



## Quality of Preparation of Academic Texts on Regional Regulations based on Pancasila

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### **Abstract**

Academic Manuscripts are manuscripts of the results of research or legal studies and the results of other research on a particular problem that can be accounted for scientifically regarding the regulation of the problem in a Provincial Raperda, or Regency/City Raperda as a solution to the problems and legal needs of society. This research is a normative legal study using a statute approach and a conceptual approach. The results of the research show that academic texts are very important in the preparation and formation of regional regulations, because academic texts contain the results of philosophical, sociological and juridical studies on the formation of regional regulations. Philosophical studies are intended to examine related to legal ideals and conformity with Pancasila values as a material source of law formation in Indonesia. Sociological studies are intended to examine the problems faced and the needs of the community so that they need to be regulated, and juridical studies to examine the legal basis, related to the authority to form regional regulations, synchronizing them with regulations per law.

**Keywords:** *Academy Manuscripts; Formation of Regional Regulations*

### **Introduction**

Conditions that are often found are many Regional Regulations that are promulgated and stipulated not in accordance with their implementation where the preparation of reforms in the field of governance [1], especially in the administration of regional governments with the promulgation of Law Number 23 of 2014 concerning Regional Governments which revokes the enactment of Law Number 32 of 2004 concerning regional government, because they are considered not in accordance with the dynamics and development of regional government administration.

Law Number 23 of 2014 concerning Regional Governments stipulates that regional governments have the authority to regulate and manage their own government affairs according to the principle of autonomy and co-administration and are given the widest possible autonomy. The granting of the widest possible autonomy to the regions is directed at accelerating the realization of community welfare through service improvement, empowerment, and community participation [2]. Autonomy as wide as possible in a strategic environment and globalization, the regions are expected to be able to increase competitiveness by taking into account the principles of democracy, equal distribution of justice, privileges and specificities as well as regional potential and diversity within the system of the Unitary State of the Republic of Indonesia.

To improve the welfare of its citizens the region seeks to encourage employment growth and encourage community innovation that can be used to establish new companies and improve the living standards of local residents. To achieve regional autonomy, community involvement in growing and advancing the area is very important. Developing a national justice system, improving public services, and increasing community empowerment are some of the objectives of regional autonomy. Thus, the implementation of regional autonomy is expected to increase the welfare of the community and encourage progress in regional development. The fulfillment of democratic rights must go hand in hand with the implementation of regional autonomy. One of them is the ability of the community to express its goals and participate in determining public policies that will be implemented in the area where they live

In order to carry out government affairs which are under its authority. Regional Government as the organizer of regional government through the Regional Head (Governor/Regent/Mayor) and the Provincial/Regency/City DPRD has the authority and duty to make regional regulations as the legal basis and basis of authority in carrying out regional autonomy in accordance with the conditions and aspirations of the people and the peculiarities of the area. . The stipulated regional regulations only apply to the jurisdictional boundaries of the area concerned [3]. The enacted regional regulations must not conflict with higher laws and regulations and the public interest.

In the preparation and formation of laws and regulations must meet the formal requirements and material requirements [4]. The formal requirement is that the preparation of laws and regulations is carried out based on authority, stages and procedures, and the layout of the text is based on the formation of laws and regulations. While the material requirements, namely the material or content of these laws and regulations may not conflict with higher laws and regulations and the public interest. Perda as one of the subsystems of national law, its formation must be based on provisions of laws and regulations that apply nationally.

The formation of regional regulations has been guided by the formation of laws and regulations based on the provisions of Law Number 12 of 2011 concerning Formation of Legislation, Law Number 23 of 2014 concerning Regional Governments, and Minister of Home Affairs Regulation Number 80 of 2015 concerning Formation of Regional Legal Products as amended by Permendagri Number 120 2018 concerning Amendments to the Minister of Home Affairs Regulation Number 80 of 2015 concerning the Formation of Regional Legal Products.

The function of Regional Legal Products as a policy instrument for carrying out regional autonomy and co-administration tasks, is an implementing regulation of higher laws and regulations, as a container for regional specificity and diversity within the framework of the Unitary State of the Republic of Indonesia, and as a development tool in increasing regional welfare [4]

In the statutory regulations the formation of regional regulations, namely before drafting laws and regulations (UU and and Perda) is required to be accompanied by Academic Papers/explanations/explanations. Therefore, the existence of Academic Papers as part of the requirements for forming laws and regional regulations needs to be studied, what is the importance of having Academic Papers requirements in the preparation and formation of regional regulations.

The condition of the regional regulations that are often found in the preparation of academic draft regional regulations is often the regional regulations that have been enacted, for example the regional regulations on poverty alleviation, but the factual condition is that the poverty rate is still high. Because it is very possible that when drafting a regional regulation there was no support for research or legal studies, the designer did not have guidelines for standardizing articles in the regional regulation. regional regulations are not based on rational policy choices, and regional regulations are projects of changing leadership [5].

RIA provisions (Regulatory Impact Analysis as a process that systematically identify and assess the desired impact of a proposed law with a consistent analytical method, while ROCCPI (Rule,

Opportunity, Capacity, Communication, Interest, Process and Ideology) is a measuring tool for identifying social problems that arise as a result of the enactment of regulations developed by Ann. Robert Siedman and Nalin Abeysekere [6]. Based on the description above, the authors examine and analyze the following problems: the urgency of preparing Academic Papers in the formation of draft Regional Regulations based on Pancasila? a quality Perda based on Pancasila?

### ***Method***

The types of legal materials in this study consist of Primary Legal Materials in the form of laws and regulations, Secondary Legal Materials which include literature books, and Tertiary legal materials, namely legal materials in the form of legal dictionaries and general Indonesian dictionary. As for the sources of legal materials in this study, they originate or are obtained from the library. The technique of collecting legal materials is carried out through library research in various libraries, the internet, magazines, journals and newspapers. The legal material obtained from the literature study is analyzed descriptively qualitatively, and the next step is to draw conclusions in an inductive way, namely a way of drawing conclusions from the specific to the general.

### ***Results and Discussion***

#### **1. The Urgency of Preparing Academic Papers In The Formation of the Pancasila Based Draft Regional Regulation**

Entering the era of government reform, including in the field of administering regional government, began to reform laws and regulations [7], in particular laws and regulations governing the establishment of laws and regulations. In 2004 Law Number 10 of 2004 concerning the Formation of Legislation was enacted. After ten years of being in effect, Law Number 10 of 2004 was no longer in accordance with the dynamics of the development of the need for guidelines governing the formation of laws and regulations, so that Law Number 10 of 2004 was revoked and declared no longer valid with the enactment of Law Number 12 of 2011 concerning the Formation of Laws and Regulations. Legislation.

The laws and regulations stipulate that the law is repealed and declared invalid based on the provisions of Law Number 12 of 2011 that, if an amendment to laws and regulations results in:

1. the systematics of laws and regulations have changed;
2. the material of the laws and regulations changes by more than 50% (fifty percent); or
3. the essence changes.

It is better if the amended laws and regulations are repealed and rearranged in a new law regarding this matter. Because Law Number 10 of 2004, the substance of the amendments exceeded 50% (fifty percent) and the essence changed, the Law was revoked and declared no longer valid by Law Number 12 of 2011.

In Law Number 12 of 2011 concerning the Formation of Legislation, it is regulated about the need for Academic Papers in the formation of statutory regulations (UU and Raperda). Academic Manuscripts are texts resulting from research or legal studies and other research results on a particular problem that can be accounted for scientifically regarding the regulation of the problem in a Bill [8], Provincial Bill, or Draft Regency/City Regional Regulation as a solution to legal problems and needs Public.

An academic paper must examine three substance issues, namely:

1. Be able to answer questions about why new regulations are needed;
2. Scope of content material and main components of regulations; and
3. The process to be used to develop and approve regulations.

Therefore, every legal norm that will be set forth in the form of a bill has really been prepared based on mature thought and deep contemplation, solely for the public interest (public interest), not personal or group interests. 9]. There are many problems that cannot be known from the start, in the case that the formation of a law is not preceded by the preparation of an academic text. Sometimes it can happen, the formation of laws does not provide answers to various problems in society. It can even happen, when a law has been made and declared effective, it turns out to be contrary to other laws that were made before, causing legal problems in implementation [10]

Regarding the paradigms in the development of legal science, Bernard Arief Sidharta tries to present 9 (nine) paradigms that apply in the development of legal science, namely as follows:

1. The view of humans as rational beings with a conscience, namely humans who have the cognitive and intellectual abilities to perceive and organize the real world rationally, as well as distinguish between good and bad and fair or unfair;
2. The theory that the legislators (formers of laws and regulations) act rationally;
3. A positivistic approach regarding sources of law, with the supremacy of written law (products of laws and regulations), namely the theory of sources of law which views legal material as hierarchically arranged quantities with written sources of law occupying a dominant position;
4. The theory of how juridical texts should be interpreted which includes methods of interpretation and legal construction consisting of grammatical, historical, systematic, teleological, argumentum per analogiam, argumentum a contrario, argumentum a fortiori and legal refinement;
5. Law science has the task of offering alternative solutions to concrete problems and building logical coherence and unity in law through interpretation and systematization, based on legal awareness and referring to legal ideals;
6. The view that expressive and instrumentalistic aspects of law are equal;
7. The view that law formation and legal discovery are basically aimed at realizing the ideals of law with the core of positivity, coherence and justice;
8. The law departs from, with, always refers to, and for the sake of the realization of respect for human dignity and human rights; and
9. The reasoning process which consists of deduction, induction and abduction [11].

Starting from several opinions related to Academic Papers, it can be concluded that Academic Papers were prepared after going through a scientific legal review process related to the plan to form regional regulations which are used as guidelines in the preparation of regional regulations. Academic texts are the independent variable in the formation of regional regulations, while draft regional regulations are the dependent variable, namely that scientific studies must first be carried out and produce new academic texts that are drafted by regional regulations based on academic texts.

The use of Academic Papers/Descriptions/Explanations as references or references for the preparation and discussion of Draft Laws or Draft Regional Regulations is to describe:

1. Background and purpose of preparation;
2. Targets to be realized; and
3. Range and direction of setting [12].

The urgency of drafting Academic Papers for Draft Regional Regulations is:

1. the existence of Academic Papers is indeed very much needed in the context of forming regional regulations with the aim that the regional regulations produced will later be in accordance with the national legal system and people's lives;
2. By using Academic Papers in the process of forming regional regulations, it is hoped that the regional regulations produced will not face problems (for example, a judicial review is requested by the community) in the future;

3. initial draft containing ideas regarding the rationale for the need to draft a regional regulation, legal principles, scope, and material content of regional regulations;
4. guidelines from an academic point of view in explaining the reasons for withdrawing certain normative formulations in draft regional regulations at each level of discussion; and
5. the basic material for the local government's statement regarding the regional regulation draft prepared by the initiator to be submitted to the DPRD and the Regional Head [13].

The legal basis for the need for Academic Papers in forming Regional Regulations is specified in Article 56 paragraph (2) of Law Number 12 of 2011 concerning Formation of Legislation including:

1. Draft Provincial Regulations can come from the Provincial DPRD or the Governor;
2. The Draft Provincial Regulation is accompanied by explanations or statements and/or Academic Papers; and
3. Changes to Provincial Regulations which are limited to changing a number of materials, accompanied by a statement containing the main ideas and content material regulated.

Based on the provisions of Article 63 of Law Number 12 of 2011, "Provisions regarding the preparation of Provincial regional regulations as referred to in Articles 56 to Article 62 apply mutatis mutandis to the preparation of Regency/City Regional Regulations". Because it applies mutatis mutandis in the formation and drafting of provincial/regency/city regulations, academic texts are also used in drafting district/city regional regulations. The provisions of Article 56 paragraph (2) of Law Number 12 of 2011 are not in accordance with the guidelines for formulating norms as stipulated in Law Number 12 of 2011 itself, so that the formulation of the right norms should be the formulation in Article 56 paragraph (2), namely "The Provincial Raperda as referred to in paragraph (1) must be accompanied by an explanation or statement and/or Academic Papers". In Article 56 paragraph (2) the formulation must use the normative phrase must, because the normative phrase must contain the meaning as a requirement, so that the Academic Paper becomes a requirement that must be fulfilled in the formation and preparation of draft laws or regional regulations, because if there is no text The academic draft is not valid, the draft law or regional regulation draft has been stipulated, because the conditions have not been met so that it cannot be discussed in the DPRD.

## **2. Implementation of the preparation of quality academic draft Perda based on Pancasila**

Article 1 paragraph (3) of the 1945 UUDNRI, that the State of Indonesia is a state based on law. As a rule of law, all aspects of life in the field of society, nationality and statehood including government must be based on laws in accordance with the national legal system. The national legal system is the law that applies in Indonesia with all its elements that mutually support one another in order to anticipate and overcome problems that arise in the life of society, nation and state. With the status of a state law, Indonesia embodies the law that applies through written law, namely statutory regulations

In its development, the standard use of the term Academic Papers of Legislation and Regulations was popularized in 1994 with the Decree of the Head of the National Legal Development Agency Number G-159.PR.09.10 of 1994 concerning Technical Instructions for Preparation of Academic Papers of Legislation, it was stated that Academic Papers of Regulations Legislation is the initial text that contains the arrangement of legal materials in certain fields that have been reviewed systemically, holistically and futuristically.

Because Academic Papers are a requirement in the formation of regional regulations, the DPRD will not discuss the draft regional regulations if they are not accompanied by Academic Papers. Because it is a requirement, from a legality perspective, a regional regulation that is discussed and determined and promulgated is invalid if it is not accompanied by an Academic Paper [14].

Pancasila as the way of life of the Indonesian nation has been formulated in a compact form in the form of a unified set of five precepts called Pancasila. Consciously and intentionally, Pancasila was



placed in the Preamble to the 1945 Constitution as the philosophical basis that underlies and animates the preparation of the provisions contained in the Undnag-Undnag. Thus, Pancasila underlies and animates state life in Indonesia, including activities to determine and carry out its legal politics. Therefore, the preparation and application of the legal system in Indonesia since the enactment of the Constitution must be based on and inspired by Pancasila as the nation's view of life.

The methodological process through the preparation of Academic Papers is expected to be able to record problems, map problems and their causal factors, determine the parties involved and those who implement regulations, determine how to approach enforcement, determine how conformity and parallel (comply) with the existing legal system, and become the framework of reference for how regulation should be carried out in such a way that the Laws and Regulations drafted will be more responsive to problems and able to adapt to future developments [16]

Academic manuscripts are prepared through a research or research process using the scientific method and research principles as it is appropriate for someone to do research in a tertiary institution, the substance of which is adjusted to the needs that become the content material of a regulation (laws and regulations) to be formed. The research process is carried out using scientific research principles with methods and techniques in accordance with scientific research principles so that the results are guaranteed validity, philosophically, sociologically, and juridically and can be accounted for.

The research process was carried out using the method of collecting legal materials and data with the following studies:

1. normative-judicial, using a statutory approach (statute approach) examines laws and regulations related to the legal basis, basis for institutional authority and content material, and uses a conceptual approach (conceptual approach) examines the opinions of legal experts related to the object studied.
2. empirical-sociological, examines the problems that exist in society in accordance with the needs and material content of laws and regulations. This data is obtained through the method; interviews with (stakeholders) stakeholders related to the interests regulated by the established laws and regulations, observations, and focus group discussions (FGD) with stakeholders (stakeholders) and experts in their fields.

After the research process was completed, draft Academic Papers were drafted, and public consultations were carried out involving stakeholders, experts from tertiary institutions, and parties related to the material substance of the drafted regional regulations. The results of the research and studies conducted are compiled in the form of an Academic Paper using the following format and systematics:

Bab I	Pendahuluan
Bab II	Kajian Teoretis Dan Praktik Empiris.
Bab III	Evaluasi Dan Analisis Peraturan Perundang-undangan
Bab IV	Landasan Filosofis, Sosiologis Dan Yuridis
Bab IV	Jangkauan, Arah Pengaturan, Dan Ruang Ruang Lingkup Materi Muatan, Undang-Undang, Peraturan Daerah Provinsi Atau Peraturan Daerah Kabupaten/Kota.
Lampiran	Rancangan Peraturan Perundang-undangan

Substantially, the content material of each chapter of the Academic Paper systematics can be described as follows:

## 1. Chapter I

contains background material, contains thoughts and reasons for the need for the preparation of Academic Papers as a reference for the formation of certain Draft Regional Regulation Bills. The background explains why the formation of a Bill or Raperda of a Legislation requires an in-depth and comprehensive study of scientific theory or thinking related to the material content of the Bill or Draft Regional Regulation that will be formed. This scientific thinking leads to the preparation of philosophical, sociological and juridical arguments in order to support whether or not there is a need for drafting a Bill or Raperda. The introductory chapter also contains problem identification including a formulation of what problems will be found and described in the academic paper. Basically the identification of problems in an Academic Paper includes 4 (four) main issues, namely as follows:

1. What problems are faced in the life of the nation, state and society and how can these problems be overcome;
2. Why is the Draft Regional Regulation needed as the basis for solving the problem;
3. What are the considerations or philosophical, sociological, juridical basis for the formulation of the Draft Law or Draft Regional Regulation; and
4. What are the objectives to be realized, scope of regulation, scope and direction of regulation.

The Preliminary Chapter also contains material about the purpose and use of Academic Paper preparation activities in accordance with the scope of problem identification stated above, the purpose of Academic Paper preparation is formulated as follows:

1. Formulate the problems faced in the life of the nation, state and society as well as ways to overcome these problems.
2. Formulate the legal issues encountered as reasons for the formation of the Draft Regional Regulations as the legal basis for settling or solving problems in the life of the nation, state and society.
3. Formulate considerations or philosophical, sociological, juridical basis for the formation of Draft Regional Regulations.
4. Formulate the goals to be realized, the scope of regulation, scope and direction of regulation in the Draft Regional Regulations.
5. Meanwhile, the use of the preparation of Academic Papers is as a reference or reference for the preparation and discussion of Bills or Raperda.

The preparation of Academic Papers is basically a research activity so that the method for preparing Academic Papers based on legal research methods or other research is used. Legal research can be carried out through normative juridical methods and empirical juridical methods. Empirical juridical methods are also known as sociolegal research including:

1. The normative juridical method is carried out through literature study which examines (mainly) secondary data in the form of laws and regulations, court decisions, agreements, contracts or other legal documents, as well as research results, study results and other references. Normative juridical methods can be supplemented by interviews, discussions (focus group discussions), and hearings.
2. The juridical empirical or sociolegal method is research that begins with normative research or a review of (normative) laws and regulations, followed by in-depth observation and distribution of questionnaires to obtain data on non-legal factors related to and influencing the laws and regulations studied.

## 2. Chapter II

it contains a description of theoretical material, principles, practices, thought developments, as well as the social, political, and economic implications of state finances from the provisions in a

Provincial Regional Regulation, or Regency/City Regional Regulation. This chapter is described in the following sub-chapters:

- a. Theoretical study.
- b. Study of the principles/principles related to the formulation of norms.
- c. The analysis of the determination of these principles also pays attention to various aspects of the field of life related to the Laws and Regulations that will be made, which originate from research results.
- d. Study of implementation practices, existing conditions, and problems faced by the community.
- e. Study of the implications of implementing a new system that will be regulated in laws or regional regulations on aspects of people's lives and their impact on aspects of the state's financial burden.

### 3. Chapter III

Contains evaluation material and analysis of laws and regulations related to the preparation of laws and regulations that will be drafted. This chapter contains the results of a study of the relevant laws and regulations which contain the existing legal conditions, the linkages of the new laws and regulations with other laws and regulations, vertical and horizontal harmonization, as well as the status of existing laws and regulations, including laws and regulations invitations that are revoked and declared invalid as well as laws and regulations that are still valid because they do not conflict with the new laws and regulations. This review of Legislation is intended to find out the legal conditions or statutory regulations governing the substance or material to be regulated.

In this study, it will be known the position of the new Law or Regional Regulation. This analysis can describe the level of synchronization, harmonization of existing laws and regulations as well as the position of local laws and regulations to avoid overlapping regulations. The results of this explanation or description become material for the preparation of the philosophical and juridical basis for the formulation of the Law, Provincial Regulation or Regency/City Regional Regulation that will be formed.

### 4. Chapter IV

Contains material on philosophical foundations, sociological foundations, and juridical foundations. The philosophical foundation is a consideration or reason that illustrates that the regulations formed take into account the view of life, awareness, and legal ideals which include the inner atmosphere and philosophy of the Indonesian nation originating from Pancasila and the Preamble to the 1945 Constitution of the Republic of Indonesia. Sociological foundation is a consideration or reason that illustrates that regulations are formed to meet the needs of society in various aspects. The real sociological foundation concerns empirical facts regarding the development of problems and needs of society and the state.

The juridical basis is a consideration or reason that illustrates that regulations are formed to resolve legal issues or fill legal voids by taking into account existing regulations, which will be amended, or which will be revoked in order to guarantee legal certainty and a sense of justice for the community. The juridical basis concerns legal issues relating to the regulated substance or material so that it is necessary to form new laws and regulations. Some of these legal issues, among others, are regulations that are outdated, regulations that are not harmonious or overlapping, types of regulations that are lower than the law so that their effectiveness is weak, regulations that already exist but are inadequate, or regulations that do not exist at all.

### 5. Chapter V

Contains material on the Outreach, Regulatory Direction, and Scope of Material Content of laws, provincial regional regulations, or district/city regional regulations. Academic Papers ultimately function to direct the scope of content material for Draft Laws, Draft Provincial Regulations, or Draft



Regency/Municipal Regulations that will be formed. In this chapter, before outlining the scope of content material, objectives to be realized, direction and scope of regulation are formulated. The material is based on the reviews that have been put forward in the previous chapter.

Furthermore, regarding the scope of the material basically includes:

1. General provisions contain academic formulations regarding the meaning of terms and phrases.
2. The material to be arranged.
3. Provisions of Sanctions; and
4. Transitional Provisions
5. The closing chapter consists of concluding and suggesting sub-chapters.

#### a. Conclusion

The conclusion contains a summary of the main ideas related to implementation practice, the main theoretical elaborations, and the principles described in the previous chapter

#### b. Suggestions for loading include:

- 1) It is necessary to sort out the substance of Academic Papers in a Legislation or Legislation under it;
- 2) Recommendations regarding the priority scale for drafting laws/regional drafts in the National Legislation Program/Regional Legislation Program;
- 3) Other activities needed to support the improvement of Academic Papers; and
- 4) The bibliography contains books, laws and regulations, and journals which are the source of materials for preparing academic papers.

According to Maria Farida Indrati S, the habit of compiling academic texts in the past did not have a big impact, in the sense that the finished Academic Papers were often not used in drafting laws, because there was no firm regulation regarding the relationship between BPNH Ministry of Justice and Ham RI. According to Harry Alexander that the position of Academic Manuscripts is:

- a. Preliminary material containing ideas about the urgency, approach, scope and content of a regional regulation;
- b. Material for consideration used in the application for permission to initiate the drafting of Raperda/Draft Regional Legal Products to Regional Heads and;
- c. Basic materials for the preparation of Raperda/Design of regional law products;

In addition to the opinions mentioned above, according to Sonny Maulana S who uses the term Academic Plan, there are 3 (three) functions of the Academic Plan, namely:

- a. Informing that the designer has considered various facts in writing the regional regulation draft;
- b. Considering that the designer arranges the facts logically; and
- c. Ensuring that the draft regional regulation is born from a decision-making process that is based on logic and facts.

After the Academic Paper has been prepared, it is used as a guide in designing regional regulations. According to Ann Siedman et.al, the law-making process must be based on and go through six important stages, namely:

- 1) the origin of the draft law (a bill of origins);
- 2) concept (the concept paper);
- 3) prioritization;
- 4) drafting the bill;

- 5) research; and
- 6) Who has access? (who has access and supplies input into the drafting process).

According to Satjipto Rahardjo, in essence the process of drafting laws can be divided into two major categories, the sociological stage and the juridical stage. In the sociological stage, processes take place to finalize a problem, so that it enters the juridical agenda, while in the juridical stage, work is carried out which really involves the formulation of a law.

Based on the opinion of Ann Seidman et.al that one of the stages in drafting a law is research, because in this research it will be explored and studied the substance of the problem which forms the background and reasons for the formation of statutory regulations including an overview of the regulated content. This is in line with Satjipto Rahardjo's opinion that from the two processes of drafting laws, namely the sociological process and the juridical process, the sociological process is through studies and research to obtain legal materials and data on social issues which are the reasons and material substance for the formation of laws and regulations, while the juridical process is the preparation of the draft legislation.

According to Ann Seidman et.al, the research report contains suggestions and possibilities for solving social problems that are being tried to be solved, in other words, the research report aims to equip draft lawmakers to formulate details in draft laws and implement statutory theory and methodology. that might promote credible and accountable governance. Research and studies whose results are written in the form of academic papers is a stage which is a necessity to be carried out as a requirement in drafting regional laws and regulations. The validity of a law produced is strongly influenced by the fulfillment and quality of the results of the stages in the Academic Paper process.

That the preparation of Academic Papers has a very important position as substantially material and guidance in the formation of regional regulations, because the Academic Papers contain very comprehensive and fundamental study results as material in the preparation of Raperda

Regarding the technique of drafting and systematic "explanation or explanation" of draft regional regulations, in Law Number 12 of 2011 concerning the Formation of Legislation, it is not regulated as is the technique of preparation and systematics of academic papers contained in Appendix I. The technique for compiling and systematically "explanation or information" the draft regional regulation should need to be regulated so that in its implementation there are limits and uniformity. Likewise with the "description" of draft regional regulations, it is necessary to determine the preparation technique and its systematics. As a result of the blurring of norms or the absence of norms in Article 56 paragraphs (2) and (3) of Law Number 12 of 2011 concerning Formation of Legislation, at the level of implementation in the regions, it can lead to differences in understanding, interpretation and commitment to implement them by each -each regional government in the formation of regional regulations. Behind all that, in the stage of forming regional regulations, academic papers are not only used as a mere formality requirement, but the most important thing is that the inclusion of the results of the study of academic texts will greatly determine the substance of a draft regional regulation to be formed so that it can be enforced when it is determined to become a regulation. area. What's more, regional regulations are the highest regional regulations in the context of local government, where the level of binding enforcement can be equated with laws.

There are two main reasons why a law cannot be implemented:

- 1) Legislators do not pay enough attention to whether the rules made later can be implemented or not. Legislators who consciously or unconsciously take the assumption that the rules made will automatically work;
- 2) Legislation is often made unrealistically. [17]

Several reasons can be put forward, related to a law not being implemented, when the drafting and planning process is not carried out with an in-depth study, namely:

- a. This happened to the making of laws and regulations which were orders from political elites, foreign countries, and international financial institutions. here per-UU and regulations are considered as commodities, political elites can determine that laws and regulations are made, not because of the needs of the people, but so that Indonesia has laws and regulations that are comparable to industrial countries. Meanwhile, foreign countries or international financial institutions may ask to make certain laws and regulations as a condition for obtaining foreign loans or grants;
- b. Legislation that becomes a commodity, usually pays little attention to law enforcement issues. As long as the "trade off" from making laws and regulations has been obtained, law enforcement is not important. Even the regulations.

Laws like this are unrealistic to enforce because they are made by directly adopting laws and regulations from other countries which incidentally are has a legal infrastructure that is much different from Indonesia [18]. There are many problems that cannot be known from the start, in the case that the formation of a law is not preceded by the preparation of an academic text. Sometimes it can happen, the formation of laws does not provide answers to various problems in society. It can even happen, when a law has been formed and declared valid, it turns out to be contrary to other laws that have been previously formed, causing legal problems in implementation [19].

Thus, in the formation of regional regulations which also have a relationship with the formation of laws, Moh. Mahfud MD stated: "Related to the formation of this participatory law, it contains two meanings, namely process and substance. Process is a mechanism in the formation of laws that must be carried out in a transparent manner so that the public can participate in providing inputs in regulating an issue. Substance is the material to be regulated that must be addressed to the interests of the wider community so as to produce a democratic law with a responsive/populist character." [20]

Therefore, in order to prevent these problems from recurring and as a solution to resolve legal issues that arise and meet the legal needs of the community, it is necessary to carry out academic studies in the process of forming laws and regulations.

## **Conclusion**

Based on the description above, it can be concluded as follows:

- 1) The Academic Paper is a theoretical justification that examines from the philosophical, sociological and juridical aspects in the formation of regional regulations, because in the Academic Paper it will describe philosophically the ideals of law and the intended and regulated benefits, the sociological aspects will be described about social problems (problematic behavior) to be solved by establishing regional regulations, and from a juridical aspect as the legal basis for the formation of regional regulations, and institutional competence (authority of the institution) for the formation of regulations and their synchronization with other regulations.
- 2) Academic Papers are a requirement in the formation of regional regulations, because Academic Papers are so important, regional regulations will not be discussed by DPRD if they are not accompanied by Academic Papers, because in the Academic Papers the substance of the material that will be regulated in the draft Regional Regulations is illustrated.Referensi.

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