Conceptual Article

Preventive and Evaluative Mechanism Analysis on Regulatory and Legislation Reform in Indonesia

Ni Luh Gede Astariyani[1*], Bagus Hermanto[2], Rosino da Cruz[3] , Fifiana Wisnaeni[4]
[1,2,4]Faculty of Law, Universitas Udayana, Indonesia
[3]Faculty of Law, Universidade da Paz, Timor Leste
[*]luh_astariyani@unud.ac.id

ABSTRACT

The quality of regulatory and legislative measures, both within and outside the hierarchy in Indonesia, can be assessed using certain indicators. These indicators demonstrate a stagnation and a slight shift towards other legal issues. To improve the quality of regulatory and legislative measures, it is necessary to amend preventive and evaluative mechanisms. This condition provides a foundation for further analysis of all problems, with a focus on creating a positive system that prioritizes urgency and required improvements. This paper aims to analyze the preventive and evaluative mechanisms of legislation in Indonesia objectively. This article uses the doctrinal legal method, utilizing legal concepts, statutory laws, legal facts, and legal case approaches. It suggests amending the current mechanism and recommends reforms towards both preventive and evaluative mechanisms to improve regulatory and legislative quality in Indonesia. This study was concerned with formulating grounded principles and concepts, and providing proof of concept for preventive and evaluative mechanisms towards statutory laws, which would ensure the sustainability of Indonesia's legislative and regulatory reform.

Keywords: Preventive; Evaluative; Indonesia; Regulatory and Legislation Reform

A. INTRODUCTION

The number and quality of regulations in Indonesia have come under scrutiny (Diprose, McRae, & Hadiz, 2019). The data published by *Kemenkum HAM* (the Ministry of Law and Human Rights) in peraturan.go.id on November 14, 2023 reveals a staggering number of regulations, totaling 57,735, while 55,374 of them is still in force. This figure is further broken down into 1,749 laws, 217 *perppu* (emergency laws), 18,253 *permen* (ministerial regulations), 5,845 agency regulations, 4,870 *PP* (government regulations), 2,356 *perpres* (presidential regulations), 18,814 regional regulations, and 58,148 other regulations. PSHK – *Pusat Studi Hukum dan Kebijakan* (Study Centre of Law and Policy of Indonesia) argues that the primary obstacle hindering the effectiveness of government projects is the chaotic and overlapping nature of regulations (PSHK, 2019). It results in multiple obstacles to public services, particularly those related to business operations (Hermanto, 2019). The facilitation of business procedures is crucial for national development. It includes reducing regulatory burdens and improving regulatory quality (Mochtar & Rishan, 2022) to address legislative issues and to foster ease of doing business both on a policy and a pro-business

regulatory level (Mariyam, Satria, & Suryoutomo, 2020). Such efforts will support economic advancement, align with national interests (Widayati, Herawati, & Winanto, 2023), and ultimately enhance social welfare. In addition, the government requires further action to align and synchronize existing regulatory products (Arsil, Ayuni, & Ariesy, 2022).

The 4th National Conference on Constitutional Law (*KNHTN*) highlighted that unregulated regulations have caused disharmony and conflicts within regulations and also led to overlapping regulations (MPR RI, 2020a). Then, the state of this rule has the potential to obstruct the programs aiming to accelerate development and to improve the well-being of the public (MPR RI, 2020b). The *KNHTN* held a meeting in Jember, East Java, from 10-13 November 2017, where they published the Jember Recommendation on Regulatory Arrangements in Indonesia (Fitryantica, 2019). The purpose of KNHTN was to enhance legal certainty and regulatory efficiency (Iswantoro, 2018). One of their key recommendations is the alignment and harmonization of national and local regulations between the Central and Regional governments (Noviati, 2019).

Indonesia's position on the World Bank's Regulatory Quality Index fluctuated between negative and positive scores with mixed conditions from 2017 to 2022. As per the index scale, with a score of 2.5 points representing good regulatory quality, Indonesia's score remained below zero. According to Hermanto (2022), the lowest score on the scale is -2.5 points, indicating weak regulation quality. In 2017, Indonesia was ranked 92nd out of 193 countries, receiving a score of -0.11 (Butt, 2019a). Among ASEAN countries, Indonesia was ranked fifth, following Singapore, Malaysia, Thailand, and the Philippines (Astomo, 2018).

Since October 2017, President Joko Widodo has expressed concerns over the excessive number of laws in Indonesia. The country currently has approximately 42,000 regulations, ranging from statutory to mayoral/regent ones (Alamsyah, Suwitri, & Yuwanto, 2019). This overlapping regulation is thought to hinder foreign investment in Indonesia (Armiwulan, 2019). The Ministry of National Development Planning/ the National Development Planning Agency (*Bappenas*) report identifies overlapping rules and institutional sectoral egos as the primary obstacles to delayed economic progress. Furthermore, as stated by *Bappenas*, these issues must be addressed promptly to facilitate the economic development agenda without any regulatory hindrances (Monoarfa, 2020).

Similarly, further data suggests that there has been a rise in the scrutiny of legal enactments by the Supreme Court and the Constitutional Court, resulting in several instances of laws and regulations being deemed unconstitutional or contradictory (Butt, 2019b). This has been observed both in their entirety or partially in conjunction with other legislations (Yusa, & Hermanto, 2022).

Based on these facts, Indonesia's national laws and regulations have been facing a complex predicament of stagnant quality (Yusa, 2021), despite the reform agenda that has been pursued to include national law reform (Lindsey, 2002). This issue has hindered the national development process in all fields, particularly the recent development of the national legal system, which has become increasingly prominent (Althabhawi, Zainol, & Bagherib, 2022).

Several practical measures are being taken to enhance the quality of legislation in Indonesia. These include seeking to revitalize the national legislation program by the amendments to the 1945 Constitution (Butt, & Murharjanti, 2022), planning for the formulation and development of national laws in the medium and long-term national development plans of the government, and making numerous improvements to ensure that the laws and regulations produced align with national development objectives (Mokhtar, Satriawan & Nur Islami, 2017).

Indonesia's legislative reform focus should be on enhancing and accelerating the quality of laws and regulations. It includes improving the preventive and evaluative mechanisms of the laws and regulations. The theoretical framework used in this article pertains to legislation and regulation reform, which both serve three main functions. As the guidelines for implementing social dynamics, regulations serve as a means of order and behavioral guidance, in both formal and informal activities. Besides, regulations act as a development instrument, mobilizing resources to attain predetermined goals. Furthermore, regulations function as an integration factor, consolidating areas and policies within the context of state administration and development, encompassing all existing regulations (Sadiawati et al., 2015).

Efficiency problems should no longer be addressed through deregulation or reregulation, as both responses may lead to inefficiency (Astariyani, Setyari & Hermanto, 2020). From a regulatory perspective, the solution to inefficiency is maintaining good regulatory quality and a proportional number of regulations (Xanthaki, 2011). Achieving such a regulatory structure requires implementing a process called "Regulatory Reform." Regulatory reforms are a set of measures designed to enhance the quality of regulations, both independently and collectively, integrated into a comprehensive and complete regulatory system (Bielen, Marneffe & Popelier, 2015). Regulatory Reform is a wide-ranging term that is applied in many countries to achieve the short-term aims of improving regulation quality (Xanthaki, 2010). However, the content of regulatory reforms may vary across different nations, depending on the intricacy of challenges encountered in maintaining quality, simplicity, and well-organized legislation and regulations that are capable of facilitating efforts to realize the state objectives (Xanthaki, 2018).

This paper discusses the problem of enforcing laws and regulations in Indonesia, with a focus on preventive and evaluative measures. It

also considers ways to enhance the quality and pace of implementation (Mietzner, 2010), including the use of preventive and evaluative mechanisms (Mietzner, 2010; Yusa, 2016).

Nonetheless, previous studies had conducted in-depth observations regarding preventive and evaluative mechanisms. Firstly, Hermanto (2023) studied the presence of such mechanisms within the scope of specific country studies. The writing maintains an objective and formal register, using clear and value-neutral language. Overall, a logical flow of information is employed, with causal connections between statements. Second, Mastenbroek, van Voorst, and Meuwese (2016) analyzed the implementation of preventive and evaluative contexts within regional communities. The technical terms such as 'preventive' and 'evaluative' are explained when first used. Consistent citation, footnote style, and formatting features are also adhered to. Third, previous studies had emphasized the workings of mechanisms through legislative methods, as noted by Izzati (2022).

Fourth, Marwiyah observed that the judiciary's role and effectiveness in the legislative process provide a foundation for further legislative and regulatory reforms in Indonesia, despite any necessary confines placed on legislative institutions (Marwiyah et.al, 2023).

Fifth, Wijaya and Ali (2021) concentrated on legislative and regulatory reform in the institutional context, which is a fundamental concern for improving the system of regulations and legislation. Sixth, Van Voorst and Zwaan (2019) contextualized legislative reform within criticisms of the existing framework of law formation and its correlation with the current state of law formation.

However, none of the prior studies comprehensively investigated the essential problems that necessitate the establishment of preventative and evaluative systems. In addition, previous studies had failed to address the element of enhancing the quality of regulations and legislation, founded on an all-encompassing and visionary framework while executing preventative and evaluative mechanisms.

Based on this background, conducting this research was deemed significant. The research aimed to analyze and examine the preventive and evaluative mechanisms of Indonesian legislation objectively. Firstly, various countries' practices that have established preventive and evaluative mechanisms in legislative and regulatory reforms were described, analyzed, and evaluated. Their relevance in the Indonesian context was also explored. This study placed preventive and evaluative mechanisms as effective instruments to accelerate the legislative reform agenda in Indonesia. Secondly, this study aimed to describe, examine, and analyze the factors that hindered the implementation of effective preventive and evaluative mechanisms to accelerate the legislative reform agenda in Indonesia. Thirdly, it aimed to investigate, review, and analyze the appropriateness of these mechanisms in improving the quality of national

laws and regulations and their potential impact on concrete results of the legislative reform agenda.

B. DISCUSSION

1. Structuring Preventive and Evaluative Mechanisms in Regulatory and Legislation Reform in Indonesia: Flashback and Future Recommendation

Legislative reform has become a significant priority to be pursued by various nations globally, especially in developing countries (Hermanto, 2021). Amartya Sen considers these diverse interests as development objectives rooted in liberty and economic growth for every nation (Sen, 1988). The worldwide community faces swift advances in numerous domains (Efendi, 2018), spurring unfettered rivalry between nations concerning economic prowess, amenable conditions for both direct and indirect investment, and motivating national interests to attain a prosperous society. However, none of the countries have achieved these ambitious goals (Suartha, Puspitosari, & Hermanto, 2020), particularly for developing countries grappling with persistent challenges, such as poverty, income and wealth disparity (Nurcholis, & Kridasakti, 2018), internal political instability, corruption, and insufficient good governance (Atmaja, et.al., 2022). Yong Shik-Lee (2017) asserts that legal instruments are employed in development to facilitate economic improvement (Sarjana, 2023) and are closely linked to economic and social progress, living standards, and numerous aspects of life (Rumiartha, Astariyani, & Indradewi, 2022). The term "legal instruments" refers to legislation, policies, and regulations that govern economic practices (Purwadi, Sulistiyono, & Firdausy, 2015). It is argued that legal instruments supply a framework for economic development by guiding business behavior and facilitating investment. Moreover, the primary concern that poses difficulties for national progress is the substandard quality of legislation

The quantity and quality of laws in Indonesia have become problematic in and of the country. The essential issue impeding progress on government projects is the disorder and overlapping of laws (Abdurahman, & Prasetianingsih, 2018). Consequently, there are numerous obstacles to accessing public services, particularly those related to facilitating business operations (Kuswanto, 2018). Furthermore, there is an increasing governmental effort to standardize and coordinate existing regulatory products (Mahy, 2022). Setiadi (2021) contends that Indonesia is actively pursuing a legislative reform agenda through an ambitious development program to overcome regulatory obstacles, to simplify taxation, to reduce trade restrictions, to intensify local competition, to enhance national ease of doing business, to ensure anti-trust policies, and to establish regulations regarding sustainability and environmental stability. In this context, the implementation of regulatory and legislative reforms must be considered; such reforms should be objectively evaluated and follow conventional academic structures whilst adhering to a precise

and formal register (Suyatna, 2022). The problems concerning the quality and quantity of laws in Indonesia include: 1. The burden of government regulations, 2. The extent and impact of taxation, 3. The prevalence of trade barriers, 4. The intensity of local competition, 5. The ease of starting a new business, 6. The effectiveness of anti-trust policies, and 7. The burden of government regulations. Furthermore, they should utilize clear and objective language and ensure grammatical correctness at all times. It is the stringency of environmental regulations (Xanthaki, 2014). In this instance, the aim is to achieve a rule of law that is not merely procedural but rather encompasses the superior caliber of legislation and regulations encompassed in the legislative and regulatory reform framework (Van Lochem, 2017).

Indonesia has implemented measures to accelerate development (Sulaiman, 2017), including enhancing the effectiveness of legislative and regulatory instruments for development (Yusa, Hermanto, & Ardani, 2021), as well as reforming the national legal system (Suartha, Martha, & Hermanto, 2021). Legislation revisions have gained momentum in recent years (Cormacain, 2017), particularly by promoting the use of planning instruments in the Legislation Program. The national legislation proposed by the *DPR* (The People's Representative Council), the Government, and the *DPD* (the Regional Representative Council), as well as the Regulation Drafting Plan, is conducted within the Government's scope and follows the national law development plan in the Government's long-term and short-term national plans. A variety of preventive and evaluative mechanisms aimed at enhancing public participation in the process of establishing legislation/ regulation have been implemented (Perwira, Susanto, & Yazar, 2018). Various *ex ante* and *ex post facto* strategies have been attempted by the government, without achieving adequate progress in enhancing the standard of the country's legislation or generating national laws/regulations that adhere to the values, superior laws and regulations, and public welfare (Chen, 2010; Hermanto, 2023). Based on these facts, Indonesia faces a multifaceted problem of stagnant quality in its national laws and regulations, despite ongoing reform efforts. This obstacle hinders the country's development across all fields, including the reformation of the national legal system, which has gained increasing prominence in recent years. Specific measures are being pursued to enhance the quality of legislation in Indonesia (Astariyani, 2017). In this case, the government plans to rejuvenate the national legislation program based on the amendments made to the 1945 Constitution (Subawa, Giri, & Hermanto, 2023). It includes developing plans for the production of national law in the medium and long term while ensuring that it aligns with the national development goals. In addition, several amendments have been made to improve the number and quality of laws and regulations made (Popelier, 2015). The main challenge lies in instituting preventive and evaluative mechanisms

for laws and regulations, which are crucial in the context of implementing legislative reform in Indonesia. It includes enhancing and expediting the quality of legislation as a required step that must be taken in the future.

2. Accelerating Preventive and Evaluative Mechanisms in Legislation and Regulatory Quality: Comparative Perspectives from South Korea and Indonesia

In recent years, South Korea has become one of the foremost nations in seeking preventive and evaluative measures to enhance the quality of legislation and regulations. South Korea and Indonesia display similar patterns in their legislative processes. In this case, the role of executive and government policies or institutions is of great significance (Subawa, Giri, & Hermanto, 2023). In this context, both countries have been undergoing reforms to their legislative and regulatory systems at different times (Miladmahesi et.al, 2023), to improve effectiveness and efficiency for the betterment of the economy. This argument serves as a stimulus for comparative studies regarding the application of preventive and evaluative mechanisms in the context of regulatory and legislative reform.

In response to the changing economic conditions of the country, effective and efficient development measures, including intervention policies for budget allocation and the establishment of regulation on a large scale, have been implemented. However, due to persistent inefficiencies and transparency issues in multiple sectors, the government's ability to direct development began to decline in the 1980s (Kim, 2000). Between 1981 and the mid-1990s, the government initiated administrative and deregulatory reforms. The administrative reform, including policy, regulatory, and legislative, became part of the reform program after 1993 when the private sector joined the policy formulation process.

The administration created two organizations for the reform: the Presidential Committee on Administrative Reform and the Economic Deregulation Committee. The President oversaw the establishment of the Economic Deregulation Committee whilst creating the Presidential Committee on Administrative Reform through Presidential Decree. Between February 1993 and February 1998, this committee initiated the Regulatory Reform. The Basic Act on Administrative Regulation (BAAR), which South Korea adopted in 1997 to implement regulatory reform in an integrated manner, aimed to enhance national competitiveness and quality of life by eliminating inefficacious laws and averting the formation of new ones. Law No. 13329 governs the definitions, objectives, leading tenets, and methodologies for developing, revising (refining, relaxing), and abolishing regulations, as stipulated in the BAAR (the Basic Act on Administrative Rules). Through the Basic Act of Administrative Regulation, the government aimed to consolidate the most effective measures, tools, and Regulatory Reform initiatives under a single central authority with sufficient jurisdiction (World Bank, 2008).

South Korea was impacted by the financial crisis in the mid-1990s and initiated Regulatory Reform to cut around 50% of regulations on public services, particularly those related to investment. This simplification was executed rapidly and massively, commonly known as the *'Guillotine* Approach'. One of the factors contributing to the successful implementation of Regulatory Reform in South Korea was the unwavering support of the President, who had instructed all of his subordinate institutions to reduce regulations within their control by up to 50%. This presidential directive had led to several noteworthy accomplishments. The President of South Korea, who directed all his institutions to cut approximately half of the rules under his purview, lent significant political support to the initiative for regulatory reform (Jacobs, 2008).

Until recently, South Korea has undergone two stages, consisting of Phase I of Massive Deregulation from 1998 – 2002, which was initiated by Kim Dae-Jung in 1998 to overcome the global economic crisis, by following up on the Basic Act on Administrative Regulations, Act 5368, dated August 22, 1997, as well as implementing reforms. Regulations must be executed immediately. During the Kim Dae-jung era (1998-2003), the Kim Dae-Jung government, in collaboration with the Regulatory Reform Committee (PRC), aimed to improve the quality of current and upcoming regulations by exercising the authority to review them, as per the Basic Act on Administrative Regulations (RRC, 1999). It was executed by implementing the Business Activity Approval and Reporting (BAAR) system, effective from March 1998. According to the OECD (2000), the focus was on regulating the regulatory registration system.

In the present era, all central administrative bodies must examine the legitimacy, necessity, and effectiveness of each regulation planned and implemented via the RIA method, along with conducting an internal review before the PRC's final assessment.

In 1998, the Foreign Investment Promotion Act was enacted to create a favorable investment climate for foreign investors and to boost foreign investments. The Act relaxed regulations related to foreign investment in 29 industrial sectors. During this period, the Act on Promotion of Digitalisation of Administrative Affairs was passed in 2001 to enhance the efficiency and transparency of the public administration. The E-Government System was launched in 2003, enabling the entire administrative process to be accessible online (RRC, 2003).

Kim Dae-Jung's administration halved the number of regulations by using the regulatory registration system and the *Guillotine* Regulatory. The new system proposed a central administrative body with the power to repeal existing regulations (Lee, & Han, 1999).

Table 1. South Korea's Performance in the 1998-2002 period on the New Draft or Strengthening of the Regulations being tested

	Regulations by Results of Examination				
	Associated Laws	Regulations Examined	Revision Recommended	Withdrawal Recommended	Passed
Economic Subcommittee I	581	1724	512	122	1090
Administrative and Social Subcommittee	379	1347	300	200	847
Economic Subcommittee II	379	1447	345	65	1037
Total	1.339	4.518	1.157 (25.6%)	387 (8.6%)	2.973 (65.8%)

The Quality of Regulations phase, which was launched in 2003 under Roh Moo-Hyun's regulations, focused on enhancing regulatory standards. To improve the quality of regulations while avoiding institutional changes, the new cabinet amended the regulatory reform agenda and utilized all possible resources. The objective of South Korea's Phase II Regulatory Reform, which commenced in 2003, was to elevate regulatory standards (Kim, 2003). Firstly, the focus of regulatory reform remained on deregulation and improving the quality of regulations (Arie, 2016). South Korea has identified 10 strategic areas to prioritize, including Foreign Direct Investment, Financial Services, Industrial Sites, Logistics and Distribution, Quasi-Tax, Customs Formalities, Land Use, House Construction, Tourism and Sports Industries, and Food Safety. Secondly, the review of current regulations persevered. Unlike in the previous stage in which the target was set to reduce 50 percent of the existing regulations, the ministry determined the target for the second stage. Third, the new government had begun implementing the Regulatory Impact Assessment (RIA) by setting up research institutes with trained professionals and customized training programs, including theoretical learning and case studies, as well as organizing training in other countries or international institutions. The Regulatory Reform Committee acts as a central institution, operating various regulatory reform instruments, such as regulatory evaluation and procedures for regulating assessments. Fourthly, the recent government administration displayed a great focus on cultural reform. In this context, cultural changes encompassed the managerial procedures implemented to ensure that the reforms adhere to the schedule. The success of regulatory reform was reliant on management culture.

Following regulatory and legislative reforms, the Lee Myung-Bak administration established the Presidential Council on National Competitiveness (PCNC) in 2008. It is believed that the PCNC can effectively improve the domestic investment environment and the economy by implementing regulatory reform. The

Lee Myung-Bak government restructured the administration by redesigning the PRC website and launching the Regulatory Information System (RIS) to offer information on regulations and the reform process to the public. Moreover, in 2009, the Lee Myung-Bak government broadened the scope of the sunset clause by introducing a "review and sunset provision" alongside the present "outright sunset clause" that had been in place since 1998 (Baum, & Bawn, 2011). The government required regular testing and verification under this sunset clause regulation. The need for all current legislation to uphold higher regulatory quality was a common theme. In 2009, a distinctive approach, known as the Temporary Regulatory Relief (TRR), was implemented to address the economic impact of the 2008 financial crisis. It aimed to temporarily suspend existing regulations in the private sector (Schou-Zibell, & Madhur, 2010).

During his presidency from 2013 to 2017, Park Geun-hye's administration emphasized the importance of regulatory reform as a prominent policy instrument to revitalize the economy and to bolster employment. Despite the expected continuation of stagnancy in the domestic market, economic revitalization and job creation have remained the primary objectives of significant endeavors during his tenure. During the tenure of Park Geun-hye, his administration adopted a "two-track" approach to regulatory reform. This involved promoting regulations that were relevant to public safety and health, whilst simultaneously eliminating regulatory barriers that impeded economic resilience. To achieve this goal, a new regulatory framework, known as the Cost-in, Cost-out (CICO) system, was introduced. The CICO system replaced the previous Regulatory Stock Management System. In addition, in September 2013, this administration established the Public-Private Joint Regulation Advancement Initiative to proactively become a forum for the private sector in the framework of regulatory reform.

In the short term, South Korea's extensive regulatory simplification has proved highly effective, especially in response to the ongoing economic crisis. The minimal simplification prioritizes two key objectives: reducing the volume of regulations to create greater proportionality and establishing a framework for the introduction of more flexible regulations that respond to market dynamics. A goal-directed and top-down strategy, bolstered by resolute political will, has yielded favorable outcomes. This outcome confirms that South Korea's regulatory overhaul is heading in the right direction. Despite this progress, regulatory reform remains an ongoing process, with South Korea aiming to scrutinize and repeal 2,200 economic regulations in 2016. By regulating the economy, South Korea has effectively mitigated numerous financial obstacles and disparities (Kim, 2016). Examining South Korea's experience, the political, administrative, and cultural spheres of each country are interpreted (OECD, 2017). The author learns the lessons from countries facing similar challenges, as outlined below.

Creating a global civic coalition for regulatory reform that avoids subjective evaluations should overcome the political divisions that cause the unsustainable nature of the reform agenda. Furthermore, it also maintains reform momentum through constant education of the public on the need for reform.

Then, establishing a permanent mechanism for regulatory reform that takes into account interest group opposition is based on the creation of a bureaucracy with a related organization in the realm of regulatory reform. An autonomous government agency is established to oversee the quality of regulations.

Aligning regulatory reform with the government's reform objective and budgetary reform may aid in encouraging changes in government agency operations, as well as facilitating natural adjustments to staffing and budgets thereby supporting more permanent and effective regulatory reform.

Comparing the Indonesian context with South Korean practice, it is evident that the absence of a central institution responsible for the formation of legislation, management, evaluative and preventive evaluation patterns, and acting as a one-stop place at the central level, is a significant issue in Indonesia. Moreover, an additional matter pertains to the non-utilization of a radical approach in Indonesia (Rogler, 2005), instead preferring modifications to the legislative method, similar to the developed omnibus legislation approach from earlier. A more intricate matter involves the lack of a specific master law serving as the foundation for legislative reform, particularly for the application of evaluative and preventive assessments in a single law. Indonesia utilizes the Law on the Formation of Laws and Regulations, which, in its recent amendments, only offers a summary arrangement. This differs from South Korea's approach with its BAAR, which is explicit and comprehensive. As a result, there are three significant criticisms regarding the differences that are not being addressed in Indonesia's context of practice.

Given that the primary objective of regulatory reform is to reduce the burden of regulation, it is imperative to prioritize the revision of regulations with high costs; this approach does not necessarily reduce the number of regulations. South Korea has successfully removed several regulatory burdens, resulting in impressive outcomes when compared to past achievements. However, the reformers did not give sufficient consideration to the impact on businesses and citizens, and they went further in reducing the regulatory burden than what was expected. Consequently, the regulatory reform, which involved enhancing quality regulations, failed to sustain public support.

To address this issue, it is recommended to enhance the transparency and predictability of procedures and regulations. By using regulatory registries and effect analysis techniques, it is possible to reduce both regulatory and business costs.

This requires the development of concepts and practical applications for alternative

regulatory methods, as well as training civil servants in this area. Evaluation of these alternatives involves assessing the contradiction between regulatory changes and national policy objectives and promoting the genuine benefits of these reforms.

Effective management of regulatory reforms should focus on developing market capacity for self-regulation, rather than relying on bureaucratic methods.

3. Problem Factors/Constraints as the Basis for Patterns and Proposed Alternatives for Preventive and Evaluative Mechanisms in Indonesia

Numerous studies have identified various factors and obstacles confirming that national legislation and regulations face significant issues in adhering to the established order and principles (Hakim, 2018). Furthermore, they are ineffective in facilitating development and integrating responsive policies within the framework of national legislation and regulations (Gaus, Sultan & Basri, 2017). The National Development Planning Agency (*Bappenas*) (2011) has identified five primary problems. The first problem is multiple or overlapping powers in planning legislation, which results in incompatible national and regional development plans, legislation programs, and national/regional regulations (Subawa, Giri, & Hermanto, 2023). The second problem is the reluctance of legislators and lawmakers to adhere to legal substance and particular principles, including the incompatibility of legal substance with pertinent laws and regulations. Third, the lack of objectivity in observation and evaluation within the legislative/regulatory framework leads directly to the ineffectiveness of regulations/legislation in reality (Suartha et.al, 2023). Fourth, ineffective implementation of regulations/legislation exacerbates the problem. Fifth, there is a necessity to instrumentally and institutionally implement regulatory simplification within the context of legislative/regulatory reform.

The National Development Planning Agency has argued that the poor quality and excessive quantity of unchecked regulations hinder their ability to effectively address social, economic, and cultural challenges in Indonesia, directly contradicting the country's goals outlined in the Preamble of the 1945 Constitution. This issue requires attention not only through deregulation or reregulation but also via a comprehensive framework to ensure adequate control and high standards of quantity and quality (Setiadi, 2018).

Indonesia has encountered challenges in elevating the standard of its legislation and regulations in the 20 years following the 1998 reform. One of the foremost struggles has been implementing effective preventive and evaluative measures to directly aid regulatory efforts. To enhance the quality of existing and new legal products, it is crucial to streamline the rules and legislation (Subawa & Hermanto, 2023). In this context, certain ministries and local governments with the backing of NGOs and donors incorporated issues of effectiveness,

development, efficiency, and public participation. However, this method was never formally implemented comprehensively, only partially in the legislation/regulation process. The Law for the Establishment of Legislation regulates the implementation of Academic Papers and covers a sunset clause as well as several fundamental aspects. Furthermore, Susi Dwi Harijanti and Tim Lindsey AO state the objective of achieving legislative and regulatory reforms in Indonesia through the establishment of a stable framework for *ex-ante* and *ex-post* reviews, enforcing legal compliance, enhancing access to laws and regulations, and improving the quality of national and regional legislation. On the contrary, a paradigm shift occurred in the 1945 Constitution (Rahmania, 2018), which moved away from an executive-heavy system (Fathurrohman, 2012) where the *DPR* was merely a rubber stamp, towards a more legislative-heavy system (Harijanti, & Lindsey, 2006), despite the increasing harmonization and review of laws and regulations along with their implementation. However, this is a common occurrence in other countries, where bills and regulations often do not effectively address the larger social problem (Setiadi, 2019): the challenge of reducing poverty and empowering the majority of people (Yusa, Hermanto, & Ardani, 2021b). Post-colonial and post-socialist regimes globally announced populist strategies during the late twentieth century (Hermanto, 2018). These programs aim to enhance the living standards of their citizens, referred to as "development" in the third world and as market-oriented "transition" in former communist states. Nonetheless, few of these initiatives fulfill their intended goals (Seidman, Seidman & Abeyeskere, 2002). In conclusion, this article identifies eleven obstacles to implementing preventative and evaluative protocols in the development of legislation and regulations.

Firstly, starting from the Constitution and the Constitutional Court's ruling, which reinstates the Supreme Court's authority regarding Regional Local Regulations and Regional Head of Local Government Regulations, is only nullifiable with a Supreme Court decision.

Secondly, the Constitution and laws suffer from design errors, such as placing the parliament in the heavily legislative part and establishing an asymmetric bicameral system with the non-dominant role of the *DPD*, despite a Constitutional Court decision in favor of symmetry with the *DPR*.

Thirdly, the Ministry of Home Affairs, Ministry of Finance, Ministry of Law and Human Rights, and other institutions suffer from a weak and uncoordinated role in evaluating regulations. They are overlapping/conflicting and not effective in making the required regulations effective. (Bisariyadi, 2016).

Furthermore, despite the existence of legislation mandating the establishment of a single national regulatory institution/agency, there is no such institution with sole jurisdiction to organize and manage national rules within the realm of local government.

Fifth, the use of legal transplanting to instigate new regulatory/legislative processes

resolves one issue but creates another: the potential disorganization of national regulatory bodies.

Sixth, planning policy instruments that lack cohesion and alignment have the potential to disrupt the effectiveness of regulatory evaluations.

Seventhly, due to deviations from the principles of rule-making, the numerous regulations that are produced/enacted often prove problematic, failing to serve as effective problem-solving tools. Eighth, a lack of public participation is evident, with a general lack of understanding regarding the available performance frameworks from the government and/or government institutions. Additionally, there is an unwillingness to form legislation/regulations to encourage broad public participation.

Ninth, disharmony, and overlap occur due to the various mechanisms available, which are ineffective in simplifying legislation and creating effective laws and regulations.

Tenth, disparities in government programs are evident in the varying approaches, actions, and objectives of Central National, and Regional Local programs. This results in numerous 'problematic regulations', particularly concerning Regional Local Regulations and Regional Local Government Head Regulations.

Eleventh, despite the existence of multiple comprehensive strategies for the development of national legislation and regulations, coupled with the Government's and affiliated organizations' efforts, it fails to depict sufficient actions towards expediting the enhancement of the legislation and regulation standards in Indonesia. The absence of implementing regulations is worsened by several pivotal laws, including the amendments made to the P3 Law under Law Number 15 of 2019 and the Job Creation Law under Law Number 11 of 2020. Both legislations focus on preventive and evaluative mechanisms in the legislative domain (Wasti, Sati & Fatmawati, 2022).

D. CONCLUSION

Improving the quality of regulations and legislation in South Korea has been reflected in various reform agendas and has shown significant results in the last two decades, in which the arrangement of preventive and evaluative mechanisms is accompanied by structuring institutions, methods, systems, and various ambitious agendas. In addition, the mass simplification of regulations in South Korea is extremely effective, particularly in responding to the present economic crisis The minimum simplification emphasizes two crucial points: reducing the quantity of regulation so that it is more proportional, and setting the framework for the appearance of more accommodating rules to market dynamics. A goal-oriented approach combined with a top-down approach supported by strong political has proven beneficial in attaining results. This success shows that Regulatory Reform in Korea is on the right track.

Several earlier studies indicates that national legislation and regulations faced several major issues, which were then designated as

eleven problem factors or impediments. Then, these eleven factors are the basis for alternative considerations for structuring preventive and evaluative mechanisms to improve the quality of legislation and regulations in Indonesia, related to compliance with the highest law and court decisions, amendments, redesign of legislation and regulatory institutions, comprehensive coordination between institutions and single independent institutions in terms of regulatory and legislative arrangements, application of regulatory/legislation method transplantation, arrangement of planning policy instruments, adherence to principles, improvement of substantive public participation, comprehensive and holistic mechanisms, alignment of various programs in accelerating the quality of regulations/ legislation, and the importance of a grand design that is consistent with the arrangement of national legislation and regulations.

REFERENCES

JOURNALS

Abdurahman, Ali., & Prasetianingsih, Rahayu. Haruskah Hierarki Peraturan Perundang - Undangan Dinormakan?. (2018). *Jurnal Majelis; Media Aspirasi Konstitusi*, Edisi 07/Juli,pp.37-48. https://www.mpr.go.id/pengkajian/JM_Edisi_07_Juli_2018.pdf

Alamsyah., Suwitri, Sri., Kismartini., & Yuwanto. (2019). Applying the Advocacy Coalition Framework to Understand the Process of Local Legislation in Indonesia. *Sriwijaya Law Review*,Vol.3,(No.1),pp.34-47. DOI: 10.28946/slrev.Vol3.Iss1.136.pp34-47.

Althabhawi, Nabeel Mahdi., Zainol, Zinatul Ashiqin., & Bagherib, Parviz. (2022). Society 5.0: A New Challenge to Legal Norms, *Sriwijaya Law Review*, Vol. 6, (No.1), pp.41-54.DOI:10.28946/slrev.Vol6.Iss1.1415.pp41-54.

Arsil, Fitra., Ayuni, Qurrata., & Ariesy, Tri Mauleny. (2022). The disappearance of the 'legislative model': Indonesian parliament's experience in response to Covid-19. *The Journal of Legislative Studies*, in press, pp. 1-23.DOI: 10.1080/13572334.2022.2067948.

Arie, M. (2016). An Approach of Legisprudence Theory to Assess the Quality of Local Regulation. *Hasanuddin Law Review*, Vol.2, (No.3),pp.371-384. http://dx.doi.org/10.20956/halrev.v2i3.699.

Astariyani, Ni Luh Gede., Setyari, Ni Putu Wiwin., & Hermanto, Bagus. (2020). Regional Government Authority in Determining Policies on the Master: Plan of Tourism Development. *Jurnal Kertha Patrika,* Vol. 42, (No.3),pp.210-219. https://doi.org/10.24843/KP.2020.v42.i03.p01.

Bielen, Samantha., Marneffe, Wim., & Popelier, Patricia. (2015). A Conceptual Framework on the Impact of Regulatory Quality on Litigation. *The Theory and Practice of Legislation*,Vol.3,(No.1),pp.23-43. https://doi.org/10.1080/20508840.2015.1041703.

Bisariyadi. (2016). Atypical Rulings of the Indonesian Constitutional Court. *Hasanuddin Law Review*, Vol.2, (No.2), pp.225-240. http://dx.doi.org/10.20956/halrev.v1i2.306.

Butt, Simon. (2019a). The Indonesian Constitutional Court: Reconfiguring Decentralization for Better or Worse?. *Asian Journal of Comparative Law,* Vol. 14, (No.1), pp. 147–74. DOI: 10.1017/asjcl.2018.19.

Butt, Simon (2019b). Judicial Reasoning and Review in the Indonesian Supreme Court. *Asian Journal of Law and Society,* Vol. 6, (No.1),pp. 67–97. DOI: 10.1017/als.2018.26.

Butt, Simon., & Murharjanti, Prayekti. (2022). What constitutes compliance? Legislative responses to Constitutional Court decisions in Indonesia. *International Journal of Constitutional Law*, Vol. 20, (No. 1), pp. 428–453. https://doi.org/10.1093/icon/moac014.

Chen, Albert H.Y. (2010). Pathways of Western liberal constitutional development in Asia: A comparative study of five major nations. *International Journal of Constitutional Law*, Vol.8(No.4),pp.860-887. https://doi.org/10.1093/icon/mor002.

Diprose, Rachael., McRae, Dave., & Hadiz, Vedi R. (2019). Two Decades of Reformasi in Indonesia: Its Illiberal Turn. *Journal of Contemporary Asia*, Vol.49, (No.5), pp.691-712.https://doi.org/10.1080/00472336.2019.1637922.

Efendi, Ahmad M. (2018). An Overlapping Legislative Authority: Parliament Versus The Indonesian Constitutional Court. *Padjajaran Jurnal Ilmu Hukum*,Vol.5,(No.1),pp.50-69. https://doi.org/10.22304/pjih.v5n1.a3.

Fitryantica, A. (2019). Harmonisasi Peraturan Perundang-Undangan Indonesia melalui Konsep Omnibus Law. *Gema Keadilan*, Vol.6,(No.3),pp.302-303. https://doi.org/10.14710/gk.6.3.300-316.

Gaus, Nurdiana., Sultan., & Basri, Muhammad. (2017). State Bureaucracy in Indonesia and its Reforms: An Overview. *International Journal of Public Administration*, Vol. 40, (No.8),pp.658-669. DOI:10.1080/01900692.2016.1186179.

Hermanto, B. (2018). Irawan Soejito tentang Teknik Membuat Undang-undang. *Majalah Konstitusi*, Vol. 141, Nomor 136, (Juni 2018),pp.62-63. https://www.mkri.id/public/content/infoumum/majalahkonstitusi/pdf/Majalah_141_1.%20Edisi%20Juni%202018%20.pdf.

Hermanto, Bagus., & Aryani, Nyoman Mas. (2021). Omnibus Legislation as the Tool for Legislative Reform by Developing Countries: Indonesia, Turkey, and Serbia Practice, *Theory and Practice of Legislation*, Vol. 9, (No.3),pp.425-450. https://doi.org/10.1080/20508840.2022.2027162.

Hermanto, B. (2022). Refleksi terhadap Perubahan Undang-undang Pembentukan Peraturan Perundang-undangan. Majalah Konstitusi Edisi Juni 2022, Vol. 212, Nomor 184,pp.8-10. https://www.mkri.id/public/content/infoumum/majalahkonstitusi/pdf/Maj

alah_212_Majalah%20Edisi%20JUNI%202022.pdf.

Hermanto, B. (2023). Deliberate legislative reforms to improve the Legislation Quality in Developing Countries: Case of Indonesia. *The Theory and Practice of Legislation*, 11(1),pp.1-31. DOI:10.1080/20508840.2022.2080392.

Kuswanto. (2018). Consistency of the Presidential System in Indonesia. *Sriwijaya Law Review*, Vol.2,Issue2,pp.170-182.DOI:10.28946/slrev.Vol2.Iss2.67.pp170-182.

Mahy, P. (2022). Indonesia's Omnibus Law on Job Creation: Legal Hierarchy and Responses to Judicial Review in the Labour Cluster of Amendments. *Asian Journal of Comparative Law*, Vol.17, (No.1), pp.51–75. DOI: 10.1017/asjcl.2022.7.

Mariyam, Siti., Satria, Adhi Putra., & Suryoutomo, Markus. (2020). The Making of Law in Indonesia: A Criticism and Evaluation of The Practise of Legislative Function in The House of Representatives. *Law Reform*, Vol. 16,(No.2),pp.215-223. https://doi.org/10.14710/lr.v16i2.33773.

Marwiyah, Siti., Borman, M. Syahrul., Ruba'ie., Ramadhani, M Chotib., Saraswati, Retno., & Naprathansuk, Non. (2023). The Educational Role of The Constitutional Court in Compliance of Indonesian Citizens. *Law Reform*,Vol.19,(No.1),pp.148-168, https://doi.org/10.14710/lr.v19i1.53971.

Mastenbroek, Ellen., van Voorst, Stijn., & Meuwese, Anne. (2016). Closing the regulatory cycle? A meta-evaluation of ex-post legislative evaluations by the European Commission. *Journal of European Public Policy*,Vol.23,(No.9),pp.1329-1348. https://doi.org/10.1080/13501763.2015.1076874.

Mietzner, M. (2010). Political Conflict Resolution and Democratic Consolidation in Indonesia: The Role of the Constitutional Court. *Journal of East Asian Studies,* Vol.10, No.3,pp.397–424. DOI:10.1017/S1598240800003672.

Miladmahesi, Rosita., Setiadi, Wicipto., Sadiawati, Diani., & Bakhtiar, Handar Subhandi (2023). The Possibility Of The Implementation Of Fast-Track Legislation In Indonesia. *Padjajaran Jurnal Ilmu Hukum,* Vol.10, (No.1),pp.101-121. https://doi.org/10.22304/pjih.v10n1.a6.

Mochtar, Zainal Arifin., & Rishan, Idul. (2022). Autocratic Legalism: the Making of Indonesian Omnibus Law. *Yustisia,* Vol. 11 (No.1),pp.29-41. https://doi.org/10.20961/yustisia.v11i1.59296

Mokhtar, Khairil Azmin., Satriawan, Iwan., & Nur Islami, Muhammad. (2017). A Comparison of Constitutional Adjudication Institutions in Malaysia and Indonesia. *Pertanika Journal of Social Science & Humanities*, Vol.25, pp.85-95. http://www.pertanika.upm.edu.my/pjssh/browse/regular-issue?article=JSSH-S0538-2017.

Nurcholis, Chanif., & Kridasakti, Sri Wahyu. (2018). Reconstruction Of The Local Government Model Based On The Concept

Of The Founding Fathers And The 1945 Constitution Juncto The 1945 Constitution Of The Republic Of Indonesia Towars Modern Local Government. *Yustisia,* Vol. 7 (No. 3), pp.534-568. https://doi.org/10.20961/yustisia.v7i3.24610.

Popelier, P. (2015). The role of courts in legislative policy diffusion and divergence. The *Theory and Practice of Legislation*, Vol.3,(No.3),pp.315-331. https://doi.org/10.1080/20508840.2015.1131058.

Purwadi, Hari., Sulistiyono, Adi., & Firdausy, Adriana Grahani. (2015). Konsekuensi Transplantasi Hukum Terhadap Pancasila Sebagai Norma Dasar Dan Hukum Lokal, *Yustisia*,Vol.4,(No.1),pp.73-88, https://doi.org/10.20961/yustisia.v4i1.8622.

Baum, Jeeyang Rhee., & Bawn, Kathleen. (2011). Slowing at Sunset: Administrative Procedures and the Pace of Reform in Korea. *Journal of East Asian Studies,* Vol.11,(No.2),pp.197–222. DOI:10.1017/S1598240800007165.

Izzati, Naybilla R. (2022). Deregulation in Job Creation Law: The Future of Indonesian Labor Law. *Padjadjaran Jurnal Ilmu Hukum (Journal of Law)* Vol. 9,(No.2), pp.191-209. https://doi.org/10.22304/pjih.v9n2.a3%20.

Rogler, L. J. J. (2005). Recent Developments In Administrative Law In The Netherlands and the European Union. *Indonesian Journal of International Law* Vol.2, (No.2), pp. 319-332. https://doi.org/10.17304/ijil.vol2.2.7.

Rumiartha, I Nyoman Prabu Buana., Astariyani, Ni Luh Gede., & Indradewi, Anak Agung Sagung Ngurah. (2022). Human Rights of Indigenous People in Indonesia: A Constitutional Approach. *Journal of East Asia & International Law*, Vol.15 (No.2),pp. 395-402. http://dx.doi.org/10.14330/jeail.2022.15.2.10.

Setiadi, W. (2018). The Urgency of Regulatory Reform in Order to Support Indonesia's National Development. *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)*,Vol.7,(No.4),pp.418-434. https://doi.org/10.24843/JMHU.2018.v07.i04.p01.

Setiadi, W. (2019). Institutional Restructuring to Sustain Regulatory Reform in Indonesia. *Hasanuddin Law Review*, Vol.5, (No.1),pp.120-131. http://dx.doi.org/10.20956/halrev.v5i1.1699.

Setiadi, W. (2021). Regulatory Reform in Support of Indonesia Advancement. *Italienisch,* Vol.11,Issue1,pp.83-117. https://doi.org/10.1115/italienisch.v11i1.83.

Suartha, I Dewa Made., Puspitosari, Hervina., & Hermanto, Bagus. (2020). Reconstruction Communal Rights Registration in encouraging Indonesia Environmental Protection. *International Journal of Advanced Science and Technology*, Vol.29, (No.3s),pp.1280-1282. https://www.academia.edu/download/626327

56/6085-Article_Text-9426-1-10-20200317202003 31-38760-dssodw.pdf.

Suartha, I Dewa Made., Martha, I Dewa Agung Gede Mahardika., & Hermanto, Bagus. (2021). Innovation based on Balinese Local Genius shifting Alternative Legal Concept: Towards Indonesia Development Acceleration. *Journal of Legal, Ethical, and Regulatory Issues*, Vol.24, (No.7), pp. 1-9, https://heinonline.org/HOL/LandingPage?handle=hein.journals/jnlolletl2424&div=20&id=&page=.

Suartha, I Dewa Made., Hattori, Mariko., Martha, I Dewa Agung Gede Mahardika., Hermanto, Bagus. & Dewi, Ni Putu Yeni Kusuma. (2023). Quo Vadis Corporate Crime Liability: Beyond Rule Reform and Future Prospect on Amending Criminal Code in Indonesia. *Lex Scientia Law Review*, Vol.7, (No.2), pp.32-68. https://doi.org/10.15294/lesrev.v7i2.61989

Subawa, Made. & Hermanto, Bagus. (2023). Despite Complicated Portraits and Policy Orientation: Struggle to Articulate Right to Education Based on the Indonesia Constitutional Court Decisions. *Revista de Direito Internacional*, Vol.20, (No.2), pp. 611-629. https://doi.org/10.5102/rdi.v20i2.9251.

van Lochem, P. (2017). Legislation against the rule of law – an introduction. *The Theory, and Practice of Legislation*, Vol.5, (No.2), pp. 95-100. DOI:10.1080/20508840.2017.1387729.

van Voorst, Stijn., & Zwaan, Pieter. (2019). The (non-)use of expost legislative evaluations by the European Commission. *Journal of European Public Policy*, Vol.26, (No.3) pp. 366-385. https://doi.org/10.1080/13501763.2018.1449235.

Wasti, Ryan Muthiara., Sati, Nisrina Irbah., & Fatmawati. (2022). Law-making in the time of pandemic as a new state of emergency in Indonesia. *The Journal of Legislative Studies*, in-press, pp. 1-22, DOI: 10.1080/13572334.2022.2116836.

Widayati., Herawati, Ratna., & Winanto. (2023). The Urgency of Presidential Institution Regulations in Strengthening the Presidential Government System. *Law Reform*,Vol.19(No.2),pp.199-220. https://doi.org/10.14710/lr.v19i2.57880.

Wijaya, Mas Pungky Hendra., & Ali, Mohammad Zulfikar. (2021). Legislation Impediments in Reorganising Government Bodies in Indonesia. *Bestuur,* Vol.9, (No.1), pp.1-12, https://doi.org/10.20961/bestuur.v9i1.51633.

Xanthaki, H. (2010). Drafting Manuals and Quality in Legislation: Positive Contribution towards Certainty in the Law or Impediment to the Necessity for Dynamism of Rules?. *Legisprudence*, Vol. 4, (No.2), pp. 111-128, https://doi.org/10.1080/17521467.2010.11424705.

Xanthaki, H. (2014). European Union Legislative Quality After the Lisbon Treaty: The Challenges of Smart Regulation. *Statute*

Law Review, Vol.35, (No.1), pp.66–80. https://doi.org/10.1093/slr/hmt005.

Xanthaki, H. (2018). An Enlightened Approach to Legislative Scrutiny: Focusing on Effectiveness. *European Journal of Risk Regulation,*Vol.9,(No.3),pp.431–44. https://doi.org/10.1017/err.2018.25.

PROCEEDING

Yusa, I Gede., Hermanto, Bagus., & Ardani, Ni Ketut. (2021). Law Reform as the Part of National Resilience: Discovering Hindu and Pancasila Values in Indonesia's Legal Development Plan. In *Proceedings of the International Conference for Democracy and National Resilience (ICDNR 2021) Series: Advances in Social Science, Education and Humanities Research*, (pp.1-10). https://doi.org/10.2991/assehr.k.211221.001.

ARTICLE

Hermanto, B. (2019). Law Instruments within Disruptive World and Polarization of Culture. Discussant on the International Seminar Master of Law Disruptive Era in Law Development, Udayana University, 27 September 2019, pp.1-3.

Hermanto, B. (2021). Discover Future Prospect of Indonesia Criminal Law Reform: Questioning Adat Criminal Law existence, Material, and Formal Legislation, and Constitutional Court Decision Frameworks. *Paper* has presented at an International Seminar with the theme "Challenges in Reforming Indonesian Criminal Law" at Faculty of Law Udayana University 17 June 2021, pp.1-30.

Jacobs, S. (2008). Smart Regulation For Markets: the Vision of Regulatory Reform, Regulatory Reform and Regulatory Impact Analysis (RIA). *Training Course for Indonesia Stakeholders in Civil Society*, December 8-12, 2008. Washington DC.

Kim, Jong S. (2000). Regulatory Reform In Korea: Visions and Strategies for Better Governance". *Paper presented at OECD high-level seminar on Partnerships in Governance: Common Responses to Challenges of Globalizatio*n, 9-10 May 2000, Paris, France.

Kim, J. (2016). Economic Effect of Regulatory Reforms in Korea. Research Report.https://www.econstor.eu/bitstream/10419/200937/1/kdi-pol-study-2016-01.pdf

Monoarfa, S. (2020). Perubahan Undang-Undang Bidang Tata Ruang, Lingkungan Hidup dan RUU Ibukota Baru", disampaikan dalam Rapat Dengar Pendapat Dewan Perwakilan Rakyat Republik Indonesia dengan Kementerian Agraria/Badan Pertanahan Nasional dan Kementerian Perencanaan Pembangunan Nasional pada 19 Februari 2020.

Sarjana, I Made. (2023). Intervensi Negara ke dalam Kontrak Komersial (Prinsip CETIHK). *Pidato* Pengukuhan Guru Besar Tetap dalam Bidang Ilmu Hukum Universitas Udayana, 25 November 2023.

Schou-Zibell, Lotte., & Madhur, Srinivasa. (2010). “egulatory Reforms for Improving the Business Environment in Selected Asian Economies— How Monitoring and Comparative Benchmarking Can Provide Incentive for Reform. *The ADB Working Paper Series on Regional Economic Integration*,No.40,pp.1-32. https://www.adb.org/sites/default/files/publication/28514/wp40-regulatory-reforms.pdf

Suyatna, I Nyoman. (2022). Pembentukan Peraturan Daerah Yang Baik Dalam Penyelenggaraan Pemerintahan Daerah. *Pidato* Pengukuhan Jabatan Guru Besar Tetap dalam Bidang Ilmu Hukum Administrasi Negara pada Fakultas Hukum Universitas Udayana, Sabtu, 3 September 2022.

Yusa, I Gede., & Hermanto, Bagus. (2022). Dasar Alternatif Penataan Mekanisme Preventif Dan Evaluatif: Komparasi Dan Usulan Rekomendatif Dalam Akselerasi Peningkatan Kualitas Legislasi Dan Regulasi Nasional. *Makalah* dalam Konferensi Nasional APHTN-HAN 2022, di Hotel Aryaduta, Nusa Dua, Bali, pada 20 Mei 2022, pp.1-20.

Yusa, I Gede. (2021). Merancang Undang-Undang Kepresidenan yang Bersumber pada Hukum Ketatanegaraan Majapahit. *Pidato* Pengukuhan Jabatan Guru Besar Tetap dalam Bidang Ilmu Hukum pada Fakultas Hukum Universitas Udayana, Sabtu, 27 Maret 2021.

THESIS AND DISSERTATION

Astariyani, Ni Luh G. (2017). Delegasi Pengaturan Kepada Peraturan Gubernur Menjamin Kemanfaatan Dan Keadilan. Program Doktor Ilmu Hukum, Universitas Udayana.

Cormacain, R. (2017). Legislative Drafting and the Rule of Law. Institute of Advanced Legal Studies. School of Advanced Study, University of London.

BOOKS

Astomo, P. (2018). *Ilmu Perundang-undangan: Teori dan Praktik di Indonesia*, *First Edition*. Jakarta: RajaGrafindo Persada.

Atmaja, Gede Marhaendra Wija., Astariyani, Ni Luh Gede., Aryani, Nyoman Mas., & Hermanto, Bagus. (2022). *Hukum Kebijakan Publik*. Denpasar: Swasta Nulus.

Direktorat Analisa Peraturan Perundang-undangan, Kedeputian Bidang Politik, Hukum, Pertahanan dan Keamanan – Bappenas. (2011). *Konsep Pedoman Penerapan Reformasi Regulasi.* Jakarta: Bappenas RI.

Lee, Joosun., & Han, Sunok. (1999*). Evaluation of Deregulation Results of the Kim Young Sam Administration*. Seoul: Korea Economic Research Institute.

MPR RI. (2020a). *Panduan Pemasyarakatan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 dan Ketetapan MPR RI, Revised Edition*. Jakarta: Sekretariat Jenderal MPR-RI.

MPR RI.(2020b). *Bahan Sosialisasi Empat Pilar MPR RI, Tenth Edition*. Jakarta: Sekretariat Jenderal MPR RI.

OECD. (2000). *Regulatory Reform in Korea*. Paris: OECD.

OECD. (2017). *Regulatory Policy in Korea: Towards Better Regulation, OECD Reviews of Regulatory Reform*. Paris: OECD Publishing.

PSHK. (2019). *Menggagas Arah Kebijakan Reformasi Regulasi di Indonesia: Prosiding Forum Akademik Kebijakan Reformasi Regulasi 2019*. Jakarta: PSHK cooperate with Netherlands Government under Rule of Law Fund and International Development Law Organization.

Subawa, Made., Giri, Ni Putu Niti Suari., & Hermanto, Bagus. (2023). *Dinamika Filsafat Ilmu Hukum Pancasila: Ontologi dan Aksiologis Sumber dari Segala Sumber Hukum di Indonesia*, First Edition. Ponorogo: Uwais Inspirasi Indonesia.

World Bank. (2008). *Regulatory Transformation in the Republic of Korea: Case Studies on Reform Implementation Experience*. Washington DC: FIAS cooperated with IFC, MIGA, and the World Bank.

Yusa, I Gede. (2016). *Hukum Tata Negara Pasca Perubahan UUD NRI 1945*, *First Edition*. Malang: Setara Press.

STATUTORY LAWS

The 1945 Indonesia Constitution.

The Law Number 12 of 2011 concerning Statutory Laws Arrangement as being amended firstly under the Law Number 15 of 2019 and the Law Number 13 of 2022 (Indonesia).

The Basic Act on Administrative Regulation (BAAR), (Law No. 13329 Year 1997, South Korea)