

ABSTRAK

MODEL PEMANTAUAN DAN PENINJAUAN UNDANG-UNDANG DALAM PENATAAN PRODUK LEGISLASI DI INDONESIA

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Perubahan Undang-undang Nomor 15 Tahun 2019 dan Nomor 13 Tahun 2022 tentang Pembentukan Peraturan Perundang-undangan menjadi langkah baru dalam mewujudkan peraturan perundang-undangan yang baik melalui konsep pemantauan dan peninjauan. Namun, implementasi pemantauan dan peninjauan undang-undang dihadapi sejumlah tantangan, termasuk ketidakseragaman model yang digunakan dalam pelaksanaan pemantauan dan peninjauan di dalam peraturan turunan yang mengaturnya.

Metode penelitian yang digunakan adalah pendekatan yuridis normatif dengan analisis substansi hukum dan perbandingan hukum. Selain itu, penelitian ini melakukan inventarisasi praktik pemantauan dan peninjauan undang-undang di berbagai negara, dan membandingkan metode pemantauan dan peninjauan seperti *ROCCIPi*, *Regulatory Mapping and Review*, *Regulatory Impact Analysis*, dan MAPP.

Hasil penelitian menemukan pemantauan dan peninjauan UU di Indonesia bukan merupakan siklus legislasi (tahapan pembentukan peraturan perundang-undangan). Dalam Pasal 95A ayat (4) UU Pembentukan PUU tidak terdapat kewajiban bagi pelaksana pemantau dan peninjau untuk melakukan pemantauan dan peninjauan setelah dibentuknya sebuah UU karena adanya frasa “dapat” pada pasal *a quo*. Pelaksanaan pemantauan dan peninjauan dilakukan oleh DPR melalui Badan Legislasi, DPD melalui Panitia Perancang Undang-Undang, dan Pemerintah melalui Kementerian Hukum dan HAM. Ketiganya tidak memiliki keseragaman model dalam melaksanakan pemantauan dan peninjauan undang-undang.

Berbagai model pemantauan dan peninjauan undang-undang seperti *ROCCIPi*, *Regulatory Mapping and Review*, *Regulatory Impact Analysis*, dan MAPP sangat penting untuk mengevaluasi efektivitas dan efisiensi regulasi. Masing-masing Metode tersebut tentu saja memiliki ciri, kekuatan dan kelemahan masing-masing sesuai dengan konteks dan kebutuhannya. Model baru yang dikenalkan adalah *Hybrid Monitoring and Review Framework* (HMRF), yang menggabungkan elemen-elemen dari metode RIA, RegMap, ROCCIPi, dan MAPP. Pelaksana HMRF itu sendiri adalah lembaga independen yang bertanggung jawab penuh untuk melakukan pemantauan dan peninjauan undang-undang.

Kata Kunci: *pemantauan dan peninjauan, evaluasi, undang-undang, regulasi, legislasi*

ABSTRACT

MONITORING AND SCRUTINY MODELS FOR ARRANGING LEGISLATION PRODUCT IN INDONESIA

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The emergence of Law No. 15 of 2019 and Law No. 13 of 2022 were meant to embodied the actualization of well-formed legislation by monitoring and scrutiny model. However, its implementation faces various challenges, which including non-uniformity in its operation by subordinate legislation.

On conducting this research, it employ the normative-juridical method which are equipped with comparative and legal material-substance analysis approach. Furthermore on conducting those analysis approach, it will be done by best-practices shopping forums on monitoring and scrutiny that are experienced by several countries. The comparison of those countries will be conducted by employing ROCCIPI theory, Regulatory Mapping and Review model, Regulatory Impact Analysis model, and MAPP.

Based on the implementation of this research, it resulted on the discovery that the implementation of monitoring and scrutiny in Indonesia are not legislation-formation cycle. Referring to the stipulation of Article 95A (4) of Law on Formation of the Legislation, it doesn't constitute the monitoring and scrutiny executant on performing their duties for implementing the monitoring and scrutiny of the Law after its promulgation. The non-obligatory of that duty is derived from the existent of the "may" phrase within a quo Article. Then, the monitoring and scrutiny implementation is conducted by the House of the People's Representative by its Legislation Committee, the House of Regional Representative by its Legislation Formator Committee, and the Government by its Ministry of Law and Human Rights. However those institutions still don't have unanimous and uniform model for implementing the legislation monitoring and scrutiny.

Various model for monitoring and scrutiny of legislation such as ROCCIPI theory, Regulatory Mapping and Review, Regulatory Impact Assessment, and MAPP have their own characteristics, advantage, and disadvantage. After comparing those model and their advantage and disadvantage, it resulted in the emergence of a new concept that called as *Hybrid Monitoring and Review Framework* (HMRF). Where the executant of the HMRF model is an independent institution which is employ with sole purpose for monitoring and scrutiny of legislations.

Keywords: monitoring and scrutiny, evaluation, law, regulation, legislation