

## THE RULE IDENTIFICATION URGENCY SOLUTION (RIUS) METHOD IN PREPARATION OF REGIONAL REGULATION ACADEMIC MANUSCRIPTS

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### ABSTRACT

The purpose of this research was conducted to offer a new method in the preparation of academic texts on laws and regulations. Academic Manuscripts contain the results of research regarding the contents of the content or proposals submitted to be regulated in a provision of statutory regulations and or regional regulations. Provisions related to the preparation of academic manuscripts have been regulated in laws and regulations, but a special method is needed in preparing academic manuscripts so that they are in accordance with the needs of the community. In this study using normative legal research methods. The findings in this study are that there is a novelty method that can be used in the preparation of academic manuscripts, namely the *Rule Identification Urgency Solution (RIUS)*. With the *RIUS* method, an academic text can be used as a basis or basis for argumentation in the formation of laws and regulations or regional regulations. In conclusion, the *RIUS* method is a method that can analyze the rule of law, identify problems, the urgency of why these regulations are needed, and the solutions that can be provided. The *RIUS* method was first applied by researchers in preparing academic texts for regional regulations in the Badung Regency Government and Jembrana Regency Government, in this case researchers as experts in preparing academic manuscripts. Suggestions that can be given are that in the preparation of academic papers it is best to focus on analyzing what problems occur in society so that a regulation is needed

**Keywords:** Academic Manuscripts; Methods; Regional Regulations; Rule Identification Urgency Solution.

### 1. INTRODUCTION

The ability to divert the attention of policymakers to certain things can of course dramatically influence political choices and the resultant policy products.<sup>1</sup> In the political context at issue, namely the purpose of preparing academic texts in order to provide good regulations in a policy. In making a policy contained in a regional regulation, it cannot be separated from political elements, but even though it has a political element, the formation of regional regulations must be based on good academic manuscripts. Academic papers in this case need to be prepared by people who have expertise in their field and based on the provisions of the rules, foundations, and appropriate principles and concepts. But apart from all of these things, a special method is also needed in preparing academic manuscripts on laws and regulations or regional regulations. The specific method used can be used as a basis for including every legal norm contained in laws and regulations or regional regulations so that it reflects the demands of the community's own needs for legal norms that are in accordance with reality and provide benefits and solutions to symptoms in society.

1 Nik Ahmad Kamal Nik Mahmud, "Good Governance and the Rule of Law," *UUM Journal of Legal Studies* 4 (2013): 1–31.

Even though it is in the interest of the majority of legislators to make or defend laws<sup>2</sup>, in this case the preparation of academic texts must still be made in accordance with philosophical, sociological and juridical foundations. This is because the text of the Academic Draft Law is a text that is prepared as a result of research activities that are academic in nature in accordance with the principles of science which are rational, critical, objective and impersonal.

A policy issued must be measurable, a policy issued by a policy institution must be measurable through this policy towards stakeholders.<sup>3</sup> Whereas in making mandatory policies based on statutory regulations this will relate to the preparation of academic texts as the basis for the birth of good policies in the form of statutory regulations. That an academic text in this case must focus on providing data and scientific facts on the realities of problems or problems that occur in society and an academic text must be able to provide an analysis of what is needed for a legal need in society. Academic papers must be able to answer any legal needs that are needed in society, so that there is a need for recommendations for drafting laws or regional regulations in solving problems or problems that occur within the scope of society.

In general, there is a method used by regulators in preparing regulations, namely the legalistic method.<sup>4</sup> The legalistic approach starts with the legal system, and continues by drawing from a list of existing legal areas or issues that are affected.<sup>5</sup> Regarding the identification of problems in terms of legal regulations which can be used as a solution in solving these problems, this can be answered by using academic manuscripts as a basis for identifying legal problems. The preparation of academic texts must contain a philosophical basis, namely containing legal ideals in accordance with Pancasila and the Constitution of the 1945 Constitution of the Republic of Indonesia (the aim is that a statutory regulation has a vision and can be valid for a certain time long), the basis of Sociology, which contains the conditions of practice in a society that exists (the aim is that regulations can be effective because society is reasonably accepted). Juridical basis, that is statutory regulations have valid rules legally / considering legal reasons / guarantees legal certainty. In the method of preparing Academic Manuscripts other analysis instruments, such as *ROCCIP* (Rule, Opportunity, Capacity, Communication, Interest, Process, and Ideology) & *RIA* (Regulatory Impact Assessment).

Efficient legislation process enacted and circumvented dozens of different bills.<sup>6</sup> By using the method of compiling the formation of good laws and regulations, it will avoid the accumulation of dozens of regulations. Whereas in the preparation of a legal product, namely in the formation of laws and regulations and regional regulations, it is important to emphasize the relationship between a policy that will be made with the reality of facts or social reality that exists within the scope of society. The preparation of legal products must contain an overview of social, economic and political phenomena and dynamics that develop within the scope of society, so that an academic text is needed in the preparation of laws and regulations or regional regulations, in this case the academic text can be used as basis of argumentation about the extent to which social benefits in society are in line with the direction and objectives of legal development to be achieved.

The preparation of laws and regulations can be found in Article 2 of Law Number 12 of 2011 concerning the Formation of Legislation, which stipulates that "Pancasila is the source of all sources of State law". Meaning and function and context Pancasila as the source of all legal sources, namely Pancasila as the source of all legal sources of giving meaning that the national legal system must be based on Pancasila which is described in the academic text of the draft legislation, making Pancasila as a legal school so that legal disharmony does not occur again, and Pancasila as the pinnacle of statutory regulations so that Pancasila has binding power for

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- 2 Agnes Fitryantica and Regy Hermawan, "Fast-Track Legislation Mechanism as an Alternative to the Formation of Legislation in Indonesia," *Jurnal Ilmiah Kebijakan Hukum* 16, no. 3 (2022): 423–32.
  - 3 Willy Wibowo, "A Concept of the Needs of The Ministry's Internal Policy Agency for the Policy Response to the Formation of BRIN," *Jurnal Ilmiah Kebijakan Hukum* 17, no. 1 (2023): 41–54.
  - 4 Nicolas Petit, "Law and Regulation of Artificial Intelligence and Robots-Conceptual Framework and Normative Implications," *Available at SSRN 2931339* 1, no. 1 (2017): 6–7, <https://doi.org/http://dx.doi.org/10.2139/ssrn.2931339>.
  - 5 Nazura Abdul Manap and Azrol Abdullah, "Regulating Artificial Intelligence in Malaysia: The Two-Tier Approach," *UUM Journal of Legal Studies* 11, no. 2 (2020): 183–201.
  - 6 Peter C Hanson, "Abandoning the Regular Order: Majority Party Influence on Appropriations in the US Senate," *Political Research Quarterly* 67, no. 3 (2014): 519–32.

all types of laws and regulations, the overall meaning and function of which is described in the academic text of the draft laws and regulations.

This is intended so that the objectives of the State of Indonesia as stated in the Preamble to the 1945 Constitution of the Republic of Indonesia can be realized through the Formation of Legislation. Based on the provisions of Law Number 12 of 2011 concerning the Formation of Legislation in Article 1 number 11 it states that Academic Papers 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 draft. Laws, Draft Provincial Regulations, or Draft Regency/Municipal Regulations as solutions to the problems and legal needs of society.

Even though the provisions related to the preparation of academic papers have been regulated in laws and regulations, the importance of a Special Method in preparing academic manuscripts of statutory regulations is included in the preparation of regional regulations in order to achieve the formation of a regulation whose benefits are in accordance with the needs of the community. The specific method used can be used as a basis for including every legal norm contained in laws and regulations or regional regulations so that it reflects the demands of the community's own needs for legal norms that are in accordance with reality and provide benefits and solutions to symptoms in society. Academic papers must be able to answer any legal needs required in society. The formation of laws and regulations has been regulated in Law Number 12 of 2011 concerning Guidelines for Forming Legislation, which in its development underwent changes after the enactment of Law Number 13 of 2022 concerning Second Amendments to Law Number 12 of 2011, where one of the changes is the enactment of the *Regulatory Impact Analysis (RIA)* method and the *Rule, Opportunity, Capacity, Communication, Interest, Process, and Ideology (ROCCIP)* method as a basis for consideration in the Formation of Legal Products contained in Academic Papers for Draft Laws/Regional Regulations. This research article will also explain the comparison between the *RIA* and *ROCCIP* and *RIUS* methods, which will be explained further in the discussion section.

Based on the background of the problems raised above, this research article focuses on methods that can be used in the preparation of regional regulations academic manuscripts, therefore, the authors are interested in conducting legal research with the title: The *rius* method in preparation of regional regulation academic text.

The novelty of this research article with other research articles can be seen from several articles, namely the first<sup>7</sup> Suska, research article entitled Principles of Regulatory Impact Assessment in the Process of Drafting Legislation According to Law Number 12 of 2011, research discusses *Regulatory Impact Assessment (RIA)* as a method in formulating policies with an approach that is expected to accommodate all needs in drafting legislation, this study compares the concepts in *RIA* with the process of forming laws in Law Number 12 of 2011. The difference in this research article is that the *RIA* method is a method in formulating policies with an approach that is expected to accommodate all needs in drafting legislation, while the *RIUS* method is a method that has elements of a structured approach from the study of interrelated rules. identification of problems, the urgency of the importance of regulations to be issued and solutions that can be provided so that these regulations are born. Furthermore, the second<sup>8</sup> Ihsanul Maarif & Firdaus Arifin, research article entitled Comparison of the use of the analysis regulatory method as a policy supporting instrument in the preparation of laws and regulations, The research discusses the use of the analysis regulatory method as a policy supporting instrument in the preparation of laws and regulations as well as the development of the *RIA* and *ROCCIP* methods in the formation of laws and regulations. The difference in this study is that it lies in the discussion of methods for preparing different academic papers, in this study it offers a new method, namely the *RIUS* method which is structurally different in its analysis. Furthermore, the three<sup>9</sup> Victor Imanuel W. Nalle & Martika Dini Syaputri, research article entitled *SROI: Alternative Methods in Post-Legislation*

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7 Suska, "Prinsip Regulatory Impact Assessment dalam Proses Penyusunan Peraturan Perundang-Undangan sesuai Undang-Undang Nomor 12 Tahun 2011", *Jurnal Konstitusi* 9, no. 2 (2012):358–379.

8 Ihsanul Maarif & Firdaus Arifin, "Komparasi penggunaan analisis regulatory method sebagai instrumen pendukung kebijakan dalam penyusunan peraturan perundang-undangan", *Jurnal Litigasi* 23, no. 2 (2022):272–290.

9 Victor Imanuel W. Nalle & Martika Dini Syaputri, "SROI: Metode Alternatif dalam Riset Evaluasi Pasca-Legislasi", *Jurnal IUS Kajian Hukum dan Keadilan* 9, no. 3 (2021):646–663.

Evaluation Research, research discusses Social Return on Investment (*SROI*) as a method of evaluating the implementation of laws. This method can be an alternative discourse in evaluating laws in Indonesia but needs to be supported by evaluation guidelines that explain concrete steps in a quantitative evaluation of laws. The difference in this research article lies in the two methods which have different functions, in this case the *RIUS* method as a starting point in the study of good regulation preparation while the *SROI* method as a basis for evaluating regulations that have been implemented.

## **2. METHOD**

The research used in this study, the type of research used is juridical-normative law research using statutory approach and conceptual approach. This type of approach in legal research provides an analytical perspective on problem solving in legal research from a juridical perspective and the legal concepts behind it.<sup>10</sup> Research focuses on an inventory of “positive law, principles, legal doctrine, comparative law, & legal history”,<sup>11</sup> in terms of contextual approach, namely to identify ideas giving rise to legal meanings, legal principles or legal arguments for settlement problems encountered.<sup>12</sup> This article is reflected as a “legal journal article” that has academic contribution as reputable article.<sup>13</sup> This research article focus on discussion, the *rius* method in preparation of regional regulation academic manuscripts. That the academic manuscript in this case contains a research result regarding the contents of the submitted content material or proposals to be regulated in a provision of laws and regulations and or Provincial and Regency/City regional regulations. Furthermore, each content of the content material must have scientific studies that are structured, systematic, measurable, and based on certain methods, and in this case fulfill research principles to obtain a research result in an academic text that explains and analyzes the facts that exist in the community.

## **3. FINDINGS AND DISCUSSION**

### **3.1. Legislation and Regional Regulations**

In this sub chapter explaining Legislation and Regional Regulations the aim is to provide a detailed explanation of Legislation and Regional Regulations, which will then be related to the discussion of specific methods in preparing academic texts of regional regulations.

The classification of government affairs consists of absolute government affairs, concurrent government affairs, and general government affairs. Absolute government affairs are government affairs which are fully under the authority of the Central Government. Concurrent government affairs are government affairs that are divided between the central government and provincial and district/city regions. Concurrent government affairs handed over to the regions became the basis for the implementation of regional autonomy. General government affairs as government affairs are under the authority of the president as head of government.<sup>14</sup> Absolute government affairs are all matters that are the absolute authority of the central government consisting of foreign policy, defense, security, national monetary and fiscal, religion and justice. Whereas with government affairs fully under the authority of the central government (absolute) and government affairs divided between the central government and regional governments (concurrent), regional executives and legislatures are faced with regional affairs (regional autonomy) so that they have authority in establishing regional regulations in managing regional autonomy.

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- 10 Irwansyah, (Ahsan Yunus ed)., “Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel” (Surakarta: Mirra Buana Media, 2020):127.
  - 11 Nafay Choudhury, “Revisiting Critical Legal Pluralism: Normative Contestations in the Afghan Courtroom•,” *Asian Journal of Law and Society* 4, no. 1 (2017): 229–55.
  - 12 I Nyoman Prabu Buana Rumiarta, Ni Luh Gede Astariyani, and Anak Agung Sagung Ngurah Indradewi, “Human Rights of Indigenous People in Indonesia: A Constitutional Approach,” *Journal of East Asia and International Law (JEAIL)* 15, no. 2 (2022): 395–402.
  - 13 Asmah Laili Yeon, “An Overview of High Impact Law Journals in Asian Countries,” *UUM Journal of Legal Studies* 12, no. 2 (2021): 253–82.
  - 14 Salmon Bihuku, Telly Sumbu, Harly Stanly Muaja, “Urusan Pemerintahan Konkuren menurut Undang-Undang Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah,” *Lex Administratum* 6, no. 1 (2018): 38–45.



The aspect of the difference between laws and regional regulations, in this case according to the principle of decentralization, the regions have the authority to make regional policies (regional regulations) to regulate their own government affairs (regional autonomy). Regional authorities cover all authorities in the field of government, except for the fields of foreign policy, defense, security, justice, national monetary and fiscal, and religion which are regulated in law. Whereas regional regulations have various functions, including as policy instruments in the regions to carry out regional autonomy and co-administration tasks as mandated in the 1945 Constitution and the Regional Government Law, but these regulations are basically implementing regulations from a higher PUU. In addition, regional regulations can function as a policy instrument to accommodate regional specificities and diversity as well as channel the aspirations of the people in the regions, but in their arrangement they remain within the corridors of the Unitary State of the Republic of Indonesia which is based on Pancasila and the 1945 Constitution.

Article 18 paragraph (6) of the 1945 Constitution which states “The regional government has the right to issue regional regulations and other regulations to carry out autonomy and assistance tasks”. The authority to form Regional Regulations rests with the Regional Head and the Regional People’s Representative Council. This is in accordance with Law Number 23 of 2014 concerning Regional Government namely in Article 25 letter c that “Regional Heads have the duty and authority to issue Regional Regulations that have received joint approval from the Regional People’s Representative Council” and Article 42 paragraph (1) letter a that “The Regional People’s Legislative Council has the duty and authority to form Regional Regulations which are discussed with the Regional Head to obtain mutual approval”, and Article 136 paragraph (1) that “Regional Regulations are stipulated by the Regional Head after obtaining joint approval of the Regional People’s Representative Council”. Taking into account the provisions regarding the Regional Regulation referred to, it can be concluded that the Regional Regulation has various functions, including as a policy instrument in the regions to carry out regional autonomy and co-administration tasks as mandated in the 1945 Constitution and the Regional Government Law.

That legal reform is one way to create a competitive Indonesian character. The nation’s ability to be highly competitive is the key to achieving national progress and prosperity.<sup>15</sup> To achieve good legal reform so as to achieve the goal of public welfare, it is necessary to establish laws and regulations whose rules provide welfare goals. The terms laws and regulations come from the word law, which refers to the type or form of regulations made by the state. In Dutch literature, the term *wet* is known, which has two meanings, namely *wet in formele zin* and *wet in materiel zin*, namely the meaning of laws based on their content or substance.<sup>16</sup> The use of the term legislation as its origin is a law with a prefix and an ending -an. What is meant in the context of the use of this term is what is related to a law, not the word law which has another connotation.<sup>17</sup>

Laws and regulations are State regulations at the central and regional levels which are formed based on statutory authority, in this case having the nature of attribution or delegation. Formation in laws and regulations is a part of the process of forming a new law, because law includes a process, procedure, behavior, and customary law. The formation of government laws and regulations, both at the central and regional levels, is required to be able to formulate a matter of what possibilities, trends and opportunities will occur in the future or in the future, be able to analyze and see opportunities to minimize the obstacles that will be faced when enforcing a statutory regulation.

The word policy is often used to mean particular program objectives, decisions, laws, proposals, benchmarks, and significant purposes. Policies are generally used to select and indicate the most critical choices to strengthen life, both in the life of government and private organizations.<sup>18</sup> A regulation is related to

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15 Edward James Sinaga, “Implementation of Regulatory Policy in Government Agency,” *Jurnal Ilmiah Kebijakan Hukum* 16, no. 2 (2022): 323–40, <https://doi.org/http://dx.doi.org/10.30641/kebijakan.2022.V16.323-340>.

16 Ni’matul Huda and Riri Nazriyah, *Teori Dan Pengujian Peraturan Perundang-Undangan* (Bandung: Nusamedia, 2019).4-5.

17 Huda and Nazriyah.4-5.

18 Usman Munir and Baiq Rara Charina Sizi, “The Regulation of The Local Government of West Nusa Tenggara Province Regarding Tourism on The Era of Covid 19,” *Jurnal IUS Kajian Hukum Dan Keadilan* 10, no. 1 (2022): 64–77.

the policies contained in the regulation.

Regarding statutory regulations, in this case Regional Regulations, that there are two types of Regional Regulations, namely Provincial Regulations and Regency/City Regional Regulations. Provincial Regional Regulations are Legislations established by the Provincial People's Representative Council with the approval of the Governor. Regency/City Regional Regulations are Laws and Regulations established by the Regency/City Regional People's Legislative Council with the joint approval of the Regent/Mayor.<sup>19</sup>

Regional regulations are one of the legal products made by the regions, the scope of authority to form regional regulations is determined that regional regulations regulate household affairs in the field of autonomy and household affairs in the field of co-administration. In the area of autonomy, regional regulations can regulate all government affairs and public interests that are not regulated by the center. Regional Regulations in the field of co-administration only regulate procedures for carrying out the substance of government affairs or a public interest.<sup>20</sup> The authority to form Regional Regulations rests with the Regional Head and the Regional People's Representative Council. Regional Regulations are stipulated by the Regional Head after obtaining joint approval from the Regional People's Representative Council. Regarding the basis for the authority to form regional regulations, it is regulated in Article 18 paragraph (6) of the 1945 Constitution of the Republic of Indonesia which reads: "The regional government has the right to stipulate regional regulations and other regulations to carry out autonomy and assistance tasks". Considering that regional regulations are political products, regional policies that are political in nature can influence the substance of regional regulations. Therefore, it is necessary to consider that this political policy does not cause turmoil in society.

### **3.2. Academic Manuscripts**

The text of the Academic Draft Law is a text that is prepared as a result of research activities that are academic in nature in accordance with the principles of science which are rational, critical, objective and impersonal.<sup>21</sup> Through interpretation, humans gain understanding "verstehen" and interpretation in interpretation not only understands the text but also explores the contents of its literal meaning in depth, essentially centering on the circle of "interpretation", and the precision of application subtlety "applicandi".<sup>22</sup> These three things can be used as a basis for analyzing a law or regional regulation originating from an argument in the form of an Academic Manuscripts.

Preparation of academic manuscripts through a study that in depth and comprehensive in the formation of laws. Besides that, in a substantive manner, it provides a general description of the problems currently being faced substance related. A general description of the urgency of establishing or amending the law and a statement of the need for a legal solution to resolve it these problems through the formation or amendment of laws. The problems described are not only related to the rules but also other factors in the legal system such as legal structure and legal culture. Regarding the urgency of forming a law is described in background as a consequence of the problems encountered at the moment.

Referring to the provisions of Law Number 12 of 2011 concerning the Formation of Legislation in Article 1 number 11 it states that 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 Draft Laws, Draft Provincial Regulations, or Draft Regency/Municipal Regulations as solutions to the problems and legal needs of society. Even though the provisions related to the preparation of academic papers have been regulated in laws and regulations, the importance of a Special Method in preparing academic manuscripts of statutory regulations is included in the preparation of regional regulations in order to achieve the formation of a regulation whose benefits are in accordance with the needs of the community.

In order to produce quality regional regulations, academic manuscripts as the basis, foundation and

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19 Rachmat Trijono, *Dasar-Dasar Ilmu Pengetahuan Perundang-Undangan* (Jakarta, Indonesia: Papas Sinar Sinanti, 2013).71-72.

20 Ni'matul Huda, *Problematisasi Pembatalan Peraturan Daerah* (Yogyakarta: FH UII Press, 2010).88-89

21 Jimly Asshiddiqie, *Perihal Undang-Undang* (Jakarta, Indonesia: Grafindo Persada, 2010).225-226.

22 Marhaendra Wija Atmaja, *Memahami Interpretasi Secara Hermeneutikal: Menalar Pertimbangan Hukum Puncak Nomor 50/PUU-XII/2014* (Badung: Udayana University Press, 2014).97-88.

scientific study of draft regional regulations materials must be good and of good quality. It can be predicted that if the academic manuscripts as the basis, foundation and scientific study of regional regulation draft materials turn out to be of poor quality, of course such academic papers will affect the quality of regional regulation drafts and the resulting local regulations. Therefore it is important to know the efforts or criteria for good and quality academic papers. The criteria or requirements for preparing academic papers can be classified as good and quality academic papers. The preparation of good and quality academic papers is the preparation of academic papers in accordance with laws and regulations and the theory of regulation formation.<sup>23</sup>

The preparation of this Academic Paper is very important, when viewed from the aspect of the usability of a design Regional Regulations that are required by community and local government, this is due because the preparation of academic manuscripts is manuscripts of research results or legal studies and results of other research on a particular problem that can be accounted for scientifically regarding the setting of the problem in a Draft Law, Draft Regulation Province Regions, Draft District/City Regional Regulations, as a solution to problems and community legal needs.<sup>24</sup> But apart from that, the importance of a special method in preparing academic manuscripts on laws and regulations is included in the preparation of regional regulations in order to achieve the formation of a regulation whose benefits are in accordance with the needs of the community.

There are dynamics of legislative policy developments related to research methodology for developing academic paper for legislative drafting in Indonesia, and weaknesses of legislative policy developments related to research methodology for legislative drafting in Indonesia. The national policy on legislation did not provide comprehensive guidance on research methods for developing academic paper for legislative drafting. The existing guideline discussed general issues, which affect quality of academic paper for legislative drafting. As an addition, academic paper for legislative drafting is treated as not more than complementary document for the drafting because it provided neither scientific justification nor arguments.<sup>25</sup> Various inhibiting factors in the process of preparing an academic manuscript for a Draft Regional Regulation both at the provincial and Regency/City levels include, First, the Legal Factor, namely Article 56 paragraph (2) of the Law of the Republic of Indonesia Number 12 of 2011 Concerning the Formation of Legislation-Invitation stipulates that "The Draft Provincial Regulation as referred to in paragraph (1) is accompanied by an explanation or description and/or Academic Paper." If it is carefully examined the inclusion of the clause ".....and/or....." legally the inclusion of the word clause and/or is an option (it can be included or it can be not included or it can also not be included in academic papers in in the process of drafting a draft regional regulations). It should be stated in the article of the Act that it must be explicitly stated that a Draft Regional Regulation must be accompanied by an Academic Paper, because an academic text is the result of a scientific study which begins with the results of research which contains a study of the philosophical, juridical and sociological foundations which of course involve various disciplines. knowledge that has to do with the Draft Regional Regulation that you want to submit.

Furthermore, Second, the Budget Factor, namely to produce quality academic papers, of course, must be supported by the availability of sufficient budget. However, in reality, the regional government and regional people's representative councils always allocate budgets that are less than sufficient for the preparation or preparation of academic papers. The importance of the support of maximum legal factors and budgetary factors will result in a regional legal product or regional regulation that can provide solutions to solving problems in the community.

### **3.3. The RIUS Method in Preparation of Regional Regulation Academic Manuscripts**

The ability to divert the attention of policymakers to certain things can of course dramatically influence political choices and the resultant policy products<sup>26</sup>, however political desires cause a difficult situation that

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- 23 M Yarni, "Preparation of Academic Papers According to Law Number 12 of 2011 in the Process of Forming Regional Regulations," *Journal of Law*, 2014, 163–64.
- 24 Ni Made Jaya Senastri and Luh Putu Suryani, "Function of Academic Text in Establishment Draft Regional Regulations," *Kertha Wicaksana Journal* 12, no. 1 (2018): 38–45.
- 25 Victor Imanuel W. Nalle, "Research methodology in legislative drafting in Indonesia," *The Theory and Practice of Legislation* 11, no. 1 (2022):83–96.
- 26 Mahmud, N., "Good governance and the rule of Law", UUM Journal of Legal Studies, vol.4,2013:1-31. <https://repo.uum.edu.my/id/eprint/16016/1/jls2013.pdf>

potentially scrutinizes legislative activities.<sup>27</sup> In making a policy contained in a regional regulation, it cannot be separated from political elements, but even though it has a political element, the formation of regional regulations must be based on good academic texts. That an academic text in this case must focus on providing data and scientific facts on the realities of problems or problems that occur in society and an academic text must be able to provide an analysis of what is needed for a legal need in society. Academic papers must be able to answer any legal needs that are needed in society, so that there is a need for recommendations for drafting laws or regional regulations in solving problems or problems that occur within the scope of society.

According to Gluck, develops a modern account of unorthodox lawmaking and unorthodox rulemaking and, in the Strauss tradition, substantiates the link between them. For example, both lawmaking and rulemaking often now bypass the hurdles of transparency that have become familiar. Both use outside delegates for many controversial issues. Both also have generated significant jurisdictional overlap: the “deal making” required to surmount political.<sup>28</sup> However political desires cause a difficult situation that potentially scrutinizes legislative activities.<sup>29</sup> In making a policy contained in a regional regulation, it cannot be separated from political elements, but even though it has a political element, the formation of regional regulations must be based on good academic texts.

Academic texts in the context of forming regional regulations, considering that regional regulations are political products, regional policies that are political in nature can affect the substance of regional regulations. Therefore, it is necessary to consider that this political policy does not cause turmoil in society. Article 18 paragraph (6) of the 1945 Constitution of the Republic of Indonesia which reads: “The regional government has the right to stipulate regional regulations and other regulations to carry out autonomy and assistance tasks”.

Regional regulations are one of the legal products made by the regions, the scope of authority to form regional regulations is determined that regional regulations regulate household affairs in the field of autonomy and household affairs in the field of co-administration. In the area of autonomy, regional regulations can regulate all government affairs and public interests that are not regulated by the center. Regional Regulations in the field of co-administration only regulate procedures for carrying out the substance of government affairs or a public interest.<sup>30</sup>

There are many problems that cannot be known from the start, in terms of the formation of laws and regulations if it is not preceded by the preparation of Academic Papers using a good method. Sometimes it happens that the formation of laws and regulations that are made does not provide answers to various problems in society, this has an impact on laws and regulations that are formed and declared valid, in fact they conflict with other laws that have been formed before, so that as a result there are legal conflicts and new legal problems in its implementation.

The enactment of the Regulatory Impact Analysis (RIA) method and the Rule, Opportunity, Capacity, Communication, Interest, Process, and Ideology (ROCCIPI) method as a basis for consideration in the Formation of Legal Products contained in Academic Papers for Draft Laws/Regional Regulations. The RIA method is a method in formulating policies with an approach that is expected to accommodate all needs in drafting legislation. The theory for finding solutions to problems in society, known as the ROCCIPI Theory (Rule, Opportunity, Capacity, Communication, Process, and Ideology) is a way to explain recurring problems in order to understand these problems. By understanding the problem thoroughly and deeply, policy makers can look for answers or explanations to solve the problem.

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27 Gary Mucciaroni and Paul J Quirk, “Rhetoric and Reality: Going beyond Discourse Ethics in Assessing Legislative Deliberation,” *Legisprudence* 4, no. 1 (2010): 35–52, <https://doi.org/https://doi.org/10.1080/17521467.2010.11424700>.

28 Abbe R Gluck, Anne Joseph O’Connell, and Rosa Po, “Unorthodox Lawmaking, Unorthodox Rulemaking,” *Colum. L. Rev.* 115, no. 7 (2015): 1789, <https://columbialawreview.org/content/unorthodox-lawmaking-unorthodox-rulemaking/>.

29 Mucciaroni, G., & Quirk, P.J., “Rhetoric and reality: Going beyond discourse ethics in assessing legislative deliberation”, *Journal Legisprudence*, vol.4 no.1(2010):35–52 <https://doi.org/10.1080/17521467.2010.11424700>

30 Ni’matul Huda, “Problematika Pembatalan Peraturan Daerah”, UII Press, Yogyakarta, 2010:88-89



Terry Hutchinson who examines the condition of legal norms,<sup>31</sup> in this case a legal norm is related to a method of drafting regulations. The rius method in preparation of regional regulation academic manuscripts, uses a philosophical approach, that philosophical approach, which is used to study the philosophical basis for thinking about the need for a special method as a novelty in the preparation of academic manuscripts of laws and regulations, to study and understand related to Rule, Identification, Urgency, Solution, with the RIUS method, an academic text can be used as a basis or basis for argumentation in the formation of laws and regulations or regional regulations. Rule, Identification, Urgency, Solution in this case using a legal concept approach is carried out by examining views regarding the method of preparing academic papers.

The Rule analysis method is to collect and analyze any rules or regulations related to issues that will be regulated in regional regulations. For example, if making regional regulations on health in the regions, in academic texts it is mandatory to first collect or compile and analyze higher rules or laws and regulations related to health. The Identification analysis method, namely before making an academic paper first identify and or classify which problems are in the light, moderate, and severe groups, then identify the subjects and objects that will be regulated in regional regulations. The need for elaboration of internal problems preparation of academic texts in this case review of existing conditions and the problems faced by society are a description of facts empirical regarding the development of problems and needs that occur in public. Empirical facts can be obtained, among others, from primary data through field data collection.

The Urgency analysis method, namely in academic texts it is mandatory to analyze what conditions are urgent to be regulated so that these urgent conditions can be resolved and obtain legal certainty. The Solution analysis method, namely in academic texts, is required to provide a solution or final settlement. That after describing and explaining what regulations are related to the issues that will be regulated in regional regulations, identify and or classify which problems are in the light, moderate, and severe groups, as well as the subjects and objects that will be regulated in regional regulations, and explain whatever conditions are urgent to be regulated, then the solution or final settlement is included in the academic text so that justice, benefit, and legal certainty can be achieved.

The RIUS Method in preparation of regional regulation academic manuscripts, uses a philosophical approach, that philosophical approach, which is used to study the philosophical basis for thinking about the need for a special method as a novelty in the preparation of academic manuscripts of laws and regulations, to study and understand related to Rule, Identification, Urgency, Solution, with the RIUS method, an academic text can be used as a basis or basis for argumentation in the formation of laws and regulations or regional regulations. Rule, Identification, Urgency, Solution in this case using a legal concept approach is carried out by examining views regarding the method of preparing academic manuscripts. Even though the provisions related to the preparation of academic texts have been regulated in laws and regulations, the importance of a special method, namely the *Rule, Identification, Urgency, Solution (RIUS)* method in preparing academic texts of statutory regulations, including in the preparation of regional regulations, in order to achieve the establishment of a regulation that benefits according to the needs of society.

Law Number 12 of 2011 concerning Guidelines for Forming Legislation has been amended to become Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning Guidelines for Forming Legislation. In Law Number 13 of 2022, the method for preparing Academic Papers has changed, namely in the composition of academic papers in Chapter II letter D regarding the 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 burden state finances need to be analyzed using the Regulatory Impact Analysis (RIA) method and the Rule, Opportunity, Capacity, Communication, Interest, Process, and Ideology (ROCCIPI) method.

Regulatory Impact Analysis (RIA) was first applied as a process in American government in the 1970s. The Regulatory Impact Analysis (RIA) method was published by the Organization for Economic Co-operation and Development (OECD).<sup>32</sup> Regulatory Impact Analysis (RIA) as a method of compiling legal products has been practiced by several countries, namely Australia (1985), Canada (1986), United States (1993), Japan

31 Terry Hutchinson, *Researching and Writing in Law* (Australia: Thomas Lawbook Co., 2006):35-36.

32 N. Dunn, W, *Analisis Kebijakan Publik*, (Yogyakarta: Hanindita Graha Widya., 2003):17.

(1998), Denmark (1993), and many more.<sup>33</sup> The Regulatory Impact Analysis (RIA) method has become popular in Indonesia since 2003, which was developed by the National Development Planning Agency.

The use of the Regulatory Impact Analysis (RIA) method has positive things, namely by producing risk management of financial burdens, but when this method is applied in making laws and regional regulations it still has weaknesses, namely the procedures carried out are very detailed so that special training is required for formulators, especially to combine qualitative and quantitative approaches, the use of the RIA analysis method for the formation of new Laws and Regional Regulations requires quite a long time, making it impractical to map and analyze a large number of regulations.<sup>34</sup> In contrast to the RIUS method which has a simpler and structured concept, namely only 4 (four) things are analyzed for mapping to create good regional regulations, these 4 (four) things are Rule, Identification, Urgency, Solution, so it does not require special training for formulators especially to integrate between qualitative and quantitative approaches.

For example, in the application of the RIUS method in the preparation of the academic draft of the regional regulation on agricultural protection in Badung district in 2022 and the preparation of the academic draft of the regional regulation on business permits in Jembrana district in 2023.<sup>35</sup> In the context of preparing the academic draft of the regional regulation on agricultural protection in Badung district, 4 (four) things that are analyzed for mapping to create good regional regulations, 4 of these are Rule (analysis of all regulations related to agricultural protection, Identification (mapping identification of farmer and agricultural problems that occur in Badung district), Urgency (determining the situation which urgently regulates what matters will be regulated to provide protection to farmers and their agriculture), Solution (determines solutions that can be provided in regional regulations in the form of article by article). Jembrana 4 (four) things namely Rule, Identification, Urgency, Solution which are analyzed to carry out mapping to realize good regional regulations in the field of business licensing.

The RIUS method used in the preparation of academic manuscripts on the Jembrana Regency Regional Regulation draft concerning the Implementation of Business Licensing, was analyzed starting from the profile situation of Jembrana Regency. That Jembrana Regency is one of nine Regencies and Cities in the Province of Bali, located in the western part of the island of Bali. Jembrana has an area of 841,800 km<sup>2</sup> or 14.96% of the area of the island of Bali. Administratively, Jembrana Regency consists of 5 sub-districts, namely Melaya, Negara, Jembrana, Mendoyo and Pekutatan sub-districts. The topography of the area includes mountainous areas in the north and plains (beaches) in the south which are bordered by the Indonesian Ocean. In the middle is an urban area.<sup>36</sup>

Furthermore, the RIUS method analyzes the potential for rapid progressivity in each sub-district in Jembrana Regency which will have a positive impact on the development of the economic wheel of Jembrana Regency. Whereas Jembrana Regency, when viewed and analyzed from the topography of its area, includes mountainous areas in the north and plains (beaches) in the south which are bordered by the Indonesian Ocean and in the central part is an urban area, in this case it has economic potential in the tourism sector, industry, trade and services. These sectors continue to make a major contribution to the formation of the Gross Regional Domestic Product (GRDP) of Jembrana Regency. The importance of developing the contribution of the sector concerned in the aggregate economy, and its absorption of labor. The economic sector that has growth and contribution to GRDP as well as high employment is the most superior sector among the existing economic sectors. This sector will be the main driver of the economy in Jembrana Regency.

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33 Setya Wardani, R., Dwi Winarko, D., Rudyanto, B., Hernandi, & Harefa, M., *Analisis Kebijakan Metode Analisis Dampak Regulasi Di Lingkungan Dewan Perwakilan Rakyat Republik Indonesia* (Jakarta: Sekretariat Jendral, 2008):4

34 Rachmat Trijono, "Alternatif Model Analisis Peraturan Perundang-Undangan," *Jurnal Rechtsvinding*, 1, no. 3 (2012):361-373.

35 I Nyoman Prabu Buana Rumiarta & Ni Luh Gede Astariyani, Legal Expert, Preparation of academic manuscript for Draft Regional Regulations on Agricultural Protection in Badung Regency, 2022 & academic manuscript of the regional regulation draft on business licensing in Jembrana district in 2023:1-7

36 Jembrana Regency data, [https://jembranakab.go.id/?module=geografi\\_topologi](https://jembranakab.go.id/?module=geografi_topologi) diakses 9 Juni 2023 pukul 11.00 WITA

The RIUS method is related to analyzing the preparation of academic manuscripts on the draft Jembrana Regency Regional Regulation concerning the Implementation of Business Licensing, *Rule* (analysis of all regulations related to the implementation of business licensing), *Identification* (mapping identification of economic potential and economic development problems in Jembrana Regency), *Urgency* (determining the situation that urgently regulate what matters will be regulated to provide legal protection and certainty to the people in the regions in the context of entrepreneurship and investment), *Solutions* (determining solutions that can be provided in regional regulations in the form of articles by articles related to the implementation of business licensing).

The advantages of the RIA & ROCCIPI Method are that it has been widely accepted in impact analysis and is explained systematically, but the disadvantages of the RIA & ROCCIPI Method require maximum public consultation at each stage. This is an obstacle because there are still limited human resources who understand RIA & ROCCIPI well, time and funds are limited.

The simple RIUS method has actually provided a simpler and more effective opportunity in the preparation of regional regulations academic papers which have accommodated the demands of the importance of compiling logical reasons for the need for the birth of regional regulations as mandated in Article 33 paragraph (2) and 3 of Law Number 12 of 2011 regarding the formation of laws and regulations and the opening of space for public participation in the process of their formation as mandated by Article 96 of Law Number 12 of 2011 concerning the formation of laws and regulations.

Article 33 paragraph (2) and (3) of Law Number 12 of 2011 concerning Formation of Legislation, states:

- Paragraph (2) The material regulated and its relation to other Legislations as referred to in paragraph (1) constitute information regarding the conception of the Draft Provincial Regulation which includes: a. background and purpose of preparation; b. goals to be realized; c. main idea, scope, or object to be regulated; and c. range and direction setting.
- Paragraph (3) The material regulated as referred to in paragraph (2) which has gone through review and alignment is set forth in the Academic Paper.

Article 96 paragraph (1) and (2) of Law Number 12 of 2011 concerning Formation of Legislation, states:

- Paragraph (1) The public has the right to provide input orally and/or in writing in the Formation of Legislation.
- Paragraph (2) Verbal and/or written input as referred to in paragraph (1) can be made through: a. public hearing meeting; b. work visit; c. socialization; and/or d. seminars, workshops, and/or discussions; d. seminars, workshops, and/or discussions.

The ROCCIPI method has similarities with the RIUS method, but the ROCCIPI method is more identical to be used in a draft law which is extensively analyzed in a normative and empirical context because the laws that are formed cover all of Indonesia, despite the fact that the ROCCIPI method can also be applied in preparation of academic texts on draft regional regulations. Regarding the RIUS method, it can also be used in the preparation of academic drafts of laws, but the RIUS method is more identically applied in the preparation of regional regulations draft academic texts, this is because the method is simpler with 4 (four) dimensions Rule, Identification, Urgency, Solution which are analyzed as the basis for the formation of regional regulations to resolve problems in the regions and the management of regional autonomy.

#### **4. CONCLUSION**

The RIUS Method has been used in the preparation of an academic draft in the application of the RIUS method in the preparation of the academic draft of the regional regulation on agricultural protection in Badung district in 2022 and the preparation of the academic draft of the regional regulation on business permits in Jembrana district in 2023. Provisions related to the preparation of academic papers have been regulated in laws and regulations, but a special method is needed in preparing academic papers so that they suit the needs of the community, one of which is the RIUS method, namely the Rule Identification Urgency Solution (RIUS). With the RIUS Method, an academic text can be used as a basis or basis for argumentation in the formation of laws and regulations or regional regulations. The RIUS Method is a method that can analyze legal rules, identify problems, the urgency of why these regulations are needed, and the solutions that can be provided. The RIUS

Method in preparing regional regulatory academic texts can formulate the needs faced by the regions related to the problems faced. The RIUS Method can be used to formulate the legal needs faced as a basis for establishing a Draft Regional Regulation as a legal basis for overcoming sociological-empirical problems. Furthermore, the RIUS Method can be used to formulate targets to be realized, scope of regulation, scope and direction of regulation, in Draft Regional Regulations.

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