

The Efforts to Realize Responsive Local Regulations for Community Development

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Abstract : Each formation of local regulations must meet philosophical, sociological, and juridical elements. This aims to form local regulations that can keep up with the community developments and can be applied effectively. The problems under the study were the requirements and efforts related to responsive local regulations. The study employed a normative-juridical approach. Specifically, This study used descriptive-analytical research. The findings revealed the local regulations must have clear philosophical, sociological, and juridical values to create a responsive regulation to community development. In addition, this study also concluded that this matter also gave the community an opportunity to take part in forming local regulations. Meanwhile, the efforts can also be done by establishing local regulations based on applicable laws and regulations. Besides, this should also be accompanied by academic texts and public hearing to gather public opinion on the discussion of draft local regulations

Keywords: Local regulation; Principles; Responsive

Upaya Mewujudkan Peraturan Daerah yang Responsif terhadap Perkembangan Masyarakat

Abstrak : Setiap pembentukan peraturan daerah harus memenuhi unsur filosofis, sosiologis, maupun yuridis. Hal ini bertujuan untuk membentuk peraturan daerah yang mampu mengikuti perkembangan masyarakat dan dapat berlaku efektif. Adapun permasalahan yang akan diteliti adalah syarat-syarat peraturan daerah yang responsive dan upaya yang dilakukan. Metode dilakukan adalah penelitian yang digunakan adalah yuridis normative dengan spesifikasi penelitian deskriptif analitis. Hasil penelitian ini menunjukkan bahwa untuk membentuk peraturan daerah yang responsive terhadap perkembangan masyarakat adalah Peraturan daerah harus memuat nilai filosofis, sosiologis dan yuridis yang jelas. Simpulan dari penelitian ini adalah peraturan daerah yang responsif memberikan kesempatan kepada masyarakat untuk berpartisipasi dalam membentuk peraturan daerah. Upaya yang dapat dilakukan dengan cara membentuk peraturan daerah sesuai peraturan perundang-undangan yang berlaku disertai naskah akademik serta dilakukannya public hearing/rapat dengar pendapat umum pada pembahasan rancangan peraturan daerah.

Kata Kunci: Asas, peraturan daerah, responsif.

INTRODUCTION

The society adheres to the civil law legal tradition placed the law as the main source of law. In Indonesia, therefore, the process of forming laws and regulations often results in controversial laws and regulations.¹ In a state of law, the law is a form of formulation of legal norms. The laws in a country have a strategic and important position. This also applies in the conception of the rule of law, the hierarchy of legal norms, and the general function of the law.² The principle is the things that serve as the basis of thinking or stating an opinion. In other words, Principles are the basic laws. The principle is a general proposition stated in general terms without any special conditions on its implementation. This involves the implementation of a series of actions as the right instructions for

¹ Racel Octora, Urgensi Fungsionalisasi Teori Hukum Dalam Proses Pembentukan Hukum Pidana di Indonesia, Volume 9 Nomor 2, April 2018 Dialogia Iuridica, p. 70.

² Laurensius Arliman S, Partisipasi Masyarakat Dalam Pembentukan Perundang-Undangan Untuk Mewujudkan Negara Kesejahteraan Indonesia, Jurnal Politik Pemerintahan, Volume 10, No. 1, Agustus 2017, Agustus 2017, p. 59

that action.³ The juridical-normative and socio-political studies in the process of forming legislation are procedural concepts (included in the normative aspect of democracy) and have not carefully examined in a hermeneutic way, the context and text of the Articles in Legislation which are the substance of the content.⁴ Laws in Indonesia are known as statutory regulations. The laws provide a general basis or guideline on how people interact within the legal framework provided by the Constitution. In carrying out its role, the Act is known as an arrangement containing a principle and general matter This implies the need for other technical legislation.⁵ Article 5 of Law no. 12 of 2011 states that there are several principles of forming good laws and regulations as follows: (a) clarity of purpose, (b) appropriate forming institutions or officials; (c) the suitability of the type, hierarchy, and content of the material; (d) can be implemented; (e) usability and effectiveness, (f) clarity of formulation; and (g) openness.⁶ The implementation of the regional government to carry out regional autonomy, the implementation of the decentralization principle has been accepted as something universal. To make the realization as described in the paragraph above, the 1945 Constitution of the Republic of Indonesia (UUDNRI 1945) has given a wide authority to the Regions as stated in Article 18 of the 1945 Constitution.

Autonomy means independence to organize and manage their own household affairs. The authority given by the Central Government to the Regions becomes an opportunity to increase regional economic growth by managing its economic potential, and manifest other benefits through regional autonomy. In the context of managing affairs in the administration of the government of the authority of autonomy, regional governments have the right to stipulate Local Regulations (Perda).⁷ The formal legal fulfillment on the formation of the legislation acts serve as a positive value, a value which the legislator makes based on the provisions, the regulations will be implemented properly.⁸ Based on the description above, the writer is interested to discuss the following matters: What are the requirements to arrange responsive local regulations? and What efforts should be made by the government in creating responsive local regulations?

RESEARCH METHODS

The study employed a normative-juridical approach. Specifically, this study used descriptive-analytical research. The types and sources of data were taken from secondary data. It involved primary legal materials consisting of laws and regulations related to research materials. In addition, this study also used secondary legal materials such as books, scientific journals, and proceedings. Furthermore, data collection was done by literature study.

RESULTS AND DISCUSSION

1. Requirements for Arranging Local Regulations

Indonesia as a state of law is mentioned in Article 1 paragraph (3) of the third amendment to the 1945 Constitution of the Republic of Indonesia which states that Indonesia adheres to the

³ Tata Wijayanta, *asas kepastian hukum, keadilan dan kemanfaatan dalam kaitannya dengan putusan kepailitan pengadilan niaga*, jurnal *dinamika hukum*, vol. 14 no. 2 year 2014, UNSOED, p. 219.

⁴ Rodiyah, *Aspek Demokrasi Pembentukan Peraturan Daerah Dalam Perspektif Socio-Legal*, *MMH, Jilid 41 No. 1 Januari 2012*, p. 145

⁵ Fitriani Ahlan Sjarif, *Gaya Perumusan Kalimat Perintah Pembentukan Peraturan Yang Menjalankan Delegasi Dari Undang-Undang Di Indonesia*, *Pakuan Law Review* Volume 3, Number 2, July-December 2017. P. 31.

⁶ Ali Marwan HSB, *Mengkritisi Pemberlakuan Teori Fiksi Hukum*, *Jurnal Penelitian Hukum DE JURE*, ISSN 1410-5632 Vol. 16 No. 3, September 2016, p. 254.

⁷ Muhammad Hasan, *Keberlakuan Produk Hukum Daerah Tanpa Prosedur Fasilitasi dalam Pembentukan Peraturan* Oleo University, Kendari, Southeast Sulawesi, Indonesia, p.22.

⁸ *Suwardi Sagama*, *Reformulasi Hierarki Peraturan pada Pembentukan Peraturan Perundang-Undangan di Indonesia*, *volkgeist*, Vol. 1 No. 2 December 2018, p. 188.

principle and the concept of Pancasila contained in the Preamble to 1945 Constitution.⁹ Furthermore, Henny said that then one as the deciding factor in holding power is the norm of law.¹⁰ The formation of laws and regulations is the process of making laws and regulations which includes the planning stage, drafting stage, discussion stage, ratification stage, and legislation stage. These as regulated in Law Number 12 of 2011 on the Establishment of legislation.

Meeting the needs of the community for good laws and regulations can be realized if its process is carried out with good methods. These laws and regulations have a very important role in the development of law in Indonesia. Their function is to create public discipline and provide legal certainty and justice for all Indonesian people.¹¹ Autonomy means independence to organize and manage their own household affairs. The authority given by the Central Government to the Regions becomes an opportunity to increase regional economic growth by managing its economic potential, and manifest other benefits through regional autonomy. In the context of managing affairs in the administration of the government of the authority of autonomy, regional governments have the right to stipulate Local Regulations (Perda).¹² One of the important elements in the implementation of regional autonomy management is the formation of local regulations. Perda is a legal product whose is statutory regulations. The nature of the legal norm is *dauerhaftig*, the legal norms apply continuously for an indefinite period of time until they are revoked or replaced by new ones. This is different from legal products whose is *einmalig*, the legal norms that are valid only once and are only made a stipulation. This is called as a state administration decision/decree.¹³

The existence of Local Regulations in the 1945 Constitution before the amendment was indeed unknown. Thus, so the regulations were marginalized in the arrangement of Indonesian laws and regulations. After the 1945 Constitution was amended, the existence of Local Regulations was constitutionally confirmed. This is stated in Article 18 paragraph (6).¹⁴ The detailed mechanism program for formulating this regulation can be seen in the provisions of Law Number 12 of 2011, Law Number 23 of 2014, and Regulation of the Minister of Home Affairs Number 80 of 2015, the Establishment of Regional Legal Products¹⁵ which was amended by Permendagri No. 120 of 2018.

The formation of local regulations is similar to the process of forming laws which involve several stages. Every statutory regulation including local regulations must provide benefit value for the community. The value of the benefits will be achieved if the local regulations used the framework of the established principles in constructing the materials. Perda that are disturbing and burdensome to the community will not provide value for benefits. Meanwhile, legal products should provide happiness for the majority of the community.¹⁶ Local regulations must be based on three bases, namely the philosophical basis, the sociological basis, and the juridical basis. Philosophical comes from the word philosophy which is the science of wisdom. Based on this kind of root, the philosophical refers to the qualities that lead to wisdom. This is because it focuses on the nature of

⁹ Henny Nuraeny dan Tanti Kirana Utami, 2015, *Legal Protection Against Children Who Are Victims of Human Trafficking in Cianjur District Studied By Human Rights Perspective*, Jurnal Dinamika Hukum, Vol. 15 No. 2, May 2015, p. 174.

¹⁰ Henny Nuraeny dan Tanti Kirana Utami, 2016, *The Victim Handling Model of Human Trafficking Through Economic Independence*, Jurnal Dinamika Hukum, Vol. 16 No. 2, May 2016, p. 121.

¹¹ Lutfil Ansori, *Legal Drafting*, Edisi 1, cetakan 1, Rajawali Pers, Depok, 2019, p. 12.

¹² Muhammad Hasan, *Keberlakuan Produk Hukum Daerah Tanpa Prosedur Fasilitasi dalam Pembentukan Peraturan Daerah*, Volume 1 Issue 1, April 2019, Halu Oleo Legal Research. Faculty of Law, Halu Oleo University, Kendari, Southeast Sulawesi, Indonesia, p.22.

¹³ Ibid, p.27

¹⁴ Muhammad Suharjono, *Pembentukan Peraturan Daerah Yang Responsif Dalam Mendukung Otonomi Daerah*, DIH, Jurnal Ilmu Hukum, Pebruari 2014, Vol. 10, No. 19, p. 21.

¹⁵ Eka N.A.M. Sihombing, *Problematika Penyusunan Program Pembentukan Peraturan Daerah*, jurnal legislasi Indonesia, Vol. 13 NO. 03 - September 2016, p. 291.

¹⁶ Rudy, dalam DPD RI, *Implikasi Peraturan Daerah dalam Pembangunan dan Pemajuan Masyarakat Desa*, 2016, manusia dan Penguatan Pemerintah Daerah dalam Pembentukan peraturan daerah, Hlm. 24.

wisdom. Thus, philosophy is a nation's view of life, namely moral or ethical values such as good and bad values.¹⁷

The philosophical basis of a country adheres to the concept of a Welfare-State Law, the functions and duties of the state are not merely to maintain and implement the law optimally to realize an orderly and safe community life. However, the most important thing is how the legal basis can manifest the general welfare for all communities. The sociological basis (*sociologische gelding*) refers to a reflection of the reality that lives in society with the hope that the laws and regulations (including local regulations) will be accepted by the community naturally and spontaneously. Legislation that is reasonably accepted will have an effective power and will not need numerous institutional mobilization to implement it.

Meanwhile, the sociological basis of local regulations mentions that the living law must also include the tendencies and expectations of the community without involving the factors of trend and expectation. The laws and regulations only record an instant moment (*moment opname*). This situation will lead to paralysis of the role of the law. Law will be left behind from the dynamics of society. The laws and regulations will also be conservative due to an affirmation of the existing reality. This is contrary to the other side of the legislation which is expected to direct the development of society. The formation of laws and regulations must refer to the basis for the formation of legislation or the science of legislation (*gesetzgebungslehre*),¹⁸ which includes the juridical basis.

According to Bagir Manan's opinion, the formation of local regulations must consider several juridical requirements as follows:

- a. Created or formed by an authorized organization, meaning that a statutory regulation must be made by an official or agency that has the authority to do so. This is with the consequence that if this requirement is not heeded, the law is null and void (*van rechtswege nietig*);
- b. There is conformity of the form/type of legislation with the content material to be regulated. This indicates the incompatibility of the form/type can be a reason to cancel the said legislation;
- c. The availability of procedures or determined procedures. This means that the formation of a statutory regulation must go through the procedures that have been determined
- d. It must not contradict the laws and regulations at a higher level which is in line with Stufenbau's theory. The laws and regulations contain legal norms that are hierarchical in nature. This means that a higher level statutory regulation is a grundnorm (basic norm) for a lower level statutory regulation. Furthermore, Bagir Manan explained that statutory regulations have three important elements as follows: in the form of written law, formed by authorized officials, and are generally binding.¹⁹ In addition, local regulations must meet the principles of establishing good laws and regulations.

The principles of forming local Regulations must focus on all the interests of the community and consider the applicable laws and regulations. Good local regulations should provide a sense of comfort and avoid the pressure that burdens the community. According to the responsive theory, a legal concept must meet the demands, so that the law is more responsive to pressing social needs and to social justice issues, while still maintaining the institutionalization results that have been achieved by power based on law. These principles emphasize that the concept of forming local regulations must have clear philosophical values for the benefit of the community and the progress of the region. If this is implemented, it will be able to support the implementation of good regional autonomy.

¹⁷ H. Rojidi Ranggawijaya, *Pengantar Ilmu Perundang-undangan Indonesia*, Mandar Maju, Bandung, 1998, Hlm. 43.

¹⁸ Hamzah Halim dan Kemal Redindo Syahrul Putera, *Cara Praktis Menyusun & Merancang Peraturan Daerah; Suatu Kajian Teoritis & Praktis Disertai Manual; Konsepsi Teoritis Menuju Artikulasi Empiris*, Kencana Prenada Media Group, Jakarta, 2010, Hlm. 23.

¹⁹ Bagir Manan dalam Lutfil Ansori, *Legal Drafting*, Rajawali Pers, 2019, p. 4.

The legal principles for forming laws and regulations are explained in Law Number 12 of 2011 concerning the Establishment of laws and regulations. The provisions concerning the Principles of forming Legislation are regulated in Articles 5 and 6 of Law no. 12 of 2011.²⁰ Article 5 states that the formation of legislation must be carried out based on the principles of forming good laws and regulations as follows:

- a. Clarity of purpose;
- b. Appropriate forming institutions or officials;
- c. Conformity between the type, hierarchy, and content of the material;
- d. Can be implemented;
- e. Usability and effectiveness;
- f. Clarity of formulation; and
- g. Openness.

The principle of clarity is every formulation of legislation must have a clear goal to be achieved. Thus, the formed laws and regulations do not become dead letters due to no goals. The principle of proper institutions or forming officials is every type of statutory regulation must be made by a state institution or an authorized official. These laws and regulations can be canceled or null and void if they are made by unauthorized state institutions or officials. The principle of conformity between types, hierarchies, and content materials mentions that one must really pay attention to the right content materials with the types and hierarchies of Legislations in forming the legislation. The principle that can be implemented is that every formation of laws and regulations must be effective in society philosophically, sociologically, and juridically. The principle of usability mentions that every statutory regulation is made because it is really needed and useful in regulating the life of society, nation, and state. The principle of formulation clarity states each statutory regulation must meet the technical requirements for the preparation of laws and regulations, systematics, choice of words or terms, and legal language that is clear and easy to understand. Thus, various kinds of interpretations in its implementation are not raised. The principle of openness means the formulation of laws and regulations, the planning, drafting, discussing, ratifying or determining, and enacting laws must be transparent and open²¹.

Based on Article 57 of Law no. 23 of 2014, the administration of provincial and district/municipal governments consists of the Regional Head and DPRD assisted by regional apparatus. In carrying out the duties and functions, the government is guided by the principles of establishing Local Regulations. This is regulated in Article 58 of Law no. 23 of 2014, which consists of the following principles: legal certainty; orderly state administrators; public interest; openness; proportionality; professionalism; accountability; efficiency; effectiveness; and justice. Based on the Elucidation of Article 58 of Law no. 23 of 2014, the general principle of state administration in this provision is in accordance with Law Number 28 of 1999 concerning clean state administration.²²

The effectiveness of law enforcement depends on three law aspects; those are the structure of law, the substance of the law, and legal culture. Law structure is about the law enforcers, law substance is about the legislative means, and law culture is about a living law adopted by society.²³ Special regulation in the regions, then the 1945 Constitution Article 18 Paragraph (6) implies Local government has the right to enact local regulations and other regulations to implement autonomy and

²⁰ Andi Bau Inggit AR, *Asas-Asas Pembentukan Peraturan Perundang-Undangan Dalam Penyusunan Rancangan Peraturan Daerah*, Jurnal Restorative Justice, Vol. 3, Nomor 1, Mei 2019, p. 7.

²¹ Erga Yuhandra, Gios Adhyaksa. *The Effectiveness of Village Consultative Body in Kuningan District in Implementing Legislative Function*. Unifikasi : Jurnal Ilmu Hukum. Vol.5.2.2018.106.111

²² Ibid

²³ Dedi Mulyadi dan Tanti Kirana Utami, 2017, *The Dispute Settlement Model of regional Head Election Perspective Theory of Legal System in Indonesia*, International Journal of Nusantara Islam- UIN Sunan Gunung DJati, Vol. 5 No. 1, p. 98.

assistance tasks. In the substance of the constitution above it is clear that local governments are given the authority to make regulations in the form of local regulations and other regulations.²⁴

In the modern legal system, written law is used as a tool of social engineering which plays an important role in the life of modern countries. It serves to make changes and take control. Changes in and by law are channeled through legislation, which is indeed one of the characteristics of modern law, written nature. The legislation serves as a basis of reference for the community and the government in taking action.²⁵

In the formulation of laws and regulations, several basic principles must be considered as follows: a. Regulations must not contradict with higher regulations (*lex specialis derogat legi generalis*). if a higher level statutory regulation contradicts a lower level statutory regulation, a higher level statutory regulation shall apply. Likewise, the revocation of existing laws and regulations may only be carried out by an equal or higher level of legislation; b. If an equal statutory regulation contradicts with other equal statutory regulations, the latest statutory regulations and the old statutory regulations are deemed to have been set aside (*lex posterior derogat priori*); c. if equal laws and regulations governing special fields, the laws and regulations governing general fields relating to these special fields are set aside (*lex specialis derogat legi generalis*).²⁶ Hierarchy in the formulation of laws and regulations in Indonesia has a great influence on the process of formulation to implementation. Hierarchy is not just a theory but can be a tool to control regulations that are considered harmful by the community materially and non-materially. The legal control is a judicial review or known as JR.²⁷ The draft of local regulation needs to be socialized to absorb people's aspirations. This process is carried out by the initiator of the draft of local regulation.²⁸

2. Efforts to Establish Responsive Local Regulations

Good local regulation should reflect philosophical aspects. It should relate to the principle that local regulations will guarantee justice. Meanwhile, the sociological aspect related to the expectation that the formed local regulations are based on the wishes of the local community. The juridical aspect related to the expectation that local regulations fulfill and guarantee legal certainty and the formation of laws.²⁹ The formation of responsive local regulations must involve community participation. The term participation in the KBBi means participating in an activity (participation).³⁰ Hamzah Halim states that theoretically there are four concepts related to community participation: participation as a policy, participation as a strategy, participation as a communication tool, and participation as a dispute resolution tool.³¹

According to responsive legal theory, responsive law accommodates social values that favor the needs and justice in laws and regulations and policies issued by the authorities. This indicates local regulations must accommodate people's aspirations and be useful for the community. The type of responsive law according to A. Mukhtie Fadjar has two prominent characteristics, a. shifting

²⁴ Kuswandi dan Tanti Kirana Utami, *Formulation Of Criminal Provisions In Establishment Of Regional Regulation Design In Cianjur Regency* Journal of Legal, Ethical and Regulatory Issues, Volume 21, Special Issue, 2018, p. 2

²⁵ Silvy Aryani, *Eksistensi Peraturan Kepala Daerah Sebagai Peraturan Pelaksana Peraturan Daerah*, Volume 2 Issu 1, Badamai Law Journal, 2017, p. 160.

²⁶ Rahel Octora, *Urgensi Fungsionalisasi Teori Hukum Dalam Proses Pembentukan Hukum Pidana di Indonesia*. *Dialogia Iuridica*, 2018, 70-83.

²⁷ Suwardi Sagama, *Reformulasi Hierarki Peraturan pada Pembentukan Peraturan Perundang-Undangan di Indonesia*, *volkgeist*, Vol. 1 No. 2 Desember 2018 p.186

²⁸ Hasyim Asyari, *Asas Keterbukaan Dalam Pembentukan Peraturan Daerah (Studi Kasus Di Kabupaten Lombok Tengah)* *Refleksi Hukum Jurnal Ilmu Hukum*, Vol. 2, No. 1, 2017, p. 85.

²⁹ Bagir Manan dalam Cholidia Hanum, *Analisis Yuridis Asas-Asas Pembentukan dan Asas-Asas Materi Muatan Peraturan Daerah; Kajian Perda Syariah di Indonesia*, *IN RIGHT Jurnal Agama dan Hak Azasi Manusia*, Volume 8, Nomor 1, 2017, p. 45.

³⁰ Departemen Pendidikan Nasional, *Kamus Besar Bahasa Indonesia*, Balai Pustaka, Jakarta, 2005, p. 831.

³¹ Hamzah Halim dan Kemal Ridindo Syahrul Putera, *Cara Praktis Menyusun dan Merancang Peraturan Daerah*, Kencana Prenada Media Group, Jakarta, 2010, p. 108.

emphasis from rules to principles and goals, b. the importance of populist character as a legal goal and a way to achieve it.³²

Efforts to realize responsive local regulations. For example, the author, an academic, was involved in discussing the academic text of the draft of the Cianjur Regency local regulation on the Protection of Micro, Small, and Medium Enterprises in 2019. The Raperda was a proposal from the Cianjur KUMKM Service. The involvement of community participation starts from the preparation of academic texts by academics, holding discussions of academic texts and local regulations by inviting stakeholders such as business actors, representatives of relevant agencies, academics, representatives of cooperatives. This activity is carried out continuously and the results of this activity affect the change in the title and substance of the Raperda. Furthermore, on March 23, 2020, this Raperda was stipulated as Local Regulation No. 4 of 2020 concerning Empowerment, Development, and Protection of Cooperatives and Micro Enterprises.³³ Apart from the above activities, the efforts made by the Cianjur Regency Government in forming responsive Local Regulations were the process of forming a draft of local regulation on the Protection of Local Workers proposed by the Cianjur Manpower Office, where community involvement was carried out in the stage of drafting academic texts that is in collaboration with the Faculty of Law. In addition, the discussion of academic texts and draft of local regulations involve several parties, academics, representatives from DPRD, service representatives, representatives from employers, and workers. The results of this meeting have an impact on changing the title and substance of the draft of local regulation to Protection of Workers from Cianjur Regency.³⁴

The process of forming participatory local regulations by involving the community can be started in the stages of preparing academic texts and drafting local regulations. This will affect the effectiveness of the enactment of local regulations in the community. Legal effectiveness is an activity that shows a general problem formulation strategy, a comparison of legal reality with legal ideals. In particular, the level between law in action and law in theory is seen. In other words, this activity will show the relationship between law in action and law in theory. The functioning of law in society always involves legal ideals and legal realities, legal norms or rules, and community behavior in implementing the law. The factors that affect the effectiveness of the law are; (1) Legal Rules, (2) Law Enforcers, (3) Facilities/Facilities, (4) Community Members.³⁵

There are four factors that influence the effectiveness and functioning of law in society: 1. The rule of law or the regulation. In the theory of legal science, it can be distinguished between three things regarding the application of law as a rule as follows: a. The rule of law applies juridically, if the determination is based on a higher level rule or is formed on a predetermined basis. b. The rule of law applies sociologically, if the rule is effective. The rule can be enforced by the authorities even though it is not accepted by the community (the theory of power), or this rule applies because of public recognition. c. The rule of law applies philosophically, if it is in accordance with the ideals of the law as the highest positive value.³⁶

CONCLUSION

In establishing responsive local regulations to community development, the local regulations must have clear philosophical, sociological, and juridical values. This is for the benefit and provides value for the community. This can be done by compiling the material for local regulations within the framework of the principles of establishing laws and regulations. This has been established in Law

³² W. Riawan Tjandra dan Kresno Budi Darsono, *Legislative Drafting*, Atmajaya, Yogyakarta, 2009, p. 81.

³³ <https://peraturan.bpk.go.id/Home/Details/139113/perda-kab-cianjur-no-4-tahun-2020>

³⁴ Wawancara dengan Tim penyusun NA FH UNSUR, on 12 December 2020.

³⁵ Soerjono Soekanto dalam Djaenab, *Efektifitas dan Berfungsinya Hukum Dalam Masyarakat*, *Asshabah* jurnal pendidikan dan Studi Islam, Volume 4, Nomor 2, Juli 2018, p. 151.

³⁶ Zainuddin Ali, *Filsafat Hukum*, Cet. I; Jakarta: Sinar Grafika, 2006, p. 94

Number 12 of 2011 concerning the establishment of laws and regulations. Meanwhile, the efforts are establishing local regulations based on the applicable laws and regulations. This should also be accompanied by academic texts and public hearings to get public opinion on the draft discussion of local regulations.

SUGGESTION

Public hearings should be conducted in a structured manner and involve various parties who will later be bound by the substance of local regulations. This includes academics, practitioners, community leaders, and other agencies. The results and various community inputs from these activities are accommodated by the government.

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