

## **Analysis of The Role of Academic Papers in The Application of The Concept of Meaningful Community Participation in Law No. 13 of 2022 Concerning The Second Amendment to Law No. 12 of 2011 Concerning the Formulation of Legislation**

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**Abstract:** *This study examines the existence of academic manuscripts in implementing the concept of meaningful public participation as mandated by Law No. 13 of 2022 concerning the Second Amendment to Law No. 12 of 2011 on the Establishment of Laws and Regulations. The main issue addressed is the weak consistency in attaching academic manuscripts to the legislative process, which often renders public participation merely formal and not substantive. The objective of this research is to analyze the urgency of academic manuscripts in ensuring justice, inclusivity, and transparency in law-making, while also evaluating their practical application in drafting Regional Regulations (Perda) in Bontang City during 2018–2024. The research applies a normative legal method (doctrinal research) using statutory, conceptual, and case approaches. The data analyzed consist of primary and secondary legal materials as well as empirical evidence from Bontang City's e-archive. The findings reveal that academic manuscripts play a strategic role in strengthening public participation; however, in practice, they are often disregarded or prepared only as administrative formality without substantive study. The Bontang case study demonstrates the low consistency of academic manuscripts in the drafting of local regulations, leading to weak legitimacy and regulatory quality. This study concludes that the existence of academic manuscripts must be reinforced through stricter regulation and inclusive legislative practices. The recommendations emphasize the need for a stronger mechanism of public information disclosure, mandatory substantive participation, and institutional capacity building to ensure that every policy enacted is based on scientific analysis and genuinely reflects the aspirations of the people.*

**Keywords:** *Academic Manuscript, Public Participation, Law-Making Process, Inclusive Legislation, Transparency*

### **INTRODUCTION**

Academic papers have an important role in implementing the concept of meaningful public participation, as stipulated in Law No. 13 of 2022 on the Second Amendment to Law No. 12 of 2011 on the Formation of Legislation. Its existence is the basis for ensuring that the

process of drafting laws and regulations involves the community effectively, by providing space for constructive and relevant input.<sup>1</sup> This is in line with efforts to strengthen the principles of transparency and accountability in public policy formation.<sup>2</sup> In this regard, to realize the formation of written

<sup>1</sup> Law No. 13 of 2022. (n.d.). Regulation Database | JDIH BPK. Retrieved August 10, 2025, from <https://peraturan.bpk.go.id/Details/212810/uu-no-13-tahun-2022>

<sup>2</sup> Sakti, T. (2020). *Synchronization Of Agrarian Resource Legislation*. Center For Open Science. <https://doi.org/10.31227/OSF.IO/3hz>

law, especially in the form of laws and regulations, a structured and orderly system is needed in the formation process. In principle, the formation of laws and regulations is a system consisting of various stages or events that are interrelated and form a whole series. These stages include planning, preparation, discussion, ratification, promulgation, and dissemination of the regulation.

Reflecting on Indonesia, a country that upholds the principle of popular sovereignty, as stipulated in Article 1 paragraph (2) of the Third Amendment to the 1945 Constitution of the Republic of Indonesia. The article emphasizes that sovereignty is in the hands of the people, and the exercise of power must be subject to and in harmony with the rules stipulated in the constitution Undang-Undang Negara Republik Indonesia Tahun 1945.<sup>3</sup> This concept of sovereignty reflects that the supreme power rests with the people, and it is for the people who have the main authority in determining the direction and policies of the state through a system of government based on constitutional principles. Therefore, autonomy refers to the existence of supreme power in a country that comes directly from the will of the people, making the people the highest control over the course of government in Indonesia.

On the other hand, Mulyosudarmo states that the supreme sovereignty in a country should be in the hands of the people, where the basic principle is "*from the people, by the people, and for the people*".<sup>4</sup> This means that the community must play an active role and be fully involved in every stage of the government process, from planning, regulating, to

implementing public policies. In addition, the public must also be given the space to oversee and evaluate the functions of power exercised by the executive. Meanwhile, the government has an obligation to be transparent and open to public participation, so that every policy taken truly reflects the aspirations of the community and aims to improve public welfare. Active public participation will strengthen the democratic process and ensure that the policies made do not only benefit a few parties, but have a positive impact on the welfare of all levels of society.

However, Hamidi said that a democratic government can be seen from two perspectives, namely the process aspect and the substance aspect. In this case, the government is said to implement the principles of democracy in process if it is able to provide space for public participation in policy making and provide space for criticism of the policies being implemented. In addition, in carrying out its duties and functions, the government must highlight the values of democracy, transparency and accountability as the main principles that shape every stage of government administration.<sup>5</sup> This ensures that the government not only runs efficiently, but also fulfills the basic principles of democracy that involve the people in decision-making and policy oversight.

Therefore, the author emphasizes the importance of academic papers as a scientific foundation in supporting the application of the concept of meaningful public participation as stipulated in Law No. 13 of 2022 on the Second Amendment Law No. 12 of 2011 on the Formation of Legislation.<sup>6</sup> The question that

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<sup>3</sup> *Constitution of the Republic of Indonesia of 1945*. (n.d.). Database of Regulations | JDIH BPK. Retrieved September 10, 2025, from <https://peraturan.bpk.go.id/Details/101646/uud-no->

<sup>4</sup> Mulyosudarmo, S. (2004). *Constitutional reform through constitutional amendment*. Malang: Association of HTN and HAN Lecturers of East Java and In-TRANS.

<sup>5</sup> Hamidi, J. (2011). *A new paradigm for the formulation and analysis of regional regulations (A study of regional regulations on public services and public information disclosure)*. *Ius Quia Iustum Law Journal*, 18(3), 336–362. <https://doi.org/10.20885/iustum.vol18.iss3.art3>

<sup>6</sup> *Law No. 13 of 2022*. (n.d.). Regulation Database | JDIH BPK. Retrieved August 10, 2025,

arises is to what extent the academic paper is able to ensure that public participation truly reflects the principles of justice, inclusiveness, and meaningfulness in every process of forming laws and regulations in Indonesia.

## METHOD

In preparing this research, a doctrinal method or normative legal research method was used, which relies on the study of primary, secondary, and tertiary legal materials. (Muhdar, 2020) This method is carried out through analyzing laws and regulations, official documents, and relevant literature, especially in examining the existence of academic papers as one of the important instruments in implementing the concept of meaningful public participation.<sup>7</sup> This study is focused on Law No. 13 of 2022 concerning the Second Amendment to Law No. 12 of 2011 concerning the Formation of Legislation.<sup>8</sup> This study identifies the role of academic papers as a means of ensuring substantive and equitable community involvement in the process of forming regulations.

## Results and Discussion

The existence of academic papers in applying the concept of meaningful public participation is an important element in the process of forming laws and regulations, especially in the context of the second amendment Law No. 12 of 2011 as stipulated in Law No. 13 of 2022.<sup>9</sup> In this regulation, the academic paper does not only function as an initial study that supports the formation of the draft law, but also as an instrument to ensure substantial community involvement. The meaning of public participation includes active, informative, and responsive involvement to ensure that the resulting legal product truly

reflects the needs and aspirations of the public. Some of the main points that will be discussed are as follows:

### The Urgency of Academic Paper in the Formation of Legislation in Indonesia

In Indonesia, there is an inaccurate understanding of the function of academic papers. Many consider it as a means of legitimizing a particular Draft Law or Draft Regional Regulation. As a result, academic papers are often prepared after the draft has been finalized, so they tend to be made to "order". Ironically, the results of studies in the Academic Paper are often ignored by government officials when discussing draft regulations. This discussion process is often not based on the needs of the community, but rather refers to existing regulations or considers the interests of the powerful. There is an erroneous view that the preparation of academic papers only aims to spend the available budget. As a result, it is not uncommon for cynics to call this activity a formality project. In fact, some believe that academic papers are prepared merely to fulfill administrative requirements without providing substantial value.

This erroneous perception is further reinforced by the facultative nature or non-requirement of the existence of academic papers in the process of legislative formation. As a result, academic papers are often prepared carelessly, without adequate quality, and without the support of in-depth legal research. This makes academic papers often neglected in the making of laws and regulations. In fact, without realizing it, academic papers play an important role as the main foundation for producing good and effective regulations. As stated by Harry Alexander, academic papers have a strategic position as: (a) an initial

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from <https://peraturan.bpk.go.id/Details/212810/uu-no-13-tahun-2022>

<sup>7</sup> Muhdar, M. (2020, April 23). *DOCTRINAL AND NON-DOCTRINAL RESEARCH An Applicative Approach in Legal Research By: Muhamad Muhdar...* Unknown. [https://www.researchgate.net/publication/340861898\\_PENELITIAN\\_DOCTRINAL\\_DAN\\_NON-DOCTRINAL\\_Pendekatan\\_Aplikatif\\_dalam\\_Penelitian\\_Hukum\\_Oleh\\_Muhamad\\_Muhdar\\_Penerbit](https://www.researchgate.net/publication/340861898_PENELITIAN_DOCTRINAL_DAN_NON-DOCTRINAL_Pendekatan_Aplikatif_dalam_Penelitian_Hukum_Oleh_Muhamad_Muhdar_Penerbit)

<sup>8</sup> *Law No. 13 of 2022*. (n.d.). Regulation Database | JDIH BPK. Retrieved August 10, 2025, from <https://peraturan.bpk.go.id/Details/212810/uu-no-13-tahun-2022>

<sup>9</sup> *Law No. 13 of 2022*. (n.d.). Regulation Database | JDIH BPK. Retrieved August 10, 2025, from <https://peraturan.bpk.go.id/Details/212810/uu-no-13-tahun-2022>

document that contains ideas related to the urgency, approach, scope, and content of a local regulation; (b) consideration material for submitting an initiative permit for drafting local regulations or other local legal products to the head of the region; and (c) the main reference in drafting local regulations or other local legal products.<sup>10</sup>

In this regard, the term *Academic Paper of Legislation* began to be used officially and became popular in 1994. This refers to the Decree of the Head of the National Law Development Agency Number G-159.PR.09.10 of 1994 which contains technical guidelines in the preparation of academic papers for laws and regulations. In the decree, various guidelines and principles are outlined as the basis in the process of preparing the document in order to support the quality and legal validity of the regulations produced, which states that Abdul Wahid, 'preparation of academic papers:<sup>11</sup>

***"Academic Manuscripts of Legislation are preliminary texts that contain arrangements of legislative materials in certain fields that have been reviewed systemically, holistically and futuristically."***

According to Alexander in his book *Drafting Local Regulations in Indonesia*, an Academic Working Paper can be defined as a preliminary document containing basic ideas regarding the procedures and substance to be regulated in legislation in a particular field. This document serves as a basis for formulating more detailed and applicable local regulations, prioritizing principles that are in line with the needs and objectives of regulations in society.<sup>12</sup> Law Number 10 Year 2004 does not directly regulate academic papers. However, in Article 53, there are provisions that indirectly point to the importance of academic papers in the

legislative process. The article provides a basis for the preparation of materials or documents underlying the drafting of laws, which include academic studies and relevant analysis to support good and correct legal decision-making, which reads:

***"Every member of the public has the right to give their opinion either directly or in writing, especially in the process of drafting or discussing draft laws and draft regional regulations. This is part of the democratic process that prioritizes public participation, ensuring that the resulting policies can reflect the interests and aspirations of all levels of society."***

The preparation of an academic paper must at least cover several important aspects, including the philosophical, sociological, juridical basis, as well as the subject matter and scope of the regulated material. The *philosophical basis* refers to the worldview or philosophy that serves as a reference for the goals and ideals in formulating laws and regulations. This aspect has an important role so that the regulations formulated do not contradict the noble values that exist in society, such as ethics, religion, and customs, which underlie social life. This ensures that the regulations made can be in line with universally recognized principles. Meanwhile, looking at the *juridical basis* refers to the legal provisions that form the basis for making laws and regulations. This basis is divided into two, namely the juridical basis in terms of formal and material.

Furthermore, the formal juridical basis comes from pre-existing laws and regulations and authorizes certain agencies to formulate new regulations. Meanwhile, the juridical basis in terms of material includes legal rules that

<sup>10</sup> *Guidelines for Participatory Local Regulation Drafting (Urgency, Strategy, and Process for Good Local Regulation Formation)*. (2007). [https://e-lib.unmul.ac.id/hukum\\_opac/index.php?p=show\\_detail&id=328](https://e-lib.unmul.ac.id/hukum_opac/index.php?p=show_detail&id=328)

<sup>11</sup> Sugiarto, S. (n.d.). PREPARATION OF ACADEMIC MANUSCRIPT abdul wahid,

S.H.,M.H - PDF free download. *ADOC.PUB*. Retrieved August 10, 2025, from <https://adoc.pub/penyusunan-naskah-akademik-abdul-wahid-shmh.html>

<sup>12</sup> Alexander, H. (n.d.). *Guide to designing local regulations in Indonesia*. University of Indonesia Library. <https://lib.ui.ac.id/detail?id=112020>

regulate the object or problem to be regulated in the regulation. Therefore, the juridical basis is very important in ensuring that the regulations made have a clear basis and do not conflict with higher regulations, in order to create a harmonious legal system and not collide with each other. Meanwhile, according to Sony Lubis, quoted by the author in his paper *Preparation of Academic Manuscripts*, the political basis is a political policy that becomes the basis for the formation of further policies and arrangements in government administration. With this political basis, it is expected that the resulting legal product can be implemented properly, in accordance with the predetermined objectives, without causing tension or conflict in the community. In addition, not forgetting the *sociological* basis, the preparation of academic papers must be based on a deep understanding of the social conditions of society, including legal needs, economic dynamics, and values that live in society, such as a growing sense of justice. The purpose of this study is to ensure that laws and regulations are not separated from the existing social context, so that they remain relevant and accepted by society. The number of regulations that after being enacted are rejected by the community shows that these regulations do not have a solid social basis, which in turn causes a mismatch between the existing rules and the prevailing social reality.

Looking deeper, according to Sony Maulana S on Concept of Academic Design, has three main functions that are very important. First, it serves as a tool to show that the drafter has considered various relevant facts in the process of writing the Draft Regional Regulation. Second, the *Academic Draft* ensures that the facts are organized in an orderly and logical manner so as to support the systematic drafting of regulations. Third, the existence of this draft is a guarantee that the process of making Local Regulations is carried

out with an approach based on logic and facts, resulting in mature and responsible decisions. Therefore, in the preparation of laws and regulations, hierarchy plays an important role as the basis for leveling each type of legal regulation. The main principle is that lower-level regulations must not conflict with higher-level regulations. To support the formation of quality laws and regulations, an Academic Paper is a very useful tool. This document contains an inventory of various related regulations, so that it can provide more structured and comprehensive guidance.<sup>13</sup>

### **Principles and Strategies of Meaningful Participation in the Process of Formation Legislation in Indonesia**

Referring to the problems of incompatibility that emerged after the second amendment to Law No. 12/2011 on Formation of Laws and Regulations, especially in relation to the mandate of the Constitutional Court Decision No. 91/PUU-XVII/2020, it is important to consider the principles of social contract theory.<sup>14</sup> This theory asserts that the community only surrenders some of its rights to the government, while some other rights remain with the community. Thus, the community has the right to participate directly in the process of forming laws and regulations as part of a democratic system that respects public voices and interests. In another perspective, presented by Jimly Asshiddiqie in his book *Laws*, it is important for us to understand the difference between the terms "*decision*" and "*regulation*."<sup>15</sup> The state, as an organization that holds general power, has the authority to issue three types of legal decisions that bind the relevant legal subjects. These decisions serve as the foundation that governs the legal relationship between the state and its people. Such decisions taken by institutions or authorities can usually be divided into three types. *First*, there are decisions that are more general and abstract in

<sup>13</sup> Alexander, H. (n.d.). *Guide to designing local regulations in Indonesia*. University of Indonesia Library. <https://lib.ui.ac.id/detail?id=112020>

<sup>14</sup> Usihen, M., Anshari, T., Riyanto, R. B., & Widiarto, A. E. (2024, December 23). *Formation of Indonesian laws post-2022 amendment to law no. 12*

*of 2011*. CV. Afdifal Maju Berkah. [https://www.researchgate.net/publication/388052687\\_Formation\\_of\\_Indonesian\\_Laws\\_Post-2022\\_Amendment\\_to\\_Law\\_No\\_12\\_of\\_2011](https://www.researchgate.net/publication/388052687_Formation_of_Indonesian_Laws_Post-2022_Amendment_to_Law_No_12_of_2011)

<sup>15</sup> Asshiddiqie, J. (n.d.). *Perihal Undang-Undang*. Mahkamah Konstitusi Republik Indonesia. <https://simpus.mkri.id/opac/detail-opac?id=10382>

nature, which apply to many parties and are not tied to specific conditions. *Secondly*, there are decisions or regulations that aim to regulate or establish a rule, to create a clear framework for the implementation of a matter. *Finally*, there are decisions that are more individualized and concrete in nature, which are more of an administrative determination, governing specific situations or conditions related to a particular individual or entity.

Looking deeper, regulations or decisions that are regulating in nature are often related to Human Rights (HAM), because these rights have very important and special characteristics. In this context, the regulations applied can have an impact in various ways, such as limiting the scope of individual rights, reducing the scope of these rights in certain situations, or even revoking them in very specific conditions. Therefore, the regulation of human rights must be done wisely, given its direct impact on the lives and basic freedoms of individuals. Even so, regulating laws have the potential to affect human rights, either by limiting, reducing, or even revoking them. In the context of laws regulating human rights, the public should be given the opportunity to participate directly in the process of forming laws and regulations. This is important because the decisions taken concern the interests and lives of the community. Referring to the principle of social contract and the importance of law as an instrument to regulate these rights, the delegation of some community rights to the government does not mean that the community loses the right to participate in policy making. On the contrary, communities have the right to be involved in the drafting of laws to ensure that their rights are well protected and safeguarded.

Based on Law No. 12/2011 the process of forming laws and regulations consists of five main stages, namely planning, preparation, discussion, ratification, and enactment. Referring to (Constitutional Court Decision No. 91/PUU-XVII/2020, n.d.), more *meaningful*

community participation should be applied at least at three important stages.<sup>16</sup> First, at the stage of submitting draft laws; second, in joint discussions between the House of Representatives (DPR) and the President, as well as discussions involving the DPR, President, and DPD related to (Article 22D Paragraph (1) and Paragraph (2) of the 1945 Law, n.d.); and third, in the process of joint approval between the DPR and the President. Thus, the public has the opportunity to participate in a more transparent and inclusive law-making process.

The Constitutional Court (MK) has classified the stages in the process of legislation formation into three main steps, namely: planning, discussion, and ratification. This classification of stages should serve as a reference in ensuring appropriate and effective public participation. Based on Law No. 13 of 2022 concerning the Second Amendment to Law No. 12 of 2011 concerning the Formation of *Laws* and Regulations, the public's right to be heard should no longer be limited by who is entitled to provide input in the formation of these regulations.<sup>17</sup> In the context of the right to be considered, there is no clear explanation of the meaning of this right. Likewise with the right to be given an explanation, which uses the diction "may", which can be interpreted as an obligation that can be fulfilled or not in providing information to the public regarding the regulations being discussed. Therefore, in this series of stages, the right to be heard to the right to be given an explanation should be applied more firmly and clearly. The difference between the second amendment Law No. 13 of 2022 and Constitutional Court Decision No. 91/PUU-XVIII/2020 especially regarding article 96 which discusses public participation, indicates a discrepancy in the adoption of the law. Therefore, Parliament should amend Law No. 13 of 2022 to align with the principles of more inclusive public participation.<sup>18</sup>

<sup>16</sup> Law No. 12 of 2011. (n.d.). Regulation Database | JDIH BPK. Retrieved August 11, 2025, from <https://peraturan.bpk.go.id/Details/39188/uu-no-12-tahun-2011>

<sup>17</sup> Law No. 13 of 2022. (n.d.). Regulation Database | JDIH BPK. Retrieved August 10, 2025,

from <https://peraturan.bpk.go.id/Details/212810/uu-no-13-tahun-2022>

<sup>18</sup> Law No. 13 of 2022. (n.d.). Regulation Database | JDIH BPK. Retrieved August 10, 2025, from <https://peraturan.bpk.go.id/Details/212810/uu-no-13-tahun-2022>

### **Implications of Meaningful Participation in the Amendment to Law No. 13 of 2022 on the Second Amendment to Law No. 12 of 2011 on the Formation of Legislation**

The second amendment Law No. 12/2011 on the Formation of Legislation includes 15 important points, one of which is highlighted in Article 5 letter G and Article 96 paragraphs 1 - 4. Article 5 letter G explains the "principle of openness" in the process of forming laws and regulations. This principle emphasizes that all stages from planning, drafting, discussing, authorizing or stipulating, to promulgating as well as monitoring and reviewing, must provide opportunities for the public who are affected or have an interest to access information and provide input. This process can be done through oral or written channels, both online and offline, which ensures public participation in every step of the formation of laws and regulations.<sup>19</sup> Article 96 on public participation explains that the public has the right to provide input, both orally and in writing, at every stage of the formation of laws and regulations. This input process can be done online or offline, and includes individuals and groups that are directly affected or have an interest in the material of the draft regulation. In order for the public to provide input easily, every academic paper and draft legislation must be openly accessible. In addition, the legislator is obliged to inform the public about the formation process. In order to fulfill this public right, the legislators can carry out public consultations through various activities such as hearing meetings, working visits, seminars, workshops, or discussions. The results of these consultation activities will be taken into consideration in the planning, preparation, and discussion of draft regulations. The regulation maker also has the obligation to explain the results of the discussion of public input. Further provisions regarding community participation will be regulated in DPR, DPD, and President regulations.

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<sup>19</sup> *Law No. 12 of 2011*. (n.d.). Regulation Database | JDIH BPK. Retrieved August 11, 2025, from <https://peraturan.bpk.go.id/Details/39188/uu-no-12-tahun-2011>

<sup>20</sup> Sulistiyo, I., & Widayati, W. (2018). Implementation of the principle of openness in the

Meanwhile, in the second amendment Law Number 12 Year 2011 on the Formation of Legislation, there is an affirmation of the importance of public participation in the legislative process. The public is given the right to express opinions both orally and in writing related to the formation of laws and regulations. This process can be done through various channels such as public hearings, working visits, socialization, seminars, workshops, and discussions. This participation is open to individuals or groups that have an interest in the substance of the draft regulation. For this participation to be effective, each draft regulation must be easily accessible to the public. In addition, the principle of openness is also an important principle in every stage of regulation formation, from planning to promulgation, which allows transparency and provides the widest possible space for the public to provide input Sulistiyo & Widayati, 2018.<sup>20</sup> Therefore, public participation in the lawmaking process has the important goal of creating a stronger collective intelligence, which enables in-depth analysis of impacts and broader considerations in the legislature, resulting in higher quality decisions. It also contributes to the creation of a more inclusive and representative legislature in decision-making, and increases citizens' trust in the institution. In addition, participation strengthens the legitimacy and collective responsibility of decisions, increases public understanding of the role of parliament, and provides opportunities for citizens to express their interests. Ultimately, this all supports the creation of a more accountable and transparent parliament.

process of forming regional regulations in the context of regional autonomy in Kendal Regency. *Jurnal Daulat Hukum*, 1(1). <https://doi.org/10.30659/jdh.v1i1.2633>

Therefore, in the law-making process, *meaningful* participation of the public should be optimized. At least, this involvement needs to be realized in several main stages, namely: the stage of submitting a draft law; the stage of joint discussion between the House of Representatives (DPR) and the President, as well as discussions involving the DPR, President, and DPD, especially in the context regulated by (Article 22D Paragraph (1) and Paragraph (2) of the 1945 Constitution, n.d.); and the stage of joint approval between the DPR and the President. The establishment of Law No. 13 Year 2022 which is the second amendment to Law No. 12 Year 2011 on the Formation of Legislation looks like it was done in a hurry and has not fully accommodated (Constitutional Court Decision (MK) No. 91/PUU-XVII/2020, n.d.). In fact, the Constitutional Court's decision is a progressive step forward by introducing the concept of *meaningful participation*. This concept emphasizes that in every process of forming laws and regulations, there are three fundamental rights that must be fulfilled, namely: the right of the public to be heard, the right to have their views considered, and the right to receive responses or explanations for the views that have been expressed.

### Case Study Analysis of the Application of Academic Scripts in Local Regulations in Bontang City

In the preparation of local regulations, the existence of Academic Script (NA) plays an important role as the main foundation in ensuring the quality and usefulness of a regulation. NA functions as a document that contains an in-depth study of the philosophical, sociological, and juridical foundations of a draft regulation. This is so that every policy formulated can be in accordance with the needs of the community and remain within the corridors of applicable law. As one of the regions that continues to develop, Bontang City is faced with the challenge of producing local regulations that are able to answer the dynamics of its society. Therefore, evaluation of the implementation of NA is significant in assessing the extent to which the policy-making

process has referred to adequate academic studies.

To explore this issue, the research used data related to the list of Bontang City Regional Regulations (Perda) in the 2018-2024 period.

YEAR 2018					
NO.	PERDA NUMBER	YEAR	TITLE	NA	EXPLANATION
1.	Local Regulation Number 1	2018	Implementation of Housing and Settlement Areas	No	No Academic Script (NA) document found
2.	Regional Regulation Number 2	2018	Amendment to Regional Regulation No. 23 of 2002 on Trade Business License (SIUP)	No	No Academic Paper (NA) document found
3	Local Regulation Number 3	2018	Amendment to Regional Regulation Number 11 Year 2011 on Specific Licensing Retribution	No	No Academic Paper (NA) document found
4	Local Regulation Number 4	2018	Accountability for the Implementation of the Regional Budget for Fiscal Year 2017	No	No Academic Paper (NA) document found
5	Regional Regulation Number 5	2018	Amendment to Regional Regulation Number 2 Year 2016 Formation and Structure of Regional Apparatus	No	No Academic Paper (NA) document found
6	Regional Regulation Number 6	2018	Revocation of Regional Regulation Number 1 of 2012 Concerning the Organization and Work Procedures of the Secretariat of the Executive Board of the Corps of Indonesian Employees of Bontang City	No	No Academic Script (NA) document found
7	Local Regulation Number 7	2018	Amendment to the 2018 Regional Budget for Fiscal Year	No	No Academic Paper (NA) document found
8	Regional Regulation Number 8	2018	Regional Budget for Fiscal Year 2019	No	No Academic Paper (NA) document found
9	Regional Regulation Number 9	2018	Amendment to Regional Regulation Number 9 of 2015 Concerning Provision of Incentives for Private School Educators and Education Personnel and Non-Civil Servant Educators in Public Schools	No	No Academic Paper (NA) document found
10	Regional Regulation Number 10	2018	Amendment to Regional Regulation Number 1 Year 2009 on Recruitment and Placement of Workers	No	No Academic Script (NA) document found
11	Regional Regulation Number 11	2018	Amendment to Regional Regulation Number 9 Year 2013 on the Protection of Outsourced Workers' Rights	No	No Academic Paper (NA) document found

**Tabel 1.2**

YEAR 2019					
NO.	PERDA NUMBER	YEAR	TITLE	NA	EXPLANATION/ REGIONAL WORK UNIT (RWT)
1	Local Regulation Number 1	2019	Second Amendment to Regional Regulation Number 9 of 2010 concerning Regional Taxes	No	No Academic Paper (NA) document found
2	Regional Regulation Number 2	2019	Accountability for the Implementation of the 2018 Regional Revenue and Expenditure Budget	No	No Academic Paper (NA) document found
3	Regional Regulation Number 3	2019	Housing and Settlement Area Development Plan 2019-2039	Available	Compiled : Gadjah Mada University RWT : Department Of Housing, Settlement Areas And Land Source: E-Archives Bontang <a href="#">Academic Paper Rp3kp Kota Bontang.Pdf</a>
4	Local Regulation Number 4	2019	Amendment to Regional Regulation Number 2 of 2012 concerning the Establishment of Bontang Migas and Energy Limited Liability Company	No	No Academic Paper (NA) document found
5	Regional Regulation Number 5	2019	Third Amendment to Regional Regulation Number 20 of 2001 Concerning the Establishment of Regional Company of Various Businesses and Services	No	No Academic Paper (NA) document found
6	Regional Regulation Number 6	2019	Third Amendment to Regional Regulation Number 2 of 2009 Concerning the Establishment of Regional Drinking Water Company Tirta Taman	No	No Academic Paper (NA) document found
7	Regional Regulation Number 7	2019	Implementation of Cemetery	No	No Academic Paper (NA) document found
8	Regional	2019	Settlement	No	No Academic

	Regulation Number 8		Structuring in Coastal Areas		Paper (NA) document found
9	Regional Regulation Number 9	2019	Transportation of Regular Hajj Pilgrims	No	No Academic Paper (NA) document found
10	Regional Regulation Number 10	2019	Management of Zakat, Infaq, and Other Religious Social Funds	No	No Academic Paper (NA) document found
11	Regional Regulation Number 11	2019	Amendment to the Regional Budget for Fiscal Year 2019	No	No Academic Paper (NA) document found
12	Regional Regulation Number 12	2019	Third Amendment to Regional Regulation Number 9 of 2010 on Regional Taxes	No	No Academic Paper (NA) document found
13	Regional Regulation Number 13	2019	Regional Spatial Plan of Bontang City Year 2019-2039	No	No Academic Script (NA) document found
14	Regional Regulation Number 14	2019	Revenue and Expenditure Budget for Fiscal Year 2020	No	No Academic Paper (NA) document found
15	Regional Regulation Number 15	2019	Establishment of National Unity and Political Agency	Available	Compiled & RWT : Regional Secretariat Source: E-Archives of Bontang City ( <a href="#">Academic Paper of Draft Regional Regulation on the Establishment of Kesbangpol Agency</a> )
16	Local Regulation No. 16	2019	Revocation of Regional Regulation Number 5 of 2010 concerning Guidelines for the Establishment of Community Institutions	No	No Academic Script (NA) document found
17	Regional Regulation Number 17	2019	Revocation of Regional Regulation Number 5 of 2014 on Financial Assistance to Political Parties	No	No Academic Paper (NA) document found

**Table 1.3**

YEAR 2020					
NO.	PERDA NUMBER	YEAR	TITLE	NA	EXPLANATION/ DESCRIPTION
1	Local Regulation Number 1	2020	Second Amendment to Local Regulation Number 9 Year 2011 on General Services Retribution	No	No Academic Paper (NA) document found
2	Regional Regulation Number 2	2020	Accountability for the Implementation of the Regional Budget for the 2019 Fiscal Year	No	No Academic Paper (NA) document found
3	Regional Regulation Number 3	2020	Implementation of Public Order and Tranquility and Community Protection	Available	Compiled & RWT : Civil Service Police Unit Source: E-Archives Bontang ( <a href="#">Academic Manuscript for the Implementation of Public Order, Safety and Protection of Society final-Correction (1)-Converted.pdf</a> )
4	Local Regulation Number 4	2020	Education Implementation	No	No Academic Paper (NA) document found
5	Regional Regulation Number 5	2020	Management of Regional Property	No	No Academic Paper (NA) document found
6	Regional Regulation Number 6	2020	Implementation of Regional Public Information Disclosure	Available	Compiled : 1. Dr. Basuki Agus Suparno 2. Retno Hendariningrum, M.Si RWT : Bontang City Government Information and Communication Agency, East Kalimantan Province Source: Bontang E-Archives ( <a href="#">Academic script bontang (Revised).pdf</a> )
7	Local Regulation No. 7	2020	Implementation of Road Traffic and Transportation	Available	Compiled : Gadjah Mada University Center for Transportation and Logistics Studies RWT : Bontang City Transportation Agency Source: Bontang E-Archives ( <a href="#">Manuscript academic llaj final-Converted.pdf</a> )
8	Local Regulation Number 8	2020	Hazardous and Toxic Waste Management	No	No Academic Paper (NA) document found

9	Regional Regulation Number 9	2020	Amendment to the Regional Revenue and Expenditure Budget for the 2020 Fiscal Year	No	No Academic Paper (NA) document found
11	Regional Regulation Number 11	2020	Waste Management	No	No Academic Paper (NA) document found
12	Regional Regulation Number 12	2020	Master Plan for Regional Tourism Development	No	No Academic Paper (NA) document found

**Table 1. 4**

YEAR 2021					
N O.	PERDA NUMBER	YE AR	TITLE	NA	EXPLANATION/ DESCRIPTION
1	Local Regulation Number 5	2021	Revocation of Bontang City Regional Regulation Number 3 of 2011 concerning Organization and Work Procedures of Taman Husada Regional General Hospital	No	No Academic Paper (NA) document found
2	Local Regulation Number 6	2021	Creative Economy Development	Avai lable	Compiled : 1. Prof. H. Sarosa Hamongpranoto, S.H., M.Hum. 2. Dr. Muhammad Muhrar, S.H., M.Hum. 3. Dr. Warsilan, S.E., M.T 4. Hairan, S.H., M.H 5. Erna Susanti, S.H., M.H RWT : Bontang City Regional Representative Council and Mulwarman University Legal and Social Community Research Institute Source: Bontang E-archive ( <a href="#">Academic Paper on the Preparation of Regional Legal Products of Bontang City</a> )
3	Local Regulation Number 7	2021	Organization of Archives	Avai lable	Compiled & RWT : Bontang City Archives and Library Office Source: Bontang E-Archives ( <a href="#">Academic Script.pdf</a> )
4	Local Regulation Number 8	2021	Gender Mainstreaming in Regional Development	Avai lable	Compiled & RWT : Bontang City Women's Empowerment and Family Planning Agency (DPPKB) Source: Bontang E-Archive ( <a href="#">Academic paper Pug 2019</a> )
5	Regional Regulation Number 9	2021	Procedures for Organizing Local Government Food Reserves	No	No Academic Paper (NA) document found
6	Regional Regulation Number 10	2021	Empowerment and Development of Customary Institutions in Preserving Regional Local Culture	No	No Academic Paper (NA) document found

**Table 1.5**

YEAR 2022					
N O.	PERDA NUMBER	YE AR	TITLE	NA	EXPLANATION/ DESCRIPTION
1	Local Regulation Number 1	2022	Accountability for the Implementation of the Regional Budget for the 2021 Fiscal Year	No	No Academic Paper (NA) document found
2	Regional Regulation Number 2	2022	Addition of Regional Government Capital Participation to the Limited Liability Company of Regional Development Bank of East Kalimantan and North Kalimantan	Av aila ble	Compiled & RWT : 1. I Wayan Nuka Lantara, Ph.D. 2. Awaluddin L, S.E., M.Si. 3. Veri Antoni, S.H., M.Hum. 4. Mursal Salam, S.E., M.Eng. 5. Ratu Dewi Setiawan, S.E., M.Sc. 6. Anggaraeni Ratnasari, S.E. 7. Daisya Mega Sari, S.H. 8. Istikomah, S.E. Source : Bontang E-Archive ( <a href="#">Academic Paper</a> )
5	Local Regulation No. 5	2022	Amendment to the Regional Budget for Fiscal Year 2022	No	No Academic Paper (NA) document found
6	Regional Regulation Number 6	2022	Regional Budget for Fiscal Year 2023	No	No Academic Paper (NA) document found

**Table 1.6**

FISCAL YEAR 2023					
N O.	PERDA NUMBE R	YE AR	TITLE	N A	EXPLANATION/ DESCRIPTION
1	Local Regulation Number 1	2023	Establishment, Functions, Duties, Organizational Structure, and Work Procedures of the Regional Disaster Management Agency	Av ail abl e	Compiled & RWT : City Disaster Management Agency of Bontang Source: E-Archive Bontang ( <a href="#">Nasmik Disaster Management.pdf</a> )
3	Local Regulation No. 3	2023	Regional Financial Management	Av ail abl e	Compiled & RWT : Regional Financial and Asset Management Agency of Bontang City Source: E-Archives Bontang ( <a href="#">Explanation Manuscript of Bontang City Draft Regulation on Regional Financial Management</a> )

4	Local Regulation Number 4	2023	Facilitation of Prevention and Eradication of Abuse and Illicit Trafficking of Narcotics and Narcotics Precursors	No	No Academic Paper (NA) document found.
5	Regional Regulation Number 5	2023	Regional Innovation	Available	Compiled & RWT : Regional Secretariat of Bontang City Source: Bontang City E-Archive ( <a href="#">Bontang City Innovation</a> )
6	Local Regulation Number 6	2023	Accountability for the Implementation of the Regional Revenue and Expenditure Budget for Fiscal Year 2022	No	No Academic Paper (NA) document found
7	Regional Regulation Number 7	2023	Amendment to the Regional Budget for Fiscal Year 2023	No	No Academic Paper (NA) document found
8	Regional Regulation Number 8	2023	Poverty Reduction	No	No Academic Paper (NA) document found
9	Regional Regulation Number 9	2023	Second Amendment to Regional Regulation Number 2 of 2016 Concerning the Formation and Structure of Regional Apparatus	No	No Academic Paper (NA) document found
10	Regional Regulation Number 10	2023	Submission of Housing and Settlement Infrastructure, Facilities, and Utilities	No	No Academic Paper (NA) document found
11	Regional Regulation Number 11	2023	Regional Budget for Fiscal Year 2024	No	No Academic Paper (NA) document found
12	Regional Regulation Number 12	2023	Bontang City Industrial Development Plan Year 2023-2043	No	No Academic Script (NA) document found

**Table 1.7**

YEAR 2024					
NO.	PERDA NUMBER	YEAR	TITLE	NA	EXPLANATION/ DESCRIPTION
1	Local Regulation Number 1	2024	Local Tax and Retribution	Available	Compiled & RWT : East Kalimantan Regional Office of the Ministry of Law and Human Rights Source: Bontang E-Archive ( <a href="#">Naskah Penjelasan PDRD (fix 9 Januari 2023).pdf</a> )
2	Local Regulation Number 2	2024	Revocation of Regional Regulation No. 1 of 2016 on Detailed Spatial Plan and Zoning Regulation of Bontang City Year 2016-2036	No	No Academic Paper (NA) document found
3	Local Regulation Number 3	2024	Library Implementation	Available	Compiled & RWT : Library and Archives Office Source: Bontang E-Archive ( <a href="#">draft Rancangan NA Penyelenggaraan Perpustakaan Kota Bontang Tahun 2023, 7 feb 2023 (1).pdf</a> )
6	Regional Regulation Number 6	2024	Amendment to the Regional Budget for Fiscal Year 2024	No	No Academic Paper (NA) document found

Based on a search through the Regional Secretariat of Bontang City and (Bontang City Information Service (E-Archive), n.d.), it was found that most of the Academic Manuscripts (NA) documents were not found in the system. This does not mean that the document does not exist, but it is likely that it has not been uploaded or updated in the public information service. From 2018 to 2024, this condition shows a lack of consistency in the disclosure and inclusion of NA in each local regulation (Perda). In 2018, out of 12 local regulations passed, not a single NA was found. In 2019, out of 17 local regulations, only 2 were accompanied by NA. In 2020 there were 4 out of 12 local regulations, in 2021 there were 3 out of 6 local regulations, in 2022 there were only

1 out of 4 local regulations, in 2023 there were 3 out of 11 local regulations, and in 2024 there were 2 out of 4 local regulations. Although there is a slight increase from year to year, this data still indicates that the existence and publication of NA has not been fully prioritized in the legislative process in Bontang City.

In this regard, this condition is even more worrying when it is known that a number of Bontang City Regional Regulations that are substantive and regulate public interests are actually passed without being accompanied or found in the Academic Manuscript (NA) document, even though NA is legally a mandatory requirement. In 2018, this occurred in the Regional Regulation on the Implementation of Housing and Settlement Areas. In 2019, a similar phenomenon was found in the Local Regulations on the Implementation of Cemeteries; Settlement Arrangement in Coastal Areas; Transportation of Regular Hajj Pilgrims; Management of Zakat, Infaq, Sadaqah and Religious Social Funds, as well as the 2019-2039 Regional Spatial Plan of Bontang City. In 2020, a number of strategic regulations such as Education Implementation; Hazardous Waste Management; Waste Management; Regional Property; to the Tourism Master Plan were also without NA. In 2021, regulations on Local Government Food Reserves and Empowerment of Customary Institutions experienced the same thing. In 2023, important local regulations on drug prevention; poverty alleviation; housing utility management; and industrial development were also not accompanied by NAs. These facts indicate a systematic disregard for the principle of legality and scientific principles in local legislation, which can have an impact on the weak quality of the substance and legitimacy of the local regulations themselves.

In fact, in accordance with the provisions of Article 40; Article 56 paragraph (2) and Article 57 paragraph (2); Article 63 as well as Academic Manuscripts that must be disseminated as stipulated in Article 95 of Law No. 12 of 2011 and Article 96 paragraph (4) of Law No. 13 of 2022. In addition, Article 17; Article 41; Articles 70-71 of Permendagri Number 80 of 2015; and Article 32

(Permendagri No. 120 of 2018, n.d.), where the inclusion of NA is a substantive obligation as a form of academic accountability and rationality for a regulation. Ignoring this obligation not only reflects a weak understanding of legal norms, but also has the potential to weaken the quality, legitimacy, and marketability of the drafted local regulations. This is supported by the opinion of a legislative observer, Bayu Dwi Anggono, who said that a number of provisions in (*Law Number 12 Year 2011*, n.d.) need attention, especially Article 43 paragraph (3), Article 33 paragraph (3), and Article 40. Article 43 paragraph (3) emphasizes that every Draft Law (Bill) originating from the DPR, President, or DPD must be equipped with an Academic Paper (NA). Furthermore, Article 44 paragraph (1) regulates that the preparation of NA must follow the prescribed technical procedures for preparation. Meanwhile, Article 33 paragraph (3) states that the content material as referred to in paragraph (2), after going through the process of assessment and harmonization, is set forth in the NA. Furthermore, Bayu emphasized that so far the Constitutional Court has never canceled a law just because the bill was not accompanied by NA. According to the lecturer at the Faculty of Law, University of Jember, the formal test at the Constitutional Court has so far found no precedent for the annulment of laws on the grounds of the absence of NA. Nevertheless, although not all laws and regulations absolutely require the existence of NA, there are legal consequences if NA is ignored.

Therefore, this is also reflected in (Supreme Court Decision Number 49P/HUM/2017, n.d.) dated October 2, 2017, which emphasizes the importance of NA as a prerequisite for the birth of quality legal products. In the consideration of the panel of judges in the case, there are two main reasons that strengthen the position of NA. First, NA serves to record existing legal conditions, including regulations related to the substance to be regulated. Second, NA becomes an instrument of harmonization, both vertically and horizontally, with other laws and regulations so as to prevent disharmony or overlapping regulations. These considerations were raised in a judicial review case against (*Minister of Environment and Forestry*

*Regulation* No. P.17/MENLHK/SETJEN/KUM.1/2/2017 of 2017, n.d.) amending Minister of Environment and Forestry Regulation No. P.12/MENLHK-II/2015 on Industrial Forest Plantation Development

## CONCLUSIONS

The existence of academic papers in the process of forming laws and regulations, including regional regulations, is actually a form of academic responsibility that cannot be ignored. Provisions regarding the obligation to prepare academic papers have been emphasized in various legal instruments, including Article 43 paragraph (3), Article 44 paragraph (1), and Article 33 paragraph (3) (Law No. 12 of 2011, n.d.) as amended by (Law No. 13 of 2022, n.d.). The regulation emphasizes that academic papers function as a conceptual foundation that ensures the availability of theoretical analysis, policy direction, and clear objectives of a draft regulation. Although the Constitutional Court has never invalidated a law simply because of the absence of an academic paper, its urgency remains relevant because it is directly related to the quality and legitimacy of a legal product.

Practices in the field, especially in the preparation of regional regulations, still show a tendency to ignore the function of academic papers by replacing them with brief explanations. This is actually contrary to the spirit of (Law No. 13 of 2022, n.d.) which places academic papers as an imperative instrument to ensure meaningful public participation. Through the preparation of academic papers, a systematic public dialogue space can be created so that public aspirations are not merely a formality, but are actually accommodated in policy formulation. Without it, public participation risks losing substantive value because it is not accompanied by adequate analytical footing in examining the material and direction of regulation.

Therefore, making academic papers a standard in every legislative process is a strategic step to improve the quality of regulations. Comprehensive preparation not only serves as an evaluation and control instrument, but is also able to minimize the risk of repeated revisions that can drain resources

and reduce legal effectiveness. By placing academic papers as an integral part of the formation of regulations, the principles of good governance, accountability, transparency, and sustainable legal development can be better guaranteed.

Thus, in the context of implementing meaningful public participation as stipulated in (Law No. 13 of 2022, n.d.), academic papers have a very vital role. Its presence not only ensures the formal legitimacy of a legal product, but also substantive legitimacy because the process is based on a rational, inclusive, and responsive approach to community needs.

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