Measure of Success	Compliance with formal mechanisms	Substantive efficacy, reach, and social acceptance
Risk if Failed	Norm is invalid and void by law.	Norm is ignored, disobeyed, or ineffective.

Source: Adapted from Law No. 12 of 2011 and author's analysis (2025)

In the Legislative Formation System, the following is the relationship between efficacy and legal validity:

- a. Law No. 12 of 2011's formal stages of regulation formation include planning, drafting academic manuscripts, discussion, approval, and promulgation. These phases result in norms that possess formal legal legitimacy.
- b. Legal Validity: Rules have both hierarchical and procedural validity. Considered legally binding as of the promulgation date, Law No. 12/2011 uses norm hierarchies and procedural systems to ensure legal validity.
- c. A link between formal legality and normative function is provided by Article 5, letter e, the Principle of Usefulness and Efficacy. Demands that standards be applicable and useful in addition to being legitimate.
- d. Efficacy: Social practice accepts and applies norms. Capable of resolving issues for the public, context-appropriate, applicable, and implementable.
- e. Instruments for Substantive Evaluation: Regulatory Impact Assessment (RIA) for Academic Manuscripts Rule, Opportunity, Capacity, Communication, Interest, Process, and Ideology (ROCCUPI). These tools are used to make sure that legitimate norms work well in the real world as well.

Therefore, simply guaranteeing legal validity through formal procedures is insufficient to form a law. To ensure implementation efficacy, a conceptual and evaluative approach is required.

CONCLUSION

The normative position of the concepts of legal validity and efficacy (within the legislative formation system) is examined in this paper in accordance with the provisions of Law Number 12 of 2011 and its amendments through Law Number 15 of 2019 and Law Number 13 of 2022. Using a normative juridical approach—specifically, the statute approach and conceptual approach—it is discovered that, from a procedural, institutional, and normative standpoint, the regulation pertaining to legal validity is far more robust and systematic than that pertaining to efficacy.

The formal stages of regulation formation, which are meticulous and regulated from planning to promulgation, fully reflect legal validity. This feature clearly demonstrates formal legality and is a necessary condition for a norm to be valid under the Indonesian legal system. On the other hand, efficacy is present normatively through the principles of efficacy and usefulness, but it is not yet supported by standardized substantive evaluation mechanisms or technical elaborations.

Although they have been used in practice, a number of instruments, including scholarly publications, public involvement, and assessment techniques like Regulatory Impact Assessment (RIA) and ROCIPPI, have not yet been given a clear place in the positive legal framework as instruments to gauge how effective norms are. In order to achieve a balanced integration of legal validity and efficacy as a single, cohesive entity within the legislative system's design, regulatory reform should not only concentrate on increasing legislative techniques and procedural flexibility.

These initiatives include incorporating impact analysis tools into the normative framework, confirming benefit indicators in norm drafting, and bolstering the role of substantive evaluation from the very beginning of planning. For laws to be both procedurally sound and capable of meeting the actual needs of society, there must be a greater balance between formal legality and substantive functionality during the legislative process. In order to create a national legal system that is logical, adaptable, and focused on the welfare of the public, it is necessary to establish the balance between legal validity and efficacy as a fundamental principle.

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