



MEASURING THE URGENCY FOR THE ESTABLISHMENT OF A NATIONAL GOVERNMENT LEGISLATION INSTITUTION IN THE PURSUIT OF STRUCTURING LAWS AND REGULATIONS IN INDONESIA

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ABSTRACT

The absence of a special agency that centrally and specifically regulates and manages government affairs within the area of establishing laws and regulations, just as the legislative body of the House of Representatives (“DPR”) is the main focus of the author to conduct aresearch. Through the writing of conceptual critical ideas with a normative juridical approach, it is discovered that there are several opportunities for the establishment of a government national legislative body. First, it is by the adoption of the omnibus law in the establishment of laws and regulations through Law Number 11 of 2020 on Job Creation. Second, the government is not yet has a specific institution that centrally and specifically regulates and manages government affairs within the area of establishing laws and regulations just as the legislative body of DPR. In fact, there is an urgency to establish a national government legislative body. First, as long as the establishment of laws and regulations remained spread throughout the Ministries/Institutions, and the coordination function or harmonization is performed at the Ministry of Law and Human Rights and the State Secretariat/Cabinet Secretariat, the process is not as simple as if it is in one solid institution integrated mastery of design materials whose substance is in across sectors. Second, it is the mandate of Law Number 15 of 2019 on Amendments to Law Number 12 of 2011 on the Establishment of Legislation. Third, it is the post Constitutional Court Decision Number 91/PUU-XVIII/2020 with respect to Law Number 11 of 2020 on Job Creation. In order to revise the Job Creation Law in conformity with the two-year deadline, the government could immediately establish a National Legislative Institution to be in charge of organizing, synchronizing, and tidying up all laws and regulations from the central to the regions levels. Fourth, it is the post decisions of the Constitutional Court Number 137/PUU-XIII/2015 and Number 56/PUU-XIV/2016 as the central government is no longer authorized to revoke Regional Regulations, indicates the importance of building synergy between the central government and regional governments in managing laws and regulations at the provincial level and districts/cities.

Keywords: government national legislation institution; laws and regulations; urgency.

I. INTRODUCTION

Article 5, Law Number 12 of 2011 on the Establishment of Legislations, as amended by Law Number 15 of 2019 on Amendments to Law Number 12 of 2011 (“Law Formation of Legislations”), stipulates that:

“Laws and regulations establishment must be conducted pursuant to the good principles of the Establishment of Laws and Regulations, which incorporates: (a) clarity of purpose; (b) appropriate establishing institutions or officials; (c) the suitability of the type, hierarchy, and content of the material; (d) enforceable; (e) effectiveness and efficiency; (f) clarity of formulation; and (g) transparency.”

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Furthermore, Article 6 of the Law on the Establishment of Legislation stipulates that “The content of the laws and regulations must reflect the principles of: (a) protection; (b) humanity; (c) nationality; (d) kinship; (e) archipelago; (f) unity in diversity principle (*Bhinneka Tunggal Ika*); (g) justice; (h) equality before the laws and government; (i) legal order and legal certainty; and/or (j) balance, compatibility and harmony.”

However, in its development, all this time, laws and regulations are often encounter conditions *inter alia* hyper regulation, overlapping, and discrepancies in the types, hierarchies and content of laws and regulations.

1. Hyper regulation

Pursuant to the data derived from jdih.go.id which is administered by the National Legal Development Agency, Ministry of Law and Human Rights as of April 10, 2021, the number of laws and regulations in Indonesia is 257,487 with 61,537 laws and regulations at the central level and 195,950 laws and regulations at the regional level.¹

The large number of laws and regulations in Indonesia causes Indonesia to encounter hyper regulation. According to Romli Atmasasmita, the perception of the executive and legislature that all social problems may only be resolved by establishing laws is incorrect. Such misconception is due to the legalism principle of the Indonesian legal system which is very dominant in legal education and legal practice.²

It is interesting to further observe, that in reality the executive and legislature constantly apply such legalism principle by seeing that all social problems may only be resolved by establishing laws. Such condition is one of the causes that triggering the hyper-regulation condition of the laws and regulations in Indonesia.

2. Overlapping of laws and regulations

One example of overlapping regulations is the regulation on Right of Use of Building (“HGB”). Article 35 paragraph (1) and paragraph (2) of Law Number 5 of 1960 on Basic Regulations of Agrarian Principles stipulates that the validity period of HGB is 30 years and may be extended for a maximum of 20 years. However, Article 22 paragraph (1) letter b, Law Number 25 of 2007 on Investment stipulates that HGB may be granted for up to 80 years. This causes legal uncertainty which rules may be elected as a reference when managing HGB.³

In general, the government is authorized to regulate the allocation, use, provisioning, and maintenance of the lands, and also authorized to regulate the legal relation between legal subject and lands. The authority to grant the land rights in Indonesia is fully controlled by the government in which the National Land Agency is the leading sector of land administration. In respect thereof, it is also requires the involvement of any other government agencies which are Ministry of Environment and Forestry, Ministry of Agriculture, and Ministry of Maritime Affairs and Fisheries.

However, the land issues to date are one of the most complex problems. For example, any agriculture land tenure by private companies may affect the urbanization of people from rural areas to big cities, as they have lost their lands as the most significant natural resources for their source of living to fulfill their basic needs in rural areas and in small towns. More than half of the population lives in the urban areas, which grows at the rate of 4.1% per year, is predicted to reach 68% of the Indonesian

¹ <http://www.jdih.go.id> Accessed on April 10, 2021 at 13.30 (WIB) Western Indonesian Time.

² *Ibid.*

³ Monika Suhayati, "The Urgency of Establishing a National Regulatory Body", Brief Information, Vol. 12, No. 3, (February 2020), pg. 4.

population in the cities by 2025. The problem of land speculation practice may cause an increase in land prices and may result inadequacy of land availability required in the infrastructure development for the public interest and to provide an affordable housing for Low-Income People (LIP) in the urban area.⁴

At the moment in relation to the process to provide lands by giving appropriate and fair compensation to the entitled party, or henceforth, referred to as the Land Procurement, apart from as stipulated pursuant to Law Number 2 of 2012 on Land Procurement for Development in the Public Interest, or more specifically if related to the National Capital it is also referring to Law Number 3 of 2022 on the National Capital. Article 16 of Law Number 3 of 2022 on the National Capital essentially states that land procurement by the Nusantara Capital City Authority and/or ministries/agencies in the Nusantara Capital is carried out through a land acquisition mechanism as regulated in laws and regulations invitation in the area of land procurement for development of the public interest.

It is further elaborated in one of the implementing regulations of Law Number 3 of 2022 on the National Capital, i.e. Presidential Regulation Number 65 of 2022 on Land Acquisition and Land Management in the National Capital, Article 4 states that land procurement is carried out through a land acquisition mechanism for development of public interest or direct land acquisition.

The regulations on the Land Procurement is elaborated in detail to avoid any overlapping of laws and regulations on said land procurement, to prevent any legal uncertainties when managing HGB as mentioned as above.

3. Incompatibility of types, hierarchies and content of laws and regulations

Within the period of 2016-2020, there were 63 Laws that were revoked by the Constitutional Court among of the 286 Laws that were reviewed.⁵

The above matters show that there is a discrepancy between the good principles of the establishment of laws and regulations and its implementation, specifically the principle of conformity between types, hierarchies, and content material. This seems to show that there is an irregularity in the establishment of laws and regulations. The absence of a special agency that centrally and specifically regulates and manages government affairs within the area of establishing laws and regulations just as the legislative body of the DPR is the main focus of the authors to conduct the research.

The absence of an authorized institution to perform structuring whether to improve the quality of laws and regulations or to improve the statutory system causes the sectoral approach preferred when there is any problem in the side of laws and regulations. In addition, tackling in responding the problems occurred tends to not anticipatory.⁶

As for the DPR, as the government's partner in establishing laws and regulations, there is a special body handling the affairs of the establishment of laws and regulations referred to as the Legislative Body of the House of Representatives. Such condition is clearly different from what happened in the government area, currently government affairs within the area of establishing laws and regulations are handled by authorized several ministries such as the Ministry of Law and Human Rights ("Ministry of Law and Human Rights"), Ministry of State Secretariat, Cabinet Secretariat, and Ministry of National Development Planning.

In 2012, the Organization for Economic Co-operation and Development ("OECD") published a Study Report on Indonesian Regulatory Reform, one of the findings of which was the lack of a

⁴ *Ibid*, pg. 5.

⁵ <https://www.mkri.id> Accessed on April 10, 2021 at 13.45 (WIB) Western Indonesia Time.

⁶ M. Nur Solikhin, "Institutional Arrangement to Implement Regulatory Reform in Indonesia", *Journal of Law & Capital Markets*, Vol. 8, 2018, pg. 87.

comprehensive approach to reforming Indonesian laws and regulations. "Indonesia does not however, have an explicit 'whole-of-government' policy to ensure quality in regulation and regulatory management".⁷

The current government requires being more serious in structuring laws and regulations by establishing a special institution to manage and organize programs related to the problems of laws and regulations system. This is extremely crucial to improve the quality of laws and regulations in Indonesia, even though the government's efforts to improve the quality of laws and regulations to date are good. This is noticeable in the active involvement of various ministries/agencies, public participation, and experts in the stages of establishing laws and regulations.⁸

The government also obliges to ensure that the planning, preparation and implementation process operates well. In this case, the preparation and stipulation of the national legislation program must refer to and be in line with the national development planning. The harmonization process is conducted properly and maximally in the preparation of the substance of laws and regulations with the aim of avoiding overlapping arrangements or authorities. In addition, public consultations must be performed to ensure the involvement of all relevant stakeholders, especially those affected, hence the implementation of the laws and regulations would be effective and efficient.⁹

Such efforts require to be developed with a more thorough structuring of laws and regulations. The structuring of these laws and regulations must become a sustainable program for the government need not to be dependent on the political will of the authorities.

Aside from the problems of laws and regulations at the central level, Regional Regulations are also one of the matters that are highlighted in the structuring of laws and regulations in Indonesia. Prior to the decisions of the Constitutional Court ("MK"), the Constitutional Court Decision Number 137/PUU-XIII/2015 and the Constitutional Court Decision Number 56/PUU-XIV/2016 concerning the revocation of the authority to repeal Regional Regulations by the Government through the Ministry of Home Affairs ("Kemendagri"), from 2002 to 2016 there were around 3,143 Regional Regulations had been revoked.¹⁰

From the conditions mentioned above, it is certainly necessary to think in the future how to organize government affairs within the area of establishing laws and regulations that assure harmonization of an establishment of laws and regulations from start to end, therefore it is needful to find alternative solutions. One solution that may be considered is the formation of a special government agency handling government affairs within the area of establishing laws and regulations, which refers to as a national legislative institution.

Meanwhile the description of the special institution form within the area of establishing laws and regulations was thereafter explained by the government through the Minister of State Secretary Pratikno.¹¹ According to Pratikno, that center for national legislation shall be referred to as the National Regulatory Agency. Pratikno explained that this National Regulatory Agency is a combination of units that organize regulations of a number of ministries/agencies, particularly the Ministry of Home Affairs

⁷ OECD, *Reviews of Regulatory Reform, Government Capacity to Assure High Quality Regulation*, OECD, 2012. pg. 19.

⁸ Results of interviews via questionnaires with respondent Mr. I Ketut Hadi Priatna as Head of the Legal and Organizational Bureau of the Coordinating Ministry for Economic Affairs on August 10, 2021.

⁹ The results of the interview via a questionnaire with the respondent Mr. Satya Bhakti Parikesit as Deputy for Economic Affairs at the Cabinet Secretariat. Accessed on August 10, 2021.

¹⁰ <https://www.kemendagri.go.id> Accessed on 12 May 2021 at 21.08 (WIB) Western Indonesia Time.

¹¹ Detik.Com. "Mensesneg: The National Legislation Center is referred to as the National Regulatory Agency", <https://news.detik.com/berita/d-4782962/mensesneg-centre-legislasi-nasional-namanya-badan-regulation-nasional>, Accessed on September 18, 2021.

in relation to Regional Regulations, the Ministry of Law and Human Rights in relation to central legislation, at the State Secretariat, Cabinet Secretariat.¹² Such agency shall also manage of not solely laws, but ministerial regulations as well.¹³

Various responses emerged in response to the idea of a National Government Legislation Institution establishment, including from the professor of law at Padjadjaran University Romli Atmasasmita and the Deputy for Human Development and Culture of the Cabinet Secretariat, Yuli Harsono.

According to Romli Atmasasmita, the idea of establishing a national legislative center is a brilliant idea, as the impact of the establishment of a body that specifically handles legislation is extensive and undeniably has a satisfactory impact on laws and regulations. Legislation center research should be comprehensive from all aspects. The economic aspect is considered the most significant, and is suitable with the goal of establishing a national legislative center as a means of budget efficiency in the establishment of laws and regulations.¹⁴

Meanwhile, according to Yuli Harsono, "considering that the mandate to establish a ministry or special institution handling the preparation of laws and regulations has been mandated by the Law on the Establishment of Laws and Regulations, thus it is time for the government to have a ministry or special institution. The position of the special institution, which is referred to as the National Regulatory Agency, should be at the level of the Minister with a view to ease the coordination in preparing of laws and regulations."¹⁵

The swift establishment of a special institution within the area of the establishment of laws and regulations is indeed urgent if observing at the results of a study conducted by the Center for Law and Policy Studies on the Indonesian regulatory situation in the reform era, that is the unsynchronized planning of laws and regulations, whether at the central or regional levels with development planning and policy.¹⁶

Pursuant to abovementioned description, in order to obtain clarity of conception, it is essential to write scientific papers on special institutions that performing government affair within the area of Establishment of Laws and Regulations.

Some of the problems that require answers are what are the opportunities for the formation of a government national legislature, what is the comparison of the procedures for the formation of laws and regulations in several countries, and then what is the urgency of the establishment of a National Government Legislation Institution in an effort to organize laws and regulations in Indonesia.

To discover answers to abovementioned problems, the writing of this conceptual critical idea uses a normative juridical approach, with a statutory, comparative and conceptual approach. Writing answers to this problem is through document studies, using various secondary data such as legislation, court decisions and legal theory.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ Rachmat Trijono, *et al.* "The Urgency of Establishing a National Legislation Institution/Ministry", Balitbangkumham Press. Jakarta. 2019, pg. 114.

¹⁵ The results of interviews via questionnaires with Mr. Yuli Harsono as the Deputy for Human Development and Culture of the Cabinet Secretariat.

¹⁶ Center for Law and Policy Studies (PSHK), "Study of Regulatory Reform in Indonesia: Main Problems and Strategies for Handling them", *Foundation for Indonesian Law and Policy Studies*, Jakarta, 2019, pg. 2.

II. RESEARCH METHODS

The method used in this study is normative juridical, with data collection obtained from laws and regulations, books, journals, research results, observation methods, and interview methods.¹⁷ This research uses normative legal research. Meanwhile, in this study using library materials which are basic research data which are classified as secondary data.¹⁸ This study uses qualitative analysis, namely by analyzing data in the form of concepts, opinions, opinions obtained from library research (Library Research) then processed, generalized, and analyzed to answer problems, then a conclusion is drawn.

III. DISCUSSION AND RESULT

1. Opportunity for the Establishment of a National Government Legislation Institution

1.1 Experience of the Promulgation of a Law on Job Creation with the Omnibus Law Method

According to Julius Stahl, one element of a constitutional nation is a government based on laws and regulations (*wetmatigheid van bestuur*).¹⁹ Referring to the Stahl's theory Indonesia as a constitutional nation must placing laws and regulations as a legal instrument that is used to regulate the society life, nation and nation. The laws and regulations must be valid and written and established or determined by nation institutions or authorized officials through the procedures stipulated in the laws and regulations.

The concept of the constitutional nation is closely related to the realization of the existence of law as a system. Law is a system means an organized arrangement or orders of the rules of life, the whole comprises of components that are related to each other. In relation to law as a system, the laws and regulations that are established are regular laws and regulations in which all parts or components of any laws and regulations are connected to one another.²⁰

The existence of laws in a nation has a strategic and crucial position; either it is viewed from the constitutional nation concept, the hierarchy of legal norms, or the function of the laws and regulations in general. In the conception of the constitutional concept, the laws are the form of a legal norms formulation in the nation life.²¹

On November 20, 2020, the Government has ratified Law No. 11 of 2020 on Job Creation ("UU Cipta Kerja"). The Job Creation Law was established using the omnibus law method, which is to establish a law for the simplification and deregulation of associated laws and regulations. By the omnibus law concept, regulations that are considered irrelevant or problematic may be resolved immediately.

Principally, omnibus law is a method applies in countries having a Common Law (Anglo Saxon) system such as the United States. Meanwhile, Indonesia adheres to the Civil Law system (Continental Europe). This condition shows the assimilation of the Common Law system in Indonesia.

Pursuant to Romli Atmasasmita, the Job Creation Law related to the Employment sector has realized the welfare aspirations as referred to in the articles of the 1945 Constitution of the Republic of Indonesia mentioned above where employment issues have been placed at number two of ten important

¹⁷ Martin Roestamy, *et al*, "Research Methods for Reports and Writing Legal Scientific Papers at the Faculty of Law", Bogor, 2020, p. 40.

¹⁸ *Ibid*, p. 41.

¹⁹ Piatur Pangaribuan and Arie Purnomosidi, "The Nation of Pancasila Law within the Framework of the Unitary Nation of the Republic of Indonesia", First Printing, Cakrawala Media, Surakarta, 2012, pg. 97.

²⁰ Inu Kencana Syafii, *The Republic of Indonesia Nation Administration System (SANRI)*, Bumi Aksara, Jakarta, 2003, p. 2.

²¹ Bagir Manan quoted in Maria Farida Indrati Soeprapto, *Legislation Science*, Kanisius, Yogyakarta, 2007, pg.11

issues in the Job Creation Law. The Job Creation Law is a national economic law policy that aims to catch up in our economic sector to anticipate of a better future.²²

While the benefits of the omnibus law method in the establishment of laws and regulations are among other, simplifying the laws and regulations process, swiftly resolving the laws and regulations deems as irrelevant or problematic laws and regulations, preventing any deadlock in the discussion of Draft of Laws in Parliament, costs saving in the laws and regulations establishment process, and harmonizing of laws and regulations shall be sustained through the omnibus law.

The presence of the Government's National Legislation Agency shall be extremely essential in terms of the omnibus law establishment considering that this institution shall have the function of laws and regulations harmonization, either at the central or regional levels.

1.2 Dynamics and Development of Laws and Regulations in Indonesia

The transfer of power to establish laws from the President to the DPR in the Amendment to the 1945 Constitution, has caused separate changes in the development of laws and regulations in Indonesia. Moreover, the Amendment to 1945 Constitution still confers the President authority to establish laws and regulations. This has its own consequences in the laws and regulations system in Indonesia.

In its development, thousands and even hundreds of thousands of laws and regulations have been issued by the President jointly with the DPR. However, no small amount of the laws and regulations are in the end being revoked.

Pursuant to the data derived from jdih.go.id which is administered by the National Legal Development Agency, Ministry of Law and Human Rights as of April 10, 2021, the number of laws and regulations in Indonesia is 257,487 with details of 61,537 laws and regulations at the central level and 195,950 laws and regulations at the regional level. Such a lot of number of laws and regulations is already disproportionate; as its consequence the laws and regulations shall be hyper regulated. Due to the hyper-regulation, it tends that less likely the laws and regulations would be able to be implemented.

In its development, the laws and regulations in Indonesia are also related to the weak problem of monitoring and evaluating the implementation of various laws and regulations that is still remaining. Supervision of the implementation of laws and regulations is currently a function of the Ministry of Law and Human Rights, performed by the Directorate General of Legislation, Ministry of Law and Human Rights ("Ditjen PP").

Under Article 11 letter d, Presidential Regulation Number 44 of 2015 on the Ministry of Law and Human Rights ("Perpres 44/2015"), the Directorate General of Legislation performs the functions of monitoring, evaluating, and reporting in the areas of design, harmonization, promulgation and publication, litigation of laws and regulations, facilitation of drafting of laws and regulations in the regions according to regional requests, and fostering the drafters of laws and regulations. In addition to the Directorate General of PP, Article 39 letter b, Presidential Regulation 44/2015 also regulates the function of legal analysis and evaluation by the National Legal Development Agency. This means that there are two agencies within the Ministry of Law and Human Rights performing the function of monitoring and evaluating legislation. However, the implementation of monitoring and evaluation activities by the two agencies under the supervision of the Minister of Law and Human Rights is presumably weak, as there is no functional areas focusing on the laws and regulations drafting supervised under the Ministry of Law and Human Rights.

²²Romli Atmasasmita, Expert Opinion on Application for Rights of Judicial Review Law Number 11 of 2020 on Job Creation, <https://spkep-spsi.org/2021/09/09/ahli-government-prof-romli-atmasasmita-uu-cipta-work-not-against-with-uu-no-12-year-2011-but-different>. Accessed on November 5, 2021.

In addition, there is an authority to establish and propose laws and regulations that are spread across various ministries and non-ministerial institutions. This is different from the DPR which has a special body handling the affairs of the establishment of a centralized laws and regulations referred to as the legislative body. The absence of an institution that centrally and specifically regulating and handling government affairs within the area of establishing laws and regulations causes problems in the laws and regulations system. Such problems include the emergence of hyper-regulation and asynchronous between laws and regulations.

Therefore, the Government's National Legislation Agency, which shall be chaired directly by the President, shall later perform supervision over the establishment of laws and regulations in each ministry or institution. Aforementioned institution shall thereafter perform the function of coordinating various ministries in the supervision and evaluation of laws and regulations.

The draft law committee will seek input from several parties, including government departments or state institutions. A crucial bill can be scheduled in a public hearing forum announced in the mass media at least a week before its implementation and can also be specially invited by certain parties in the community who have a direct interest in the issues regulated in the draft law.

2. Comparison of Procedures on Establishing Laws and Regulations in Several Countries

To be able to identify the importance of the existence of the Government's National Legislative Institution, it is necessary to observe the usual manner of countries in the world on the process of establishing laws and regulations.

The countries outlined below are examples of countries that have different legal system and government administration system. For instance in this regard, basically the following countries have different characteristics, particularly on the process of establishing laws and regulations. Further explanation on such characteristics may be seen on the following descriptions:

- **United States of America**

Based on the United States of America Constitution Article I, Section 1, of the United States "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." A Draft Law may be proposed by members of the House of Representatives and may as well be proposed by the government known as "The Executive Communication". A a letter of application accompanied by the Draft Law is submitted to the spokesperson of the House of Representatives and the Chair of the Senate.²³

The Draft Law Committee will seek input from several parties, including government departments or state institutions. A crucial Draft Law may be scheduled in a public hearing forum announced in the mass media at least a week prior to its implementation. Concerned parties in the community who have a direct interest in the issues regulated in the Draft Law may be specifically invited.

After the first meeting, the first reading is continued in the second reading discussion to discuss the articles, after the articles have been read out, changes may be made to the formulation of the articles. In this process, if there is still no agreement among members of the House Representatives, a "Committee Rises" may be formed to re-discuss the Draft Law, if the existing

²³"How our law are made", <https://www.senate.gov/reference/resources/pdf/howourlawsaremade.pdf>, Accessed on Oktober 1, 2022.

formulation has been approved, it will be discussed further in the third reading. The Draft Law is printed thereafter for distribution to the House of Representatives and Senate.²⁴

If the Draft Law is submitted by the House of Representatives, the proposed Draft Law shall be sent afterwards to the House of Representatives for a discussion, if it is approved it shall be forwarded to the next stage, but if it is still not approved it shall be returned to the Senate.²⁵

After the Draft Law is agreed upon by both chambers, the Draft Law is sent to the President of the United States of America for approval. The Draft Law is sent by the proposing party to the White House secretary who shall then provide a receipt that this is sufficient and it is deemed that the Draft Law has been presented before the President of the United States of America. A copy of this manuscript shall then be sent to the relevant government departments for consideration. If the President of the United States of America approves and signs it, the Draft Law shall be enacted as law, but if the President vetoes it shall be returned to the proposer accompanied by the reasons of such refusal so that the Draft Law shall be re-discussed, but if 2/3 of the members of parliament reject the veto.²⁶

- Germany

There are three parties that shall be involved in the establishment of laws and regulations in Germany, i.e. the Federal Government, the Bundestag, and the Bundesrat. The Federal Government is the most frequent to propose law-making initiatives and about two-thirds of the laws and regulations in Germany is initiated by the Federal Government.²⁷

The Federal Government of the Bundesrat may also take the initiative in proposing laws and regulations. The laws and regulations must be approved by the Bundesrat as a representative of the 16 states in Germany under Article 50 Grundgesetz.²⁸

If the laws and regulations is initiated by the Bundestag, it must have the support of at least five percent of its members, namely 5 percent of the 614 members, so it must be supported by at least 31 members. The initiative to establish laws and regulations in Germany that is originating from the Bundesrat must first be submitted to the German Central Government to be forwarded to the Bundestag, if the initiative comes from the German Central Government it will be submitted first to the Bundesrat for review which is known as First Reading. In addition, the government must make a document containing an explanation of the Draft Law. The results of the first reading study and the document explaining the Draft Law from the government to be then sent to the Bundestag.²⁹

- Netherlands

A Draft Law must first be considered by Raad van Staten before it may be discussed. Raad van Staten is a state institution whose job is to provide such considerations as the Supreme Advisory Council. The Dutch government sends the Draft Law that intended for a submission to the Staten General. Any changes to the Draft Law must also be based on the considerations of the Staten General. This is written in Article 73 paragraph (1) of the Dutch Constitution which states that if a draft law is to be ratified, it must first be consulted with the Staten General or the

²⁴*Ibid.*

²⁵*Ibid.*

²⁶*Ibid.*

²⁷<http://www.bundesrat.de/cln090/nn360492/EN/funktionen-en/gezetgebungen/gezetgebung-en-node.html?nn=true>. Accessed on Oktober 1, 2022.

²⁸*Ibid.*

²⁹*Ibid.*

division of the Staten General. The Staten General is the representative of all Dutch citizens as a Parliament consisting of Tweede Kamer and Eerste Kamer.³⁰

Members of Parliament may submit a Draft Law. Whether the Draft Law is submitted by Tweede Kamer or by members of parliament, the process is the same, that is, it must first be submitted to the Staten General for recommendations.³¹

The Draft Law shall be subject to a further research by a special committee at Tweede Kamer pursuant to each of the topic governed by it. There are various ways for the committee to scrutinize the proposed Draft Law. The concerned parties towards the Draft Law may provide an opinion at a public hearing.³²

Pursuant to the Rule of Procedure of the Tweede Kamer Article 92 on Legislative Reports, it is further described the following procedures:

- (1) Before the committee starts to consider a Draft Law, a clerk of the committee shall advise on whether it is desirable that a legislative report is published on the Draft Law.
- (2) A legislative report shall be drawn up by the clerk of the committee.³³

The secretary of the special committee will make a report which is sent to all members of the tweede chamber and to the government, the government will respond to all notes and questions given by the members of this special committee in the report.³⁴

After the preparations by this special committee were completed, President Tweede Kamer suggests that the Draft Law be put on the agenda in a plenary session. The Minister and Secretary of State then represent the government in discussions at the plenary meeting to explain the purpose of the proposed Draft Law and must justify the Draft Law proposal submission in the trial at the Tweede Kamer assembly. Based on the Rule of Procedure of the Tweede Kamer Article 91 on the proposal of the committee, the House may decide that a general debate should be held on the Draft Law prior to any commencement of consideration by the Committee.³⁵

In practice, statements made by the government in the Draft Law discussion at a meeting with Eerste Kamer may be used as a guide to interpret a law when the Draft Law has been passed.³⁶

If the Draft Law has passed the process of deliberation at the Eerste Kamer the manuscript shall be returned thereafter to the Queen of the Netherlands for signature, the concerned minister or ministers shall also sign it. Afterwards, this manuscript is sent to the minister of justice who shall also sign the Draft Law. The Draft Law officially enacted as a law twenty days after it is announced in the law bulletin which is the official journal of the government to announce the latest law.³⁷

3. The Urgency of Establishing a Government National Legislation Institution

In fact, there is an urgency to establish a government national legislative body, this is due to, first, the absence of an institution that centrally and specifically regulating and managing the

³⁰http://www.houseofrepresentatives.nl/how_parliament_works/legislation/index.jsp. Accessed on Oktober 1, 2022.

³¹ *Ibid.*

³² *Ibid.*

³³http://www.houseofrepresentatives.nl/how_parliament_works/rulesofprocedure/index.jsp#Titlelink9. Accessed on Oktober 1, 2022.

³⁴ *Op.cit.*

³⁵ *Op.cit.*

³⁶<http://www.eerstekamer.nl/whatisthefunctionofthesenate>). Accessed on Oktober 1, 2022.

³⁷ *Op.cit.*

establishment of laws and regulation causing the establishment process of the laws and regulations spread across several ministries such as the Ministry of Law and Human Rights through the National Legal Development Agency (*Badan Pembinaan Hukum Nasional*) (“BPHN”) and the Directorate General of PP, the Ministry of State Secretariat through the Deputy for Legislation and Legal Administration, and the Cabinet Secretariat.³⁸

Second, it is the mandate of the Legislative Rule Establishment Law. The idea of establishing a special government agency within the area of the establishment of laws and regulations is clearly stipulated through the Law on the Establishment of Legislation.³⁹ The existence of the Ministry of Legislation in Indonesia is a typical embodiment of democracy in Indonesia (as the unique democratic nation).⁴⁰ That is specifically in the law-establishing process.⁴¹

According to Yuli Harsono, considering that the mandate to establish a ministry or special institution handling the preparation of laws and regulations has been mandated by the Law on the Establishment of Legislations, it is time for the government to have a ministry or special institution. The position of the special institution that is referred to as the National Regulatory Body must be at the Ministerial level in order to ease the coordination in preparing laws and regulations.⁴²

Third, it is the post Constitutional Court (MK) Decision Number 91/PUU-XVIII/2020 (“MK Decision 91”) with respect Law Number 11 of 2020 on Job Creation, the government must perform an immediate thorough revision of the Job Creation Law.

In accordance with the Constitutional Court Decision 91, the Job Creation Act shall be permanently unconstitutional automatically if the law is not revised within two years. There are various responses against the post Constitutional Court's Decision 91 on the Job Creation Law, emerged from leading legal experts, not a few who highlighted the Constitutional Court's decision on the Job Creation Law, one of which was Yusril Ihza Mahendra. According to Yusril, there are two things that the government may do to revise the job creation law according to the deadline. First, strengthen the Ministry of Law and Human Rights as a law center and to be a leader in revising the Job Creation Law. Second, the government may immediately establish a Ministry of National Legislation in charge of organizing, synchronizing, and tidying up all laws and regulations from the central to the regions.⁴³

Pursuant to Yusril's response, the authors also views that after the Constitutional Court's Decision 91 on the Job Creation Law, the establishment of a National Legislation Institution is increasingly urgent to be established by the government. The existence of the Government's National Legislation Agency shall be extremely essential for the implementation of the omnibus law that has been assimilated in the Job Creation Law. Considering that 76 laws have been incorporated into the Job Creation Law, this institution shall have the harmonization of laws and regulations functions, either at the central or regional levels.

³⁸Muhammad Vijay, “Juridical Analysis of the Urgency of Establishing a Government National Legislative Institution in Efforts to Organize Laws and Regulations in Indonesia”, Thesis, Universitas Djuanda Bogor, Pg. 80-81.

³⁹*Ibid.*, p. 81.

⁴⁰Rachmat Trijono, "Is The Republic of Indonesia As A Democratic State? (Case Study The Republic Of Indonesia Representative Democracy Model In Perspective of Law Making Process)," *PEOPLE: International Journal of Social Sciences*, Vol. 4, No. 3, pg. 44-56.

⁴¹Rachmat Trijono, "Indonesian Democracy Post Amendment to the 1945 Constitution of the Republic of Indonesia in the Perspective of Legislation," *Journal Rechtsvinding*, Vol. 2, No. 3, (December 2013), pg. 343.

⁴²The results of interviews via questionnaires with Mr. Yuli Harsono as the Deputy for Human Development and Culture of the Cabinet Secretariat.

⁴³<https://katadata.co.id/agustiyanti/berita/61a0598f557c5/yusril-beri-dua-saran-ke-jokowi-facing-ujungan-mk-lalu-uu-cipta-karya>, Accessed on November 30, 2021.

Fourth, the post Constitutional Court Decisions Number 137/PUU-XIII/2015 and Number 56/PUU-XIV/2016 as the central government is no longer authorized to revoke Regional Regulations, indicates the importance of building synergy between the central government and regional governments in structuring laws and regulations at the provincial level and districts/cities.⁴⁴ Prior to the Constitutional Court's decision, the Ministry of Home Affairs from 2002 to 2016 had revoked approximately of 3,143 Regional Regulations as they were considered discriminatory, high cost, and troublesome upon the people (impacting on the investment climate). Therefore, it is important for the central government to synergize with local governments in structuring laws and regulations at the provincial and district/city levels.⁴⁵

The initiative to establish a government national legislative body needs to be followed by a better plan to restructure the system of laws and regulations to assure other problems such as overlapping, planning either at the statutory level or sub-statutory level, sectoral ego in the establishment of laws and regulations, the quality of regulations at the regional level, synchronization of central and regional regulations with national development planning, and so forth may be completed immediately.⁴⁶

According to Romli Atmasasmita, the foundation for establishing a national legislative center must be under researches, however prior to entering into research on its structure, research on the problems of legislation in Indonesia must first performed. The research collects data on whether there are indeed legal problems in Indonesia, whether it is true that there is overlapping of laws and regulations, and whether it is true that there is disharmony of laws and regulations. Researched starting from the level of laws, ministerial regulations, up to regional regulations, if necessary up to regional regulations, what is the big picture of the condition of laws and regulations in Indonesia.⁴⁷

Concerning the regional regulations in the realm of regional autonomy, as well as, how is the relationship between the regions and the central, It is necessary to conduct a comparative study to the United States and Germany, specifically concerning the relationship between the federal states and the central. As material to discover the boundaries that require to be regulated by the central government to the regions, to what extent the provincial government and district/city governments are concerned, as well as their relationship with village regulations. Once the data and research related to legislation and the big picture is obtained, it shall be able to be discussed clearly on the structure of the national legislative center, its structure, its people, and also what is being done.⁴⁸

However, to be able to conduct comparative studies in countries such as the Germany and the United States, it is necessary to add that comparative studies ought to be conducted carefully, targeted and effective. Any person conducting comparative studies not only own the competence of authority but also need to include any persons who have scientific competence.

If it is viewed from the laws and regulations problems point of view in Indonesia, it is relevant to establish a special legislative body. In practice, the existence of a special institution focuses on improving the quality of regulations already exists and may be found in various countries. There are

⁴⁴ Muhammad Vijay, Op. Cit. pg. 82.

⁴⁵ *Ibid.*

⁴⁶ "It Is Not Sufficient to Establish an Institution; the Government Must Perform a Thorough Improvement" <https://pshk.or.id/publikasi/siaran-pers/tak-sufficient-forming-institutional-government-harus-laku-pembenahan-elektron>, Accessed on August 1, 2021.

⁴⁷ Rachmat Trijono, *et al.*, Op.Cit., pg. 110-111.

⁴⁸ *Ibid.* pg.111

some examples of these institutions, such as The Ministry of Government Legislation in South Korea, and the National Regulatory Control Council in Germany.⁴⁹

In South Korea, the role of the institution specifically handles the establishment of regulations within the government is through The Ministry of Government Legislation, which has responsibility for the establishment of regulations in the government environment, including overseeing regulations. At the earlier time of the establishment in 1948, Law No. 1 on the Organization of National Government, this ministry was under the jurisdiction of the Prime Minister's office, consisted of one agency, three bureaus, ten divisions and one library.⁵⁰

Such Ministry of Government Legislation principally has the key functions to: (i) supervise and control regulatory activities in government departments; (ii) discover and correct unconstitutional or unlawful aspects of the draft of regulation so it is harmonized with the applicable laws system (iii) provide a binding interpretation of a laws and regulations in the event there is a conflict in the interpretation of the laws inter-administrative agency or inter-civil applicant and an administrative agency; (iv) identify irrational regulations, that make uncomfortable life of the public and business activities, from a citizen's point of view, and enhance them, to produce good regulations easy to comply with; (v) develop an effective and flexible standards on the structuring of regulations; (vi) develop innovations in the preparation of regulations; (vii) provide legal opinions and in advance interpretation in the regulatory planning process of local governments; (viii) assure people's right to access various legal information through websites such as the National Legal Information Center, Easy-to-Find Practical Legal Information Service, and others; (ix) support the foreign economic activities of Korean citizens and companies by collecting and providing regulatory information from 83 countries around the world through the operation of the World Legal Information Center; and (x) publish regulatory information that is beneficial to life in various ways so that the public can easily understand it.⁵¹

The Ministry of Government Legislation has been involved since the commencement of establishment regulations process within the government, referred to as the planning stage. At the regulatory planning stage the Minister of The Ministry of Government Legislation informs the regulatory plan guidelines to the heads of the respective administrative agencies. Under these guidelines, the Head of each central administrative agency establishes a legislative plan for each department. The Ministry of Government Legislation thereafter establishes a government regulatory plan and reports it to the cabinet council. The regulation plan is announced in the official state gazette and notified to the National Assembly.⁵²

Another model concerning government institutions supporting the improvement of the regulations establishment quality is The National Regulatory Control Council ("NRCC") of the Germany. The NRCC comprises of eight members who were appointed by the federal president upon the recommendation of the chancellor in September 2006 with a five-year, renewable mandate. Its members are representatives of the worlds of business, politics, academia, public administration and the judiciary. The NRCC in particular, is involved in the preparatory stage of drafting of laws and regulations, prior to a proposal submission to the federal cabinet for a decision. If requested, the NRCC

⁴⁹Center for Law and Policy Studies (PSHK), "Study of Regulatory Reform in Indonesia: Main Problems and Strategies for its Handling", Foundation for Indonesian Law and Policy Studies, Jakarta, 2019, pg. 2.

⁵⁰Bayu Dwi Anggono, "Special Institution in the Area of Establishment of Laws and Regulations: Urgency of Adoption and Its Function in Improving the Quality of Laws and Regulations in Indonesia," *Indonesian Legislation Journal*, Vol. 17 No. 2, (June 2020), pg. 140.

⁵¹*Ibid.*, pg. 140-141

⁵²*Ibid.*

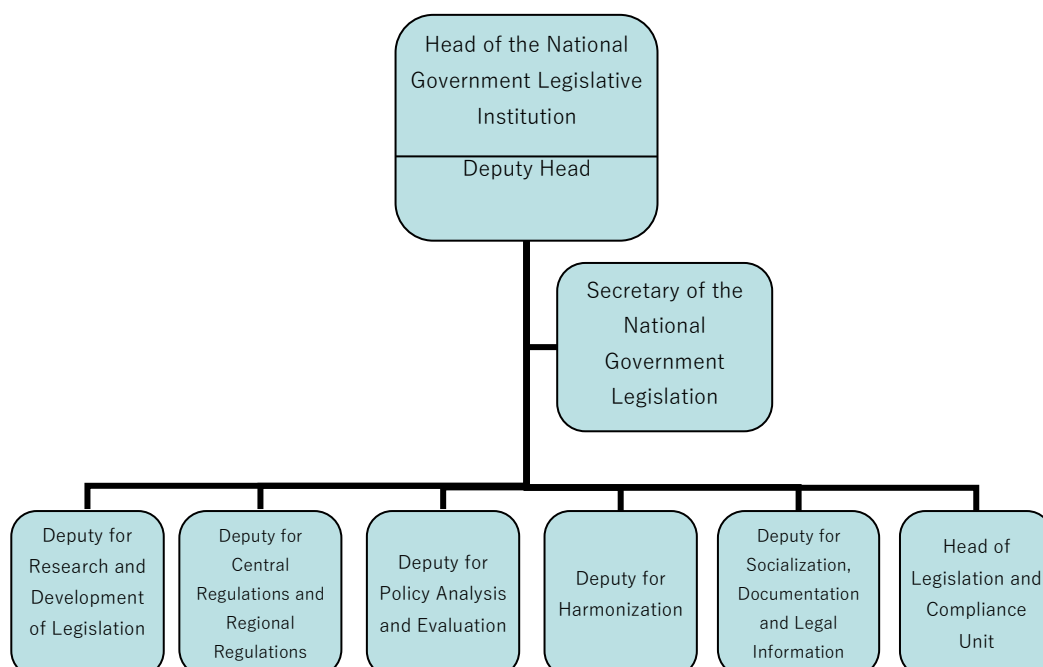
also intervenes in the decision-making process, and may provide any suggestions to the Bundestag committee.⁵³

Any other mandates of the NRCC include the following: (i) ex ante assessment against the burden, providing assistance by examining and measuring the administrative burden of draft of new regulations; (ii) ex post assessment, providing advice through continuous measurement of information on obligations under applicable regulations; (iii) assisting by identifying mitigation measures for existing laws and regulations; and (iv) support the development of the Standard Cost Model (SCM) methodology.⁵⁴

The examples of countries that establish national legislative institutions as aforementioned may be used as references and fine lessons for Indonesia to determine the suitable legislative institutions and functioning effectively.

There are at least two institutional models of the National Legislation Agency to establish, that are: First, it may in the form of a special ministry as part of the cabinet in order to ensure the entire process of laws and regulations establishment in the government's territory is well planned and coordinated including resolving disputes between ministries in terms of establishment of laws and regulations. Second, is in the form of a body, by establishing a special agency directly under the President which has a nature is to assist the President in carrying out the government within the area of establishing laws and regulations in order to improve the quality of draft laws and regulations as well as to evaluate laws and regulations.

Table of the Proposed Organizational Structure of the National Government Legislative Institution



⁵³ *Ibid.*

⁵⁴ *Ibid.*

Determining the suitable institutional form also requires referring to previous evaluations and practices, that if it is in the form of a ministry, at least there are weaknesses as it may be held by people from political parties or political appointees. But if it's in the form of a body, is it more secure, so the professionalism aspect of bureaucrats is prioritized. Therefore the head of the agency would typically an element of the former nation civil official (ASN).

However, regardless of the later form of the National Legislation Institution, it must be granted the widest possible authority in organizing the laws and regulations hence the laws and regulations problems in Indonesia may be completely resolved.

In addition to the need for the National Government Legislation Institution to be able to organize laws and regulations, the problem of the quality of laws and regulations is also followed by other factors which include the quality of human resources (knowledge and experience of legislative drafters), political, social conditions, and technological developments.

- Quality of Human Resources (Knowledge and Experience of Legislation Drafters)

In general, the quality of human resources in the legal sector, starting from legal researchers and legislative drafters, still needs improvement, including in terms of understanding and behaving in a gender-responsive manner. The low quality of human resources in the field of legislative drafting is also inseparable from the existing legal education system and legislative drafting.

In addition, it is almost a common habit that the selection process and human resource development policies in the field of law and legislative drafting that are applied deviate a lot, which ultimately does not produce quality human resources. This also has a major effect on the fading quality of existing laws and regulations.

- Political Conditions

Mahfud MD, stated that the credibility of the current legislators needs to be questioned, due to the rampant issue of political pressure and political pragmatism that often trades interests in the formation of legislation.⁵⁵

- Social

One of the social issues that affect the quality of legislation is related to gender equality. It is increasingly realized that the importance of integrating a gender perspective in the process of forming laws and regulations is a necessity and the need for gender analysis in every formulation of legislative norms, in order to ensure the fulfillment of fair rights for all parties, namely women and men and other vulnerable groups.

- Technology Development

Technology has helped facilitate human life. Almost all aspects of life utilize technological assistance, including aspects of law and legislation. Public participation, in the form of input on the substance of legislation, can now be delivered orally or in writing. The opportunity for such participation has been further opened since the enactment of the Law on the Formation of Legislation.

Orally, participation in the form of input, opinion, or criticism is conveyed through direct delivery, discussions, seminars and other forms of meetings. In writing, in contrast to before the internet network was delivered by letter, currently input can be submitted through the website (online). However, until now not many ministries and institutions' websites have provided special features that can be easily accessed by the public to submit their input.

⁵⁵ Wilma Silalahi, "Structuring Quality Regulations in order to Guarantee the Supremacy of Law," *Progressive Law Journal*, Vol. 8 No. 1, (April 30, 2020), pg. 60.

For information, in Korea, the public is fully encouraged to convey their aspirations and input on a draft regulation. Because of its openness, people who submit the best aspirations and inputs are rewarded by the government.

So that the National Government Legislation Institution as a new institution to be established, is specifically designed to be able to accommodate other factors as mentioned above, so that the urgency to immediately establish the National Government Legislation Institution is increasingly clear that it needs to be done immediately in order to improve the quality of legislation.

The National Government Legislation Institution is formed to be different from the Legislation Body of the House of Representatives, the National Government Legislation Institution is formed so that all laws and regulations are centered in this institution, the idea is as a national legal development institution. All proposed laws and regulations from the national legislative center are discussed in this institution, inviting experts from related fields, and matured in this institution to be submitted to the House of Representatives. In addition, this is a mandate from the Law on the Formation of Laws and Regulations.

To support the workings of the National Government Legislation Institution, the author uses the Whole of Government (WoG) Concept.

The WoG concept itself is often seen as a new perspective in the application and understanding of intersectoral coordination.

WoG also has several core characteristics, namely:

- Collaboration;
- Togetherness;
- Unity;
- Common purpose; and
- Overall goal to synergize with all units⁵⁶

WoG is an approach emphasizing on the aspect of togetherness and eliminating barriers in the form of sector barriers. WoG needs to be done immediately because, first, there are external factors such as public encouragement in realizing the integration of development program policies and services in order to create good governance. Second, there are internal factors related to the phenomenon of inequality in sectoral capacity as a result of the nuances of competition between sectors in development. One sector can grow very superior to other sectors or each sector grows but does not go hand in hand, thus affecting the course of the development process. Third, in the Indonesian context, the diversity of values, cultures, customs, and other backgrounds encourage the potential for national disintegration.

This WoG approach has long been known and developed especially in Anglo Saxon countries such as the UK, Australia, and New Zealand. In the United Kingdom, for example, the idea of WoG in integrating sectors into one perspective and system has been started since the government of British Prime Minister Tony Blair in 1997 with the modernization movement of government programs known as "Joined Up Government". At that time, the British government experienced obstacles in overcoming wicked problems in the public sector due to weak vertical and horizontal coordination in government institutions at various levels.⁵⁷

⁵⁶<https://klc2.kemenkeu.go.id/kms/knowledge/klc1-puspsdm-penerapan-whole-of-government-2/detail/>. Accessed on April 3, 2022.

⁵⁷Farid A. Gaffar, "Analysis of the Implementation of Whole of Government (WoG) Basic Training for Prospective Civil Servants at the East Java Education and Training Agency", *Journal of Business and Information Management*, Surabaya, Vol 5 No, 3, 2018, pg. 152.

WoG is an approach that emphasizes aspects of togetherness and eliminates sectoral barriers that have been built so far.

Thus, the WoG approach is relevant if applied to the National Government Legislation Institution so that sectoral barriers in Ministries/Institutions so far in the formation of laws and regulations can be resolved properly, and will facilitate vertical and horizontal coordination Ministries/Institutions that handle the formation of laws and regulations.

Pursuant to the foregoing, the author argues that it is time for the government to have a special institution within the area of the laws and regulations establishment referred to as the National Legislation Institution. For this reason, the establishment of the Government's National Legislation Institution is a necessity that must be executed immediately.

IV. CONCLUSIONS

1. Conclusion

- a. There are opportunities in the establishment of the government's national legislative body, among others, first, by adopting the omnibus law in the establishment of legislation through the Job Creation Law. Second, the government is not yet has a special institution regulating and managing government affairs within the area of the laws and regulations establishment centrally and specifically as the legislative body of the DPR.
- b. Countries in the world such as the United States, Germany, and the Netherlands are examples of countries that have different legal systems and government administration systems, basically such countries have different characteristics, particularly on the process of establishing laws and regulations. In the United States, the Draft Law Committee will seek input from several parties, including government departments or state institutions. In the Germany, there are three parties involved in the establishing of laws and regulations in Germany, i.e. the Federal Government, the Bundestag, and the Bundesrat. In the Netherlands, any Draft Law must first be considered by Raad van Staten prior to its discussion. Raad van Staten is a state institution authorized to provide any required considerations as the Supreme Advisory Council.
- c. In fact, there is urgency for the establishment of a government national legislative body, there are, first, the absence of a special government agency that centrally handling the laws and regulations establishment, causing the establishment process of the laws and regulations spread across several ministries. Second, it is the mandate of the Law on the Establishment of Legislation. Third, it is the post Constitutional Court Decision Number 91/PUU-XVIII/2020 with respect to Law Number 11 of 2020 on Job Creation, in order to revise the Job Creation Law in conformity with the two-year deadline, the government could immediately establish a National Legislative Institution in charge of organizing, synchronizing, and tidying up all laws and regulations from the central to the regions. Fourth, it is the post Constitutional Court Decisions Number 137/PUU-XIII/2015 and Number 56/PUU-XIV/2016 as the central government is no longer authorized to revoke Regional Regulations, indicates the importance of building synergy between the central government and regional governments in organizing laws and regulations at the provincial level and districts/cities.

2. Suggestions

- a. The necessity for a more assertive regulations on the form, position, organizational structure, and time period for the establishment of the government's national legislative body in the laws and regulations, by making the third amendment to Law Number 12 of 2011 on the Establishment of

Laws and Regulations and incorporating it into the national legislation program (*prolegnas*) priority in 2024.

- b. The government is supposed to implement the Law for the Establishment of Laws and Regulations with the ministry or special institution organizing government affairs within the area of Establishment of Laws and Regulations and/or revitalize and empower existing ministries or institutions by strengthening aspects of authority, human resources and budget.
- c. The need for unification of the authority to establish laws and regulations spread across several ministries or agencies to be centralized and specific, through the establishment of a national government legislative agency and to be able to use information technology assistance so that processes involving a lot of data and various agencies may be easier and well-systematic.
- d. The necessity for standard guidelines for the establishment of good laws and regulations in the regions hence they reflect harmonization of regulations inter-regions and regulations inter-center and regions.

REFERENCE

Books

- Manan, Bagir is quoted in Maria Farida Indrati Soeprapto, *Legislation Science*, Yogyakarta: Kanisius, 2007.
- Center for Law and Policy Studies (PSHK). "Study of Regulatory Reform in Indonesia: Main Problems and Strategies for its Handling". Foundation for Indonesian Law and Policy Studies. Jakarta. 2019.
- Syafiie, Inu Kencana, *Nation Administration System of the Republic of Indonesia (SANRI)*, Jakarta: Bumi Aksara, 2003.
- OECD, *Reviews of Regulatory Reform, Government Capacity to Assure High Quality Regulation*, OECD. 2012.
- Piatur Pangaribuan and Arie Purnomosidi, *The Nation of Pancasila Law within the Framework of the Unitary Nation of the Republic of Indonesia (NKRI)*, First Printing, Surakarta: Cakrawala Media, 2012.
- Trijono, Rachmat, *et. al.*, *The Urgency of Establishing a National Legislation Institution/Ministry*, Jakarta: Balitbangkumham Press, 2019.

Journals

- Anggono, Bayu Dwi, "Special Institution in the Area of Establishment of Laws and Regulations: The Urgency of Adoption and Its Function in Improving the Quality of Laws and Regulations in Indonesia", *Indonesian Legislation Journal*, Vol. 17(2), June 2020.
- Solikhin, M. Nur, "Institutional Arrangements to Implement Regulatory Reform in Indonesia", *Journal of Law & Capital Markets*, Vol. 8, 2018.
- Suhayati, Monika, "The Urgency of Establishing a National Regulatory Body", *Brief Information*, Vol. 12(3), February 2020.
- Roestamy, Martin, *et al.*, "A Review of the Reliability of the Land Bank Institution in Indonesia for an Effective Land Management of Public Interest", *Journal Land Use Policy*, Vol. 120, 2022.
- Vijay, Muhammad, "Juridical Analysis towards the Urgency for the Establishment of a Government National Legislative Institution in Efforts to Organize Laws and Regulations in Indonesia." *Thesis*, Universitas Djuanda Bogor.

Trijono, Rachmat, "Indonesian Democracy Post Amendment to the 1945 Constitution of the Republic of Indonesia in the Perspective of Legislation", *Journal Rechtsvinding*, Vol. 2(3), December 2013.

Trijono, Rachmat, "Is The Republic of Indonesia as A Democratic State? (Case Study the Republic of Indonesia Representative Democracy Model in Perspective of Law Making Process)", *PEOPLE: International Journal of Social Science*, Vol. 4(3).

Silalahi, Wilma, "Structuring Quality Regulations in order to Guarantee the Supremacy of Law," *Progressive Law Journal*, Vol. 8(1), April 2020.

Gaffar, Farid A., "Analysis of the Implementation of Whole of Government (WoG) Basic Training for Prospective Civil Servants at the East Java Education and Training Agency", *Journal of Business and Information Management*, Surabaya, Vol 5(3), 2018.

Internet Citation/Online Media

"How our laws and regulations are made", <https://www.senate.gov/reference/resources/pdf/howourlawsaremade.pdf>, Accessed on Oktober 1, 2022.

Detik.Com. "Mensesneg: The National Legislation Center is referred to as the National Regulatory Agency". <https://news.detik.com/berita/d-4782962/mensesneg-centre-legislasi-nasional-namanya-badan-regulation-nasional>. Accessed 18 September 2021.

<https://katadata.co.id/agustiyanti/berita/61a0598f557c5/yusril-beri-dua-saran-ke-jokowi-hadapi-ujung-an-mk-lalu-uu-ci-pa-kerja>. Accessed on 30 November 2021.

<https://pshk.or.id/publikasi/siaran-pers/tak-sufficient-forming-institution-government-harus-laku-pembenahan-pembenahan>. Accessed on 1 August 2021, 23:53 (WIB) Western Indonesia Time.

<https://klc2.kemenkeu.go.id/kms/knowledge/klc1-puspsdm-penerapan-whole-of-government-2/detail/>. Accessed on April 3, 2022.

<http://www.bundesrat.de/cln090/nn360492/EN/funktionen-en/gezetgebungen/gezetgebung-en-node.html?nn=360492>. Accessed on Oktober 1, 2022.

http://www.houseofrepresentatives.nl/how_parliament_works/legislation/index.jsp. Accessed on Oktober 1, 2022.

http://www.houseofrepresentatives.nl/how_parliament_works/rulesofprocedure/index.jsp#Titlelink9. Accessed on Oktober 1, 2022.

<http://www.jdih.go.id>. Accessed on 10 April 2021 at 13.30 (WIB) Western Indonesia Time.

<https://www.kemendagri.go.id>. Accessed on 12 May 2021 at 21.08 (WIB) Western Indonesia Time.

<https://www.mkri.id>. Accessed on 10 April 2021 at 13.45 (WIB) Western Indonesia Time.

Atmasasmita, Romli, "Expert Opinion on Application for Rights of Judicial Review Law Number 11 of 2020 on Job Creation", 2021, <https://spkep-spsi.org/2021/09/09/ahli-government-prof-romli-atmasasmita-uu-ci-pa-work-not-against-with-uu-no-12-year-2011-but-different>, Accessed on 5 November 2021.