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THE ROLE OF REGIONAL OFFICE OF MINISTRY OF LAW AND HUMAN  
RIGHTS IN REGIONAL REGULATION MAKING PROCESS IN THE  
SPECIAL REGION OF YOGYAKARTA

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**MINISTRY OF LAW AND HUMAN RIGHTS REGIONAL OFFICE ROLES IN THE  
REGIONAL REGULATION MAKING PROCESS IN THE SPECIAL REGION OF  
YOGYAKARTA**

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**ABSTRACT**

In 2016 approximately 3,143 regional regulations were revoked. Ministry of Law and Human Right through its regional office which functions to facilitate the design of regional legal products has the responsibility for revoking the regional regulations. Due to this task, the study on the regulation making process as well as its obstacles during the process should be undertaken. By using a normative-empirical method and descriptive-qualitative approach, the research aims to understand the regional making process and its obstacles faced. The findings indicate that the process of making regulation has been conducted in accordance with its duties and functions as stated in the standard operational procedure given by the Ministry of Law and Human Rights. Several obstacles have hindered the process such as sectoral political ego of government, the passive relationship between regional office and government, lack of socialization, and lack of professional organization functions of legislative designers. The research recommends to encourage the government awareness on its function and authority, conduct intensive socialization of Regional Office roles, formulate regulation that consists of detailed mechanisms on relations between regional office and government; and reactivating the long-vacuum legislation designer professional organization.

**Keynote:** *regional regulation, legislation designer, integrated.*

## **I. Introduction**

Political reform in 1998 had brought major changes in the constitutional system in Indonesia. The reform had also produced the Law Number 22 of 1999 regarding Regional Government authority and obligations. The shift of Indonesia's political structure from a centralized system to a decentralization system of the regional government, made the regions have the authority to regulate and manage their respective regions related to the establishment of regulation in the regions, namely through the formation of regional regulations. Thus, the process of establishing regional regulations is governed by its own regional government.

The granting of regional autonomy aims to improve the effectiveness of the administration's output, especially its implementation to the community, as well as to increase political stability and national unity.<sup>1</sup>

While the regions had the enthusiasm to carry out regional autonomy, suddenly many problems appeared unexpectedly which led to the vertical disintegration government upwards and the emergence of regional egoism, namely they felt having a great power to regulate everything in the name of regional autonomy. In the district, the legislative and executive process of justifying all decisions were made by themselves, except declaring of war, borrowing, money printing, or making their own courts as it is prohibited by the Law Number 23 of 2014.

In fact, in 2016 there were approximately 3,143 regional regulations revoked by Jokowi on competition barriers, investment, and regional economic growth. These regulations were considered as the extension of the bureaucratic pathway; they hamper

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<sup>1</sup> HAW. Widjaja, (1998) *Percontohan Otonomi Daerah di Indonesia*, Rineka Cipta, Jakarta, p.147

the licensing process, hinder the ease of doing business, and create conflict with higher laws and regulations.<sup>2</sup> The revocation of these regional regulations occurred in various regions in Indonesia including the Special Region of Yogyakarta as there have been revoked 43 regional regulations.

Then as a preventive measure to overcome the problems of legal products, a step or method needs to be taken to filter regional regulations--- to be effective and widely acceptable regulations. In the process of its establishment, regional regulations need to go through preliminary procedures as a preventive measure by reviewing regional regulation's draft through a process called legislation harmonization<sup>3</sup>.

This is allegedly due to the absence of the participation of regional office of the Ministry of Law and Human Rights in the drafting process of a regional regulation to create a harmonious regional regulation based on the Law Number 12 of 2011 concerning the establishment of legislation. Therefore, the role of the regional office of the Ministry of Law and Human Rights is needed to guard and assist the region in the establishment of regional legal products.

So, it is necessary to conduct research that aims to analyse the role of the Ministry of Law and Human Rights in the establishment of regional regulations and to find its obstacles. For this reason, the researcher conducted research entitled, Ministry of Law and Human Rights Regional Office Roles in the Regional Regulation Making Process in the Special Region of Yogyakarta.

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<sup>2</sup>Dwi Murdaningsih, Detik.com <https://republika.co.id/berita/dpd-ri/berita-dpd/17/10/18/oy0i5c368-harmonisasi-peraturan-daerah-dan-pusat-belum-tercapai>, Accessed on 14th of Dec 2018 at 11.01 am.

<sup>3</sup>See article 58 paragraph (1) and (2) of the Law Number 12 of 2011 on Establishment of Legislation.

## II. Research Question

How is the Regional Office of Ministry of Law and Human Rights roles in the regional regulation making process in the Special Region of Yogyakarta and What are the obstacles during the regional regulation making process in the Special Region of Yogyakarta?

## III. Research Method

This research was conducted by using normative-empirical assessment method<sup>4</sup> in analysing the issue of the regional office of the Ministry of Law and Human Rights in regional regulation making process in the Special Region of Yogyakarta.

There were two data sources used in this research, namely:

### 1. Primary Data

Primary data were data obtained through researches directly in the field in order to obtain data relating to the problem under study<sup>5</sup>. The data collection had been done through interviews using interview guidelines for Provincial House of People Representative, the Provincial Government, and the Ministry of Law and Human Right Regional Office of Special Region of Yogyakarta.

### 2. Secondary Data

Secondary data consisted of binding legal materials, scientific journals, books, trusted internet sites and dictionary. Actually, secondary data were used as supporting data, but the importance of this existence is to enrich research information.<sup>6</sup>

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<sup>4</sup>Depri Liber Sonata “Metode Penelitian Hukum Normatif dan Empiris: Karakteristik Khas Dari Metode Meneliti Hukum”, *Fiat Justisia Jurnal Ilmu Hukum*, Volume 8 (1), January-March 2014, Lampung, p. 27

<sup>5</sup>Meray Hendrik Mezak “Jenis, Metode, dan Pendekatan Dalam Penulisan Hukum”, *Law Review*, Fakultas Hukum Pelita Harapan, Volume V (3), March 2006, Jakarta, p. 87.

<sup>6</sup> Suharsimi Arikunto, 2013, *Manajemen Penelitian*, Jakarta: RinekaCipta, p,181.

In collecting the data, the researcher followed the procedure of data searching, reviewing literature study and identifying legal materials related to the problems highlighted in this study.<sup>7</sup>

After the data from the field were completely collected and classified according to the problem, the next step was managing and analysing the data. The data analysis was done by referring to the descriptive qualitative method in written form of data presentation and data explanation. Usually, the data were analysed manually.<sup>8</sup>

#### **IV. Finding and Analysis**

##### **A. The Ministry of Law and Human Rights Regional Office roles in the regional regulation making process in the Special Region of Yogyakarta**

The Ministry of Law and Human Rights is one of the ministries established to assist the tasks of the President (executive) related to the implementation of government duties in the field of law. It also concerns the legal substance, legal system and its development. Government duties in the field of law include a very strategic role to actualize the law functions, enforce the law, create a legal culture, and form fair legislation which is consistent, non-discriminatory, not gender-biased and pay attention to human rights.<sup>9</sup>

Regional Offices have the task of carrying out the duties and functions of the Ministry of Law and Human Rights in the provincial area based on the Minister of Law and Human Rights policy and the provisions of the legislation.

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<sup>7</sup> Moh. Nazir, 2013, *Metode Penelitian*, Ghalia Indonesia, Bogor, p.71.

<sup>8</sup> Haris Herdiansyah (2010) *Metodologi Penelitian Kualitatif*, Jakarta: Salemba Humanika, p.48.

<sup>9</sup> Suhariyono, Peranan Kantor Wilayah Departemen Hukum dan Hak Asasi Manusia Dalam Penyusunan Prolegda, Dalam Bimbingan Teknis Proglam Legislasi Daerah, Jakarta, 2007, p.41.

The task of the Ministry of Law and Human Rights Regional Office cover the following matters, namely:

1. Actualizing the legal function in the form of legislation in the regions that are fair, consistent, non-discriminatory, and not gender bias;
2. Paying attention to the implementation of respect, fulfilment and protection of human rights;
3. Cooperating with institutions in the regions in harmonizing the substance of human rights in regional regulation;
4. Assisting (consultative) the implementation of the establishment of legislation at the regional level in terms of the substance of the rules.

The Regional Offices perform the following functions:

1. Organizing planning, program control and reporting
2. Implementing the services in the field of general law administration, intellectual property rights, and provision of legal information
3. Implementing the facilities for designing regional legal products, developing legal culture and legal counselling, as well as consulting and legal assistance.
4. Coordinating the operational implementation of technical implementation units within the Ministry of Law and Human Rights in the field of immigration and the correctional field.
5. Strengthening human rights services in the context of realizing respect, fulfillment, promotion, protection and enforcement of human rights.
6. Implementing the administrative affairs within the Regional Office.



The overall duties and functions of the Regional Office of the Ministry of Law and Human Rights as mentioned above are the logical consequences of the duties implementation as an extension of the Minister in the region. Therefore, the Regional Offices must have serious preparation and have the qualification of legal personnel to carry out the tasks mandated by the above provisions. The success and failure of the development of laws and regulations in the regions depend fully on the Head of Regional Offices.<sup>10</sup>

Related to the establishment of local regulations, the subdivision which oversees the task is the Subdivision for Facilitation of the Formation of Regional Legal Products. This subdivision is included in the Legal Services and Human Rights Division in Law.

The duties of the subdivision is preparing materials for the development and controlling the implementation of technical duties, cooperation, monitoring, evaluation, and preparing reports of technical duties implementation in the field of facilitating legal analysis and evaluation in the regions, facilitating the preparation of regional law products and academic texts, drafting facilitation and harmonization of regional legal products, facilitating the formation of regional legal products, mediating consultations, and mapping of regional legal products as well as technical guidance, guidance, and development of draft legislation in the region.

Among Regional Office activities in order to facilitate the establishment of regional law products are:

1. Mediation and consultation;

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<sup>10</sup>Taufik H Simatupang, "Peran Perancang Peraturan Perundang-Undangan Kantor Wilayah Kementerian Hukum dan HAM Dalam Rangka Harmonisasi Peraturan Daerah", *Jurnal Ilmiah Kebijakan Hukum*, Volume 10 (1), March 2017, Jakarta, p.17.

2. Compilation and harmonization of regional legal products;
3. Inventory of regional law products;
4. Development of legislative designers in the region.

In order to carry out the duties and functions of the Regional Office in the field of facilitating the formation of regional law products, the activity of inventorying regional law products is very important because it can be used as a basis for developing the management and service of a database of regional legal products. In addition, the arrangement of the database is expected to increase the roles of Regional Offices in the field of facilitating the formation of regional law products further.

Strategic position of the Regional Office of the Ministry of Law and Human Rights in the implementation of facilitating function in designing regional law products is stated in three Articles as stipulated in the Law Number 12 of 2011 concerning the Establishment of Legislation.

1. Article 36 paragraph (3) states that: The preparation of the Provincial Legislation Program in the Provincial Government environment is coordinated by the law firm and can include vertical agencies related.
2. Article 58 Paragraph (2) mentions that: Harmonization, rounding, and strengthening the conception of the Draft Provincial Regulation originating from the Governor are coordinated by the law firm and can include vertical agencies from the ministry that administers government affairs in the field of law.
3. Article 98 says that: paragraph (1) Each stage of the Establishment of the Laws and Regulations includes the Draft of Laws and Regulations, and paragraph (2)

Provisions regarding the participation and guidance of the Designers of the Laws as referred to in paragraph (1) shall be regulated by Government Regulation.

Furthermore, Article 75 of the Presidential Regulation Number 87 of 2014 concerning the Implementation Regulation of Law Number 12 of 2011 concerning the Establishment of Legislation Regulations mentions that:

1. The Provincial Secretary assigns the head of the Legal Bureau to coordinate harmonization, rounding up, and consolidation of the Provincial Regulation Draft.
2. In coordinating harmonization, rounding up and strengthening the conception as referred to in paragraph (1), the head of the legal bureau can include vertical agencies from the ministry that administers government affairs in the legal field.

Similar statements can also be seen in Article 5 paragraph (2) of the Government Regulation Number 59 of 2015 concerning the Participation of Designers of Legislation in Establishing Legislation and its development, which states that: The participation of Designers in the establishment of Legislation is carried out in stages of planning, drafting, discussion, ratification, and enactment. While the establishment of legislation stages according to the Law No. 12 of 2011 concerning the establishment of legislation are planning, drafting, discussion, ratification, and enactment. It means that the Designers' participation is involved in all stages of Legislation establishment.

In each stage of legislation formation which carried out by the Government, the House of People's Representatives, as well as the Regional Representative Board are mandated to involve into the legislation drafters in each process of establishing

legislation from the planning process until the enactment. The legislation drafters are civil servants who are given duties, responsibilities, authorities, and rights, in full official authority to carry out activities in drafting the Draft of and or other legal instruments in accordance with the provisions of Legislation Regulations laws and or other legal instruments in government agencies.

The legislation designers are the front lines or architects of national legal development, especially in drafting or designing legislation. The competence of a legislation designer can be seen from the ability in designing or formulating a social problem into a legal norm and firm legislation so that it can be easier to be understood by the users of legislation. This kind of legislation can facilitate the implementation and application of the Laws and Regulations in the society.<sup>11</sup>

In terms of establishing a statutory regulation, the drafters of legislation have a strategic role, and they are required to understand and carry out their roles well. Below are the Regional Office of the Ministry of Law and Human Rights Designer's roles in the overall stages of legislation establishment, to:

1. Determine the choices desired by policy makers;
2. Formulate the substance consistently or obey the principle;
3. Formulate the substances that do not cause interpretation (ambiguous);
4. Formulate the substances o that are fair, commensurate, or not discriminatory;
5. Ensure that regional regulations draft can be carried out easily by the implementer;

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<sup>11</sup>Arrista Trimaya, "Performance Parliament Legislation Function of 2009-2014", *Journal Legislasi Indonesai*, Volume 10 (3), 2013, September, Jakarta, p.250

6. Ensure that regional regulations draft does not dispute the laws and regulations or violate the public interest;
7. Ensure that regional regulations are drafted to solve problems faced by policy makers;
8. Be a mediator in resolving overlapping authority and arrangements in discussions at inter-departmental levels or between institutions; and
9. Negotiate or use psychological approaches to policy makers to achieve the desired goals.

Based on their duties and functions mentioned above, the drafters of legislation are expected to be able to minimize the cancellation of local regulations in the region and produce fair regional regulation, the certainty of usefulness that is acceptable and beneficial to the society. Therefore, the harmonization process is needed to realize adequate Regional Regulation. Harmonization is an effort to harmonize, adjust, strengthen and round up the conception of draft legislation with other laws and regulations, both higher, equal and lower, and other things besides legislation, so that they are arranged systematically, not conflicting or overlapping.

Article 250 in the Law Number 23 of 2014 concerning Regional Government, the Regional Regulation can be revoked through a judicial review mechanism if it is contrary to the provisions of the higher legislation, contrary to the public interest and or contrary to the decency. It is in contrary to the public interest if there is:

1. The interruption of harmony between community members
2. Disruption of access to public services
3. Disruption of peace and public order

4. Disruption of economic activities to improve community welfare; and/or
5. Discrimination against ethnicity, religion and beliefs, race, intergroup, and gender.

Related to many cancellations of Regional Regulations, the Minister of Law and Human Rights stated that the Regional Office of the Ministry of Law and Human Rights is also responsible if there is a cancellation of the Regional Regulation in the region.<sup>12</sup> The statement can be understood if it is related to the main tasks and functions of regional offices in the field of legal development, but the responsibility referred by the Minister of Law and Human Rights is certainly not directly considered as the Regional Offices' responsibility for the cancellation of regional regulations, but they are morally responsible.<sup>13</sup>

It is caused by the position of Regional Offices in the region which is indeed not part of the regional government, unlike the position of the Ministry of Law and Human Rights at the central government. At the central level, the Ministry of Law and Human Rights is indeed in charge to coordinate harmonization, round up and strengthen the conception of draft legislation coming from the President as stated in Article 47 of the Law Number 12 of 2011. Regional Offices of the Ministry of Law and Human Rights in the region do not have this coordination function. The coordination function in the context of harmonization, rounding, and strengthening

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<sup>12</sup>Fauzi Iswahyudi, "Keikutsertaan Perancang Perundang-Undangan dalam Pembentukan Peraturan Daerah", *De Legis Lata*, Volume 1 (1), January-Juni 2016, Regional Office of Ministry of Law and Human Rights in, North Sumatra, p. 99.

<sup>13</sup>Rudy Hendra Pakpahan, Pengawasan Peraturan Daerah Dikaitkan dengan Tugas dan Fungsi Kantor Wilayah Kementerian Hukum dan Hak Asasi Manusia, [https://www.academia.edu/4915699/Pengawasan Perda Dikaitkan Dengan Peran Kanwil Kemenkumhan](https://www.academia.edu/4915699/Pengawasan_Perda_Dikaitkan_Dengan_Peran_Kanwil_Kemenkumhan), accessed on 29 April.

the conception of Regional Regulation draft is carried out by the law bureau or legal department of the provincial, district or city Regional Government.<sup>14</sup>

The Regional Office of Ministry of Law and Human Rights Designer roles as referred to the Law Number 12 of 2011 should be involved in each stage of drafting the draft regulation, but in the absence of mandatory instructions from the Law, it requires Regional Office of the Ministry of Law and Human Rights Designers to actively participate in all stages of drafting the Regional Regulation. Regional Office of the Ministry of Law and Human Rights Designers are only waiting for invitations from the Regional Government or Regional House of People's Representatives and seem passive when it is not invited to attend the drafting of the Regional Regulation meetings. The Regional Government and Regional House of People's Representatives also have no obligation to invite the Regional Office of the Ministry of Law and Human Rights.<sup>15</sup>

With the designer's involvement in each stage of laws and regulations drafting process, it can be seen that the role of the Designer of the Laws and Regulations (legislative drafter) is very strategic. The need for designer legislation is increasingly important to avoid problems which are commonly found in statutory regulation. These problems are the emergence of multiple interpretations of articles or paragraphs in law and regulation, no clear arrangements provided so that the community has different understandings, many types of overlapping laws and

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<sup>14</sup>Reza Fikri Febriansyah, "Harmonisasi Peraturan Perundang-Undangan dalam Mendukung Pembangunan Nasional, Direktorat Hukum dan HAM" *Journal Legislasi Indonesia*, Volume 12 (5) 2015, Jakarta, p.192.

<sup>15</sup>Chintya Insani Amelia, First Designer of Regional Office of Ministry of Law and Human Right, as respondent.

regulations, lower laws and regulations contrary to the higher, and existing regulations are difficult to implement in the field.

It can be analysed that the majority of Regional Office Designers have been optimally involved in the Regional Government or Regional House of People's Representatives at each stage of drafting the Regional Regulation. The results of the study show some facts obtained from the Regional Government or Regional House of People's Representatives as mentioned below.<sup>16</sup>

First, Regional Government or Regional House of People's Representatives have already known the existence of the Regional Office of the Ministry of Law and Human Rights Designers and actively invited and summoned the designers to attend the meetings at each stage of the formation of regional regulations.

Second, the Regional Office of Ministry of Law and Human Rights Designers have already mastered the substance, techniques for designing, harmonizing and syncing the regulations that include adjusting legislation, government decisions, judges' decisions, legal systems and legal principles with the aim of increasing legal unity, legal certainty, justice and comparability, usefulness and legal clarity without blurring and sacrificing legal pluralism anytime they involve Regional Office of Ministry of Law and Human Rights Designers.

Third, the person who comes to the meeting is the same person from the first stage meeting to the last stage when Regional Office of Ministry of Law and Human Rights Designers are invited.

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<sup>16</sup>Muh. Isnaini Raharjo Prospective Designers of Laws and Regulations of the Yogyakarta Province law firm, as respondent.



It means that the position of Regional Office Designers in showing the results (performance) of the activities carried out is already sufficient.<sup>17</sup>In theory, the factors or indicators of knowledge and skills are adequate. This is in line with the opinion of Keith Davis as seen in Mangkunegara which explained that formulating the role is highly dependent on people's knowledge and abilities (ability = knowledge + skill). Psychologically, they are the ability of potential and reality capabilities. Consequently, people will certainly be needed by the Regional Government or Regional House of People's Representatives if both the ability of potential and reality capabilities above the average with adequate education or knowledge.

In addition, the harmonization tendency carried out by the regional office which is technical means conducting a review of the draft Regional Regulation sent to the Regional Office of Ministry of Law and Human Rights. The reviewing related to the history of the Regional Regulation bill draft, starting from the titles and proposals of the Regional Work Unit, the research process, and the making process academic draft of the bill was already known and involved by the Regional Office Designers.

#### **B. The obstacles during the regional regulation making process in the Special Region of Yogyakarta.**

The implementation of regional autonomy is realized by regulating, sharing, and utilizing the respective resources as well as the balance of the central and regional finances, in accordance with the principles of democracy, community participation, equity and justice, and the potential and diversity between regions. Nevertheless, the spirit of freedom contained in the concept of regional autonomy turned out to be

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<sup>17</sup>Lia Kusuma Handayani, Head of Subdivision of Assessment and Supervision of Legal Products of Yogyakarta Provincial House of People's Representatives as respondent.

deviated because of the political ego of regional governments, for example by issuing policies that are contrary to the policies of the central government. Even though the Regional Regulation is one of the types of legislation under the Law, it should not in conflict with the higher level of regulations. Then the locally political ego between the Provincial Government and Provincial House of People's Representative make the process of Regional Regulation longer and dissolve.<sup>18</sup>

From the duties and functions of the Regional Office of the Ministry of Law and Human Rights, there are many issues that need to be coordinated and synergized with the Regional Government, especially tasks and functions which are not delegated to the regions, so that the objectives and functions can be achieved. For example, the function of regional legal products design facilitation which needs coordination. The word coordination itself is easy to say, but it is difficult to be implemented.

In drafting the Regional Regulation according to the Regional Government guided by the Minister of Home Affairs Regulation Number 15 of 2006 concerning the Types and Forms of Regional Legal Products and Ministry of Home Affairs Regulation Number 16 of 2006 concerning Procedures for Preparing Regional Legal Products, both Ministerial Regulations also are not explicitly mentioned about the role of the Regional Office of the Ministry of law and human rights.

In the provisions of the Law Number 10 of 2004 concerning the Establishment of Legislation, even there is no regulation related the involvement of vertical agencies, in this case, the Regional Office of the Ministry of Law and Human Rights

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<sup>18</sup> Muh. Isnaini Raharjo Prospective Designers of Laws and Regulations of the Yogyakarta Province law firm, as respondent.

in the process of drafting regional regulations. After the enactment of the Law Number 12 of 2011 concerning the Establishment of Legislation which is a substitute for the Law Number 10 of 2004, the role of Regional Offices has been formulated, although the nature is still limited and passively awaiting an invitation from the authorities in the formation of regional regulations. This is because of some provisions stating that harmonization, rounding and stabilization in the Regional Legislation Program can include vertical agencies. Actually, this provision is reflected in several provisions contained in the Act.

The role of the Regional Office of the Ministry of Law and Human Rights should be not limited into a passive role waiting to be included, but it has to broaden into active to be involved in regional regulations making process directly.<sup>19</sup> This is important considering that the Regional Office of Law and Human Rights not only contributes substantially to regional regulations but also harmonizes with regulations legislation that has a higher hierarchy. So, inconsistencies between local regulations and other laws and regulations can be minimized.

As explained above, the role of the Ministry of Law and Human Rights are strongly needed to maintain regional regulation. The problem is the Ministry of Law and Human Rights infrequently promote their importance role in regional regulation-making the process. The consequence is there are some persons that do not concern enough to be involved in the Ministry of Law and Human Rights Regional Office in regional regulation-making the process.<sup>20</sup>

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<sup>19</sup> Chintya Insani Amelia, First Designer of Regional Office of Ministry of Law and Human Right, as respondent.

<sup>20</sup> Lia Kusuma Handayani, Head of Subdivision of Assessment and Supervision of Legal Products of Yogyakarta Provincial House of People's Representatives as respondent.

Meanwhile, another factor that has become the obstacle in the regional making process is lack of maximizing function of the professional organization of legislative designers. The impact of long-vacuum profession organization of legislation designer can decrease the quality of legislation designer itself and there is no professional code of ethics that could maintain the independency in performing their profession.<sup>21</sup>

## **V. Conclusion and Recommendation**

### **A. Conclusion**

Based on the discussion and analysis it is found that the roles of the regional office of Ministry of Law and Human Rights in the regional regulation making process in the Special Region of Yogyakarta have been implemented well as it stated in its regulation. Ministry of Law and Human Rights Regional Office designer has been involved in each stage of the formation of regional regulation even though the regulation arrange a passive coordination with Provincial Government and House of People Representative. But it plays an active role when involve in the discussion together with the Provincial House of People's Representative and Provincial Government by giving suggestion, recommendation, and critics on the format and substance of regional regulation draft. Regional Office of Ministry of Law and Human Rights has the right to cancel the Regional Regulations as its function is to harmonize and evaluate the regional regulation before it is enacted.

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<sup>21</sup> Chintya Insani Amelia, First Designer of Regional Office of Ministry of Law and Human Right, as respondent.

There are some obstacles appear during the regulation making process such as:

1. The highly sectoral political ego between the Regional House of People's Representatives and Regional Government.
2. Lack of socialization on the importance of the Ministry of Law and Human Rights Regional Office roles in the formation of regional regulations.
3. Passive coordination relationship between the Ministry of Law and Human Rights Regional Office, Provincial Government and Provincial House of People's Representatives.
4. Lack of functioning of the professional organization of legislative designer profession.

## **B. Recommendation**

After conducting the research, there are four suggestions or recommendations proposed by the author, namely:

1. Raising the Special Region of Yogyakarta government and House of People Representative awareness to exercise authority as stipulated in Law Number 23 of 2014 concerning Regional Government. So, the distribution of functions and authorities in the regional regulation-making process is clear and integrated with each other. It is expected to eliminate the political ego between the Provincial Government and Provincial House of People's Representatives.
2. Asking the Regional Office of the Ministry of Law and Human Rights to conduct more intensive socialization about the importance of the role of the Regional

Office of the Ministry of Law and Human Rights in the development and validity of the regional regulations. So, local governments aware that it is important to call the Regional Office of the Ministry of Law and Human Rights.

3. Formulating a regulation which includes the detailed mechanisms for the preparation of regional regulations which involving the Regional Government, Regional House of People's Representatives and Regional Office of the Ministry of Law and Human Rights in an active coordination, with a comprehensive legal basis that is expected to encourage the optimization of quality regional regulations.
4. Reactivating the long-vacuum legislation professional organization in order to promote the quality of the legislation designer and also to maintain the codes of ethics of legislation designer profession.

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