

Policy Paper

# Synergy of the Development Planning Regulatory Framework with the National Legislation Program

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## Abstract

The preparation of regulatory framework in the Government Work Plan/National Medium Term Development Plan has not been fully aligned with the preparation of laws and regulations in the National Legislation Plan and or Program for Preparation of Government Regulations and Presidential Regulations. The main objective of this paper is to investigate the factors that hinder the coordination mechanism for drafting regulations and emphasize the importance of realizing synergies, focusing on achieving a coordinated approach in drafting regulations. This policy research paper adopted a normative juridical analysis and a qualitative approach based on empirical data. The findings suggest that the coordination mechanism for preparing regulations is not functioning optimally due to inhibiting factors. The inhibiting factors are the lack of awareness regarding of the importance in meeting the indicators for proposing a regulatory framework and the absence of regulations that mandated sector directorates and KL (ministries/agencies) to comply with these indicators. Also there was a lack of synergy in coordinating the drafting of regulations.

**Keywords:** Synergy; Regulation; Legislation.

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## 1. Introduction

Regulatory Framework is one of the delivery mechanisms for development policy planning in addition to the Funding Framework and Institutional Framework, as mandated in Law Number 25 of 2004 concerning the National Development Planning System. Properly drafting the Regulatory framework is essential to ensure efficiency and effectiveness in policy implementation. Integrating the Regulatory framework into planning documents is importance as it role to guides the planning process for forming laws and regulations according to the needs of development (Fourie, 2018) and can significantly influence the development planning process and its outcomes (Adhvaryu, 2011). The Regulatory framework serves as a guidance and regulation for conducting state administration and development activities, and it contains indications and policy directives for proposed draft laws and regulations within a specific timeframe (short term and medium term).

The Regulatory framework plays a critical role in supporting the implementation of sustainable development planning (Ellis & Lundy, 2016). For example, a study in China has demonstrated how policies and regulations have been altered and adjusted between 1993 and 2012 to encourage sustainable development in the country (Heilmann & Melton, 2013). Previous research has demonstrated that the Regulatory framework is a crucial component of effective development planning, as evidenced by studies conducted in Tanzania which indicate that the Regulatory framework can help prevent unforeseen or unplanned developments in development programs (Kironde, 2006). Another study suggests that an efficient Regulatory framework for planning the development of a site with specific characteristics and meeting the requirements of the local community should consider various significant aspects, including the involvement of the community, a collaboration between different parties, and the constant assessment of the strategy (Untaru, 2010). This study also pointed out that the regulatory framework must be flexible and able to adapt to the needs of local communities. Later research demonstrated that for complex and inclusive cultural strategies, an effective Regulatory framework must consider several critical factors, such as extensive community participation, a collaboration between different stakeholders, and ongoing assessment of strategies (Sacco & Crociata, 2012). The authors proposed a Regulatory framework consisting of four stages: situation analysis, strategy development, strategy implementation, and strategy evaluation. A case study conducted in Norway demonstrated how implementing policies and regulations through Regulatory framework and powers can shape the behavior of market actors and urban planning practices, leading to adopting sustainable planning practices (Rosnes, 2006).

During the planning process, the implementation of the prepared policy and regulatory framework is often met with challenges and obstacles. Some difficulties related to implementing policy and Regulatory framework include insufficient comprehension of policies and inadequate local capacity, as Heum et al. (2011) suggested. Several factors hinder the successful implementation of policies and regulatory frameworks, such as insufficient human resources, poor coordination, political interference (Ahmad & Anjum, 2012; Bergamini & Perez, 2022; Cao, 2014), and inadequate regulations (Alam et al., 2020). These challenges and obstacles can be overcome if the government focuses on the important factors that determine the effectiveness of the Regulatory framework planning. Important factors that can affect the effectiveness of Regulatory framework in planning include compliance, openness or participation, consistency, capacity and resources (Hasan et al., 2019; Werbeloff & Brown, 2016; Xu et al., 2017), stakeholder involvement, the role of government, supervision (Linke & Zerfass, 2012; Waiti & Lorrenij, 2017; Wu & Zhang, 2007), the existence of clear and consistent national policies (Gboney, 2011; Sauvart & Chen, 2014; Verhoest et al., 2014) and coordination and cooperation between agencies and stakeholders (Naidoo & Maré, 2016; Payne, 2010).

Article 18 of Law Number 12 of 2011 concerning the Formation of Legislation has emphasized the importance of aligning regulatory framework with development policies and the national legal system. It is a significant development from the previous law and highlights the efforts to align the National Legislative Program (NLP or *Prolegnas* in Indonesian) with national development plans such as the National Long Term Development Plan (RPJPN), National Medium Term Development Plan (RPJMN), and Government Work Plan (RKP) as short term plan. To achieve this goal, the preparation of legislative plans involves collaboration with various stakeholders, not only the House of Representatives (DPR) but also the government, including all ministries and institutions, such as the Ministry of National Development Planning/National Development Planning Agency (Bappenas).

Bappenas has the authority to propose legislative plans in Prolegnas and Drafting Program (Progsun) through National Legal Development Agency (BPHN). Additionally, Bappenas has the authority to develop the RKP/RPJMN, which contains proposals for legislation, including the formation and amendment of laws, government regulations, presidential regulations, and ministerial regulations. Instead of having a separate legislative plan, the RKP/RPJMN is recognized by the Formation of Legislation Law under Article 18 as one of the references for preparing the National Legislation Program. Therefore, it is appropriate for Bappenas to draft legislation plans through RKP/RPJMN products that have legal force and serve as a basis for drafting legislation plans in Prolegnas/Progsun.

To effectively carry out its role, Bappenas considers the proposed regulatory framework submitted by Ministries/Institutions through the Sector Directorate, but sometimes they do not adequately address the needs of national development planning. One of the factors inhibiting the synergy between RKP/RPJMN and Prolegnas/Progsun is a lack of understanding about the urgency of fulfilling indicators for proposing a regulatory framework that can be integrated into the National Legislation Plan of Prolegnas/Progsun. Additionally, no provisions require sector directorates and ministries or agencies (K/L) to comply with the proposed indicators for the regulation. As a result, the proposed Regulatory framework in the RKP cannot be followed up and included in the Prolegnas/Progsun.

The weak coordination mechanism for drafting regulations can be exemplified by the lack of full synergy between the preparation of the Regulatory framework in the RKP/RPJMN and Prolegnas/Progsun. The Ministry of National Development Planning/Bappenas supervises the implementation of the proposed Regulatory framework for the RKP/RPJMN, but the proposing Ministries/Institutions have not given sufficient attention to the urgency of proposing regulations as mandated by the Law. As stated in the Explanation and Appendix I of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011:

*"This study is supported by analysis using certain methods, including the Regulatory Impact Analysis (RIA) method and the Rule, Opportunity, Capacity, Communication, Interest, Process and Ideology (ROCCIPI) method."*

The lack of attention to the urgency of proposing regulations using certain methods during the drafting process can have further implications for Bappenas' role in coordinating the preparation of RKP/RPJMN with Prolegnas/Progsun, as mandated by the law. The Directorate of Law and Regulation plays a crucial role in exploring the urgency of regulatory needs proposed by the Sector Directorate at Bappenas in coordination with K/L. To address this issue, Bappenas is currently using the regulatory Simplification Instrument (ISR) to deepen and sharpen the urgency of the need for a regulatory framework. This involves creating indicators/criteria as touchstones for proposing a regulatory framework, which will be followed up and considered in the preparation of the legislation plan in the Prolegnas/Progsun.

The proposed regulatory framework K/L lacks a review of the urgency of regulatory needs, which is one of several indicators for proposing a regulatory Framework. As a result, it is difficult to explore the urgency of the proposed regulatory requirements fully. This issue leads to a more complex problem: the absence of a binding regulation that requires sector directorates and K/L to fulfill the proposed indicators for the regulation. Consequently, the proposed regulatory framework in the RKP cannot be followed up and included in the Prolegnas/Progsun. Given the background above, the main challenge addressed in this research is how to achieve synergy in the coordination mechanism for drafting RKP/RPJMN regulations with Prolegnas/Progsun, leading to a planned, directed, integrated, and systematic national legal system.

## 2. Methods

This study used a normative juridical analysis method, which is an approach based on legal material by examining theories, opinions of legal experts, and laws and regulations related to the writing of this policy paper. Additionally, this study also utilized qualitative analysis of literature studies by tracing empirical data from various sources related to coordination issues in the preparation of the RKP/RPJMN regulations with the Prolegnas/Progsun involving various parties such as academics, practitioners, and relevant authorities.

### 3. Results and Discussions

#### 3.1 Preparation of the Regulatory Framework in the RKP/RPJMN

The regulatory framework is one of the delivery mechanisms for development policy planning, in addition to the Funding Framework and Institutional Framework, as mandated by Law Number 25 of 2004 concerning the National Development Planning System (SPPN). As one of the delivery mechanisms, the regulatory framework is a significant instrument that must be properly drafted to achieve efficiency and effectiveness in policy implementation. The urgency of integrating the regulatory framework into planning documents is very high because the regulatory framework aims to:

- a. direct the planning process for the formation of laws and regulations according to development needs;
- b. improve the quality of laws and regulations to support the achievement of development priorities; and
- c. improve the efficiency of budget allocation to establish laws and regulations.

The regulatory framework is designed to provide guidance and a regulatory foundation for carrying out state administration and development activities. It contains indications or policy directives regarding proposed draft laws and regulations within a certain period of time (RPJMN or RKP). The SPPN Law explicitly mandates the regulatory framework to be part of the national development planning document. This is stated in Article 4 paragraph (2), Article 4 paragraph (3), and Article 5 paragraph (2). Article 4, paragraph (2) states that:

*"The National RPJM is an elaboration of the President's vision, mission, and Program which formulation is guided by the national RPJP, which contains the national development strategy, general policies, ministerial/agential and cross-ministerial/agential, regional and cross-regional programs, and a macroeconomic framework that includes an overall picture of the economy including the direction of fiscal policy in the work plan in the form of a regulatory framework and a funding framework."*

Article 4 paragraph (3):

*"The RKP is an elaboration of the national RPJM and contains development priorities, a draft of macroeconomic framework, an overall picture of the economy and the direction of fiscal policy and ministerial/Institutional, cross-ministerial/Institutional, and regional programs in the form of regulatory framework and indicative funding frameworks."*

As a crucial aspect of state administration activities, the quality and quantity of regulations need to be managed appropriately to ensure the production of simple and orderly regulations. "Simple" refers to the proportional and easy-to-understand and comply with regulations, while "orderly" means that the regulations formed take into account the applicable regulatory system's rules. By adhering to the principles applied in creating regulations, simple and orderly regulations can be issued, which can be fully integrated into the national regulatory plan. The plan, in turn, supports the effective and efficient functioning of regulations.

To comply with these directives and mandates, the Directorate of Law and Regulation is responsible for creating and maintaining the regulatory framework in the RPJMN and RKP, ensuring consistency and sustainability in the process. The mechanism generally consists of several steps, such as proposals submitted by the sector directorate of Bappenas in collaboration with relevant ministry/agency partners, the assessment of the urgency of regulatory proposals, detailed discussions and meetings, and joint discussions with the respective sector directorates. This process also involves debottlenecking, which is an effort to identify and discuss the reasons, constraints, or factors that prevent the person in charge of National Priority from proposing a regulatory framework in the RKP. Before carrying out the activities of deepening and sharpening the regulatory framework for the RKP, internal and external coordination was carried out as follows:

- a. Internal coordination involves working with the Sector Directorate of Bappenas to identify the urgency of the proposed regulatory framework and with the Deputy for Development Monitoring, Evaluation, and Control (PEPP) to ensure the proper RKP preparation procedure.

- b. External coordination is conducted with the Ministry of Law and Human Rights and BPHN to align the regulatory framework plan for the RKP with the legislation plans in Prolegnas and the Progsun of Government Regulations (PP) and Presidential Regulations (Perpres).
- c. After the Sector Directorate of Bappenas submits a list of urgencies and needs for proposed regulatory framework, the Directorate of Law and Regulation conducts an in-depth analysis using the regulatory ISR. Additionally, the Directorate of Law and Regulation carries out various other tasks, such as:
  - 1) participating in the agenda for the Judicial Review of Laws initiated by Bappenas;
  - 2) being involved in Inter-Ministerial Committee (PAK);
  - 3) attending meetings for the formulation and deepening of laws and regulations initiated by the Sectoral Directorate of Bappenas and other K/L;
  - 4) compiling the Background Study of the RPJMN and RPJPN regulatory framework;
  - 5) monitoring and evaluating regulations in the RPJMN and RKP;
  - 6) mapping scientific works/theses/dissertations of legal academics from various universities in Indonesia.

In 2022, the Directorate of Law and Regulation established a coordination with the BPHN, as demonstrated by aligning the criteria or indicators for proposing regulations in the RKP and the Prolegnas/Progsun legislation plan. This coordination represents a tangible effort to fulfill the mandate of Article 18 of Law Number 12 of 2011 regarding the Formation of Legislation.

In the process of preparing the RPJMN background study (BS), the Directorate of Law and Regulation compiled a study on the Law and regulatory Framework. The aim of the BS is to plan legal and regulatory policies for the national medium-term development. The BS agenda is carried out through focus group discussions with experts, practitioners, academics, and certain authorities and through in-depth studies by the Directorate of Law and Regulation in coordination with those in charge of national priorities. The main purpose of the background study of the regulatory framework is to identify strategic regulatory framework issues that support national priorities and to identify the regulatory framework needed to support national medium-term development. The indicators used to identify the regulatory framework in the RPJMN are aligned with the regulatory indicators included in the Prolegnas legislation plan. The followings are the indicators/criteria used for proposing a regulatory framework in the RKP.

**Table 1.** Indicators for Proposing Regulatory Framework in RKP

1. Legality Aspect	1.1. Higher regulatory mandate and/or other regulations
	1.2. Regulations are in conflict with other regulations.
	1.3. Regulations create disharmony and are inconsistent with other regulations.
	1.4. Regulations give rise to multiple interpretations (raise different understandings).
2. Needs Aspects	2.1. Regulations are urgent to be enacted.
	2.2. Regulations provide benefits to society.
	2.3. Regulations provide convenience to the community.
	2.4. Regulations have the potential to hinder the achievement of national development goals and targets.
3. Expense Incurred Aspects	3.1. Regulations will burden the State Budget (APBN) and/or Regional Budget (APBD)
	3.2. Regulation will provide benefits greater than the costs to be incurred (Cost and Benefit Analysis)
4. Regulatory Planning Aspects	4.1. Regulations are included in the RPJMN
	4.2. Regulations have never been stated in Chapter 5.2 of RKP
	4.3. Regulations are proposed by the Government
	4.4. Have academic papers, studies, draft regulations and/or cost and benefit analysis studies
	4.5. Support National Priority/Major Projects in RKP

Table 1. Continued...

	4.6 Regulation is completed within one year
	4.7 Regulations have not been listed in the Proleg/Progsun
5. Regulatory Substance Analysis Aspects	5.1. ISR (Regulatory Simplification Instrument) Analysis
	5.2. eCLIS (Electronic Codification and Information System) Analysis
	5.3. Analysis of the AE BPHN results

### 3.2 The Formulation of Regulations in Prolegnas/Progsun

The Prolegnas serve as a priority scale for developing laws that aim to establish a comprehensive national legal framework. It is based on eight priority scales that take into account various factors, such as the 1945 Constitution of the Republic of Indonesia and the aspiration and legal requirements of the community. The Prolegnas is established for a period of five years and annually. Annual Prolegnas must be prepared and approved before the Draft Bill on the State Budget is enacted. The medium-term Prolegnas is prepared and established at the beginning of the DPR's membership period, and an annual evaluation is conducted before the annual Prolegnas is established.

The Law on the Formation of Legislation explains that the Prolegnas is a planning tool for creating laws that are developed in a systematic, integrated, and planned manner. According to Article 1 point 9 of Law Number 12 of 2011 in conjunction with Law Number 15 of 2019 in conjunction with Law Number 13 of 2022 regarding the Formation of Legislation, the National Legislation Program is an instrument or mechanism as described in the article:

*"The National Legislation Program is an instrument for planning and developing the formation of laws and is prepared in a planned, integrated, and systematic manner."*

Therefore, Prolegnas is a continuous process that starts from the "pre-legislation formation." Planned is defined as being prepared with the intention of guiding the formation of laws, while integrated means it is coordinated between the DPR and the government, and systematic means utilizing specific mechanisms and requirements. Prolegnas is a component of Indonesia's national legal system that serves as a planning tool for the creation of regional laws or regulations (Perda). In its evolution, the objectives of developing this Prolegnas include the following:

- a. Accelerating the process of creating legal regulations in order to build the national legal system;
- b. Developing laws and regulations that serve as the foundation for other sectors of development and actualizing the law as a tool for social engineering/development, a means for resolving and preventing disputes, a regulator of the behavior of community members, and a means of unifying the nation under the Unitary State of the Republic of Indonesia;
- c. Supporting efforts to establish the rule of law, particularly by replacing colonial-era regulations and national laws that are no longer in step with societal changes;
- d. Improving existing laws and regulations that do not meet the demands and needs of the community; and
- e. Creating new laws and regulations that respond to the demands and needs of the community.

Furthermore, in practical terms, the Prolegnas is frequently used to refer to the content or substance of plans for the creation of laws and regulations. In this context, Prolegnas is a catalog of plans for the formation of laws and other legal regulations that are developed based on specific methods and parameters and are imbued with the vision and mission of advancing national law. The proposed legislation in question is

*"Proposals for the formation of laws and regulations in the long, medium, and short term are submitted by initiating institutions such as Ministries and agencies in the form of plans that are prepared or drafted."*

It is important to highlight the difference between the Prolegnas's understanding as an instrument and substance. The prevalent understanding of the legislation program often emphasizes its material or substance, resulting in some individuals thinking that the program is insignificant because it is merely a

"wish list" submitted by K/L. However, it should be emphasized that the Prolegnas should be regarded as an instrument or mechanism that plays a crucial role in the process of forming laws and regulations.

Prolegnas is a collaborative effort between the government and the DPR, with coordination by the DPR. A dedicated division in the DPR, along with the Minister responsible for legal affairs in the President's cabinet, prepares and coordinates Prolegnas. Prolegnas is established by the DPR through a Plenary Meeting, where a decision is made, and an open cumulative list is compiled. The list includes plans for the formation of laws and regulations that are based on various factors, such as the need to ratify international agreements, decisions made by the Constitutional Court, the state budget (APBN), the creation or merging of provinces, regencies, or cities, and the stipulation or revocation of Government Regulation in Lieu of Law. In special circumstances, the DPR and the President can propose bills outside the National Legislation Program, such as during conflicts, natural disasters, or other national emergencies. To simplify the understanding of the legislative function, the following are the stages involved:

- a. Planning: The formulation of a list of bills that will be prepared for five years and every year by the DPR, DPD, and the government.
- b. Preparation: The preparation of academic texts, bill drafts, and the harmonization, unification, and consolidation of conceptions.
- c. Discussion: The discussion of the Bill's Problem Inventory List (DIM) including level one and level two talks.
- d. Ratification: The President's signature on the mutually agreed draft of the bill between the DPR and the President.
- e. Promulgation: The placement of the ratified laws in the State Gazette.

Prolegnas serve as a technical instrument in the planning stage of creating laws and usually involve five stages, which include the following:

- a. Input gathering stage: The DPR, DPD, and the Government/President gather a list of bills from state institutions and citizens.
- b. Input screening stage: The DPR, DPD, and the Government/President filter the input for the bills.
- c. Initial determination stage: The DPR, DPD, and the Government/President determine the list of bills to be submitted to the DPR.
- d. Joint discussion stage: The DPR, DPD, and the Government/President discuss the list of bills together to compile the National Legislation Program.
- e. Prolegnas enactment stage through DPR Decree: The DPR enacted the bills to be included in the National Legislation Program as agreed in the joint discussion forum between the DPR, DPD, and the Government/President.

The Prolegnas plays a crucial role in the development of national law as it systematically prioritizes bills for discussion by the DPR and the government. The process of creating laws and regulations begins with planning, which involves legislation programs at the national and regional levels. Thus, Prolegnas and Regional Legislation Program (Prolegda) are intended to serve as guidelines and oversight mechanisms for the formulation of legally binding regulations by all institutions authorized to create such regulations.

The Minister of Law and Human Rights through BPHN, coordinates the preparation of Prolegnas within the government. The process of drafting Prolegnas in the government is regulated by Presidential Regulation Number 61 of 2005, which outlines the National Legislation Program. To collect information on legislation plans, the BPHN monitors K/L. This data is then analyzed and verified as material for harmonizing, unifying, and consolidating the concept in the legislative plan. The development of the Prolegnas starts with each Ministry/Institution preparing a "legislative plan," accompanied by an explanation of:

- a. The main materials to be regulated and their relation to other laws and regulations;
- b. The main material to be regulated includes the background, purpose, targets to be achieved, main ideas, the object or scope to be regulated, the direction of regulation, and its relationship to other laws and regulations.

Once the legislation plan is prepared, the next step in the Prolegnas process is the Annual Prolegnas Discussion Meeting. This meeting is held to coordinate the preparation of laws and regulations that are either in the process of being drafted or will be drafted by all Ministries/Institutions. The meeting is also responsible for deciding which legislation plans should be given priority. At the meeting, the government proposes Bills to be submitted to the DPR with an explanation of why they are urgent. These bills must meet certain technical requirements, such as having academic papers, draft bills, and being harmonized at the Directorate General of Legislation, Ministry of Law and Human Rights.

The Minister of Law and Human Rights later informs the President of the outcomes of the Annual Discussion Meeting on National Legislation, specifically the bills that have been prioritized, and seeks approval from the President. Upon approval, the proposed legislation will be brought to a coordination forum with the DPR to synchronize and harmonize the Prolegnas. The next step is to jointly prepare the Prolegnas between the DPR and the government in a coordination meeting, where the Chairman and Deputy Head of Legislation Agency (Baleg) and the Minister of Law and Human Rights will sign the ratified results. Baleg will then communicate the results to the chairman of the parliament, while the Minister of Law and Human Rights will report to the President after a joint agreement has been reached between the DPR and the Government.

In the government environment, the "legislative plan" encompasses all plans for the creation of laws and regulations, including those that are still in the form of "wish-lists" to make laws and regulations and those that are more concrete, draft laws and regulations that are in the process of being drafted, or those that have been completed and are ready to be submitted to the DPR. Thus, the legislative plan includes:

- a. Legislative plans that are not yet concrete, consisting of titles of statutory regulations which are in a tentative stage;
- b. Legislative plans that are in the process of concretization, such as plans for enacting laws that are still undergoing preparation through study and research activities;
- c. Legislative plans that are currently being drafted as academic texts, such as research results that have been prepared in the form of academic texts;
- d. Legislative plans that have reached the stage of drafting bills within K/L;
- e. Legislative plans in the form of a Draft Law, which have been fully prepared and undergone a harmonization process through inter-Ministry discussions.

Although still in the planning stage, each Ministry/Institution's proposed legislation must have clear content. When submitted to the Prolegnas coordinator, it should come with an explanation on:

- a. The primary materials to be regulated and their connection to other laws and regulations;
- b. The main material to be regulated, along with its relationship to other laws and regulations, should provide a comprehensive explanation of the Draft Law's concept, which includes: a. the background and purpose of preparation; b. the goals to be achieved; c. the main ideas, scope, or object to be regulated; and d. the range and direction setting.

If a Ministry or Institution has produced an Academic Document (NA) for a Draft Law, it must be included when submitting the plan for the Draft Law formation. The information about each Ministry or Institution's legislative plans are obtained through regular monitoring activities conducted by BPHN at the beginning and middle of each fiscal year. The monitoring serves the following purposes:

- a. Updating the legislative plans by recording any new plans proposed by K/L;
- b. Evaluating the progress of each legislative plan that was submitted in the previous year by K/L;
- c. Identifying obstacles encountered in implementing the legislative plan, such as obstacles arising due to overlap with the authority of other Ministries/Institutions, which results in objections from the concerned Ministries/Institutions.

Next, the information gathered from all K/L regarding their legislative plans is collated and checked for consistency, uniformity, and consolidation of ideas. This process is carried out through a consultation forum led by the Minister. This forum is known as the Prolegnas Annual Discussion Meeting, which takes place once a year. In addition to representatives from all K/L, the meeting also includes experts from universities, representatives from various socio-political organizations, professional bodies, religious organizations, youth/student groups, and non-governmental organizations.

### **3.3 The synergy of Coordination Mechanisms in Formulating RKP/ RPJMN Regulations with Prolegnas/ Progsun**

#### *3.3.1 Factors Inhibiting the Synergy of Regulation Formulation in RKP/ RPJMN with Prolegnas/ Progsun*

The provisions of Article 18 of Law Number 12 of 2011 concerning the Formation of Legislation emphasize the importance of aligning the regulatory framework with national development policies and the national legal system. This article is a significant breakthrough in the law as it aims to coordinate the National Legislation Program (Prolegnas) with national development planning in RPJPN, RPJMN, and RKP. To achieve this goal, many parties are involved in the coordination of the drafting of legislation plans, including not only the DPR but also the government, particularly all K/L, including the Ministry of National Development Planning/Bappenas.

As previously mentioned, Bappenas can propose plans for laws and regulations for Prolegnas through BPHN. However, Bappenas also has the authority to create the RKP/ RPJMN, which contains proposals for legislation to create or amend laws, government regulations, presidential regulations, and ministerial regulations. Rather than being a separate legislative plan, the RKP/ RPJMN is recognized by the Drafting of Legislation Law in Article 18 as one of the resources used to create the National Legislation Program. As a result, it is appropriate for the drafting of legislation plans by Bappenas through the RKP/ RPJMN to have legal force.

When fulfilling its responsibilities, Bappenas sometimes finds that proposals for regulatory framework submitted by Ministries/ Institutions through Sector Directorates at Bappenas are not in line with the needs of national development planning. An example of a proposed regulatory framework in an RKP that falls under this category is as follows.

**Table 2.** Example of the Proposed Regulatory Framework in RKP

GOVERNMENT WORK PLAN PRIORITY FOR 2019												
No	National Priority	Priority Program	Priority Activities	Priority Project	K/L Output in the Workplan	Draft Proposed Regulations	New Proposal	Revision/ Change	Revocation	Considerations/ urgency	Related K/L	Initiator Unit (Echelon II)
<b>Directorate General of Pharmaceuticals and Medical Equipment, Ministry of Health</b>												
1	Human development through poverty reduction and improvement of basic services	Improving community health and nutrition services	Improving Access and Quality of Health Services	Providing and improving the quality of pharmaceuticals and medical devices	Hospitals and health centers that carry out pharmaceutical services according to standards	Regulation of the Minister of Health concerning Pharmaceutical Service Standards in Clinics	√			Improving pharmaceutical services in clinics to comply with the standards	Ministry of Internal Affairs	Directorate of Pharmaceutical Services
2	Human development through poverty reduction and improvement of basic services	Improving community health and nutrition services	Improving Access and Quality of Health Services	Providing and improving the quality of pharmaceuticals and medical devices	Hospitals and health centers that carry out pharmaceutical services according to standards	Regulation of the Minister of Health concerning Pharmaceutical Service Standards at Drug Stores	√			Improving pharmaceutical services in drugstores to comply with the standards	Ministry of Internal Affairs	Directorate of Pharmaceutical Services
3	Human development through poverty reduction and improvement of basic services	Improving community health and nutrition services	Improving Access and Quality of Health Services	Providing and improving the quality of pharmaceuticals and medical devices	Hospitals and health centers that carry out pharmaceutical services according to standards	Regulation of the Minister of Health concerning Guidelines for Pharmaceutical Services in Kidney Diseases	√			Patients with kidney disease have a higher risk of using drugs, so more attention is needed from the pharmacy to ensure the safety of drugs		Directorate of Pharmaceutical Services

Table 2 indicates that the proposed regulatory framework submitted by Ministries/Institutions through the Sector Directorate of Bappenas lacks comprehensive information in the consideration/urgency column. This results in a failure to fulfill the indicators for proposing regulations that have been stipulated in Table 2, including the legality, need/urgency, burden incurred, regulatory planning, and substance analysis. Consequently, the legislative plans prepared by Bappenas in the RKP cannot be included in the National Legislation/Progsun national legislation plans, making it difficult for sector directorates or Ministries/Institutions to complete academic papers or regulatory drafts. As a result, the regulatory planning in the RKP/RPJM cannot be integrated into the Prolegnas/Progsun legislation plans. Thus, it can be concluded that the factors inhibiting synergy in the preparation of regulations by Bappenas and BPHN can be arranged as follows.

**Table 3.** Factors Inhibiting the Synergy of Regulation Formulation in RKP/RPJM with Prolegnas/Progsun

No.	Inhibiting Factors	Impacts
1.	The Sectoral Directorates and K/L have limited understanding of Bappenas' role in developing legislative plans in the RKP/RPJM, which subsequently serve as the foundation for drafting Prolegnas/Progsun legislation plans. This could be due to a lack of legal awareness on their part.	The DPR cannot pursue the establishment, amendment, or issuance of legislative plans outlined in the RKP/RPJM since they do not fulfill the Prolegnas/Progsun indicators.
2.	Although the regulatory framework proposed in the RKP will be integrated into the Prolegnas/Progsun legislation plan, Sectoral Directorates and K/L often fail to understand the importance of meeting the indicators/criteria for proposing such a framework.	Numerous proposed regulatory frameworks have not made any progress, despite being included in the RKP/RPJM, and are repeatedly passed down to the next RKP period. This inefficiency has resulted in ineffective and inefficient budgeting for regulation preparation. This inefficiency has resulted in ineffective and inefficient budgeting for regulation preparation.
3.	Although the indicators for proposing the regulatory framework (which are in line with the indicators for proposing the Prolegnas/Progsun legislation plan) have been communicated to all sector directorates of Bappenas and K/L, there is currently no obligation for them to adhere to these indicators when proposing regulations. Thus, the proposed regulatory framework in the RKP cannot be followed up and included in the Prolegnas/Progsun.	The effectiveness and efficiency of the coordination between the Directorate of Law and Regulation, the Sectoral Directorate of Bappenas and K/L in drafting legislation plans for the RKP/RPJM decreased.

The table suggests that a lack of understanding about the importance of meeting the indicators for proposing a regulatory framework is hindering the coordination of drafting regulations in the RKP/RPJM. These indicators are essential for integrating the proposed framework into the National Legislation Plan for Prolegnas/Progsun. Additionally, there are no regulations requiring sector directorates and K/L to comply with these indicators. Consequently, the proposed regulatory framework in the RKP cannot be followed up or included in the Prolegnas/Progsun.

### 3.3.2 Conditions of Coordination Synergy in the Preparation of RKP/RPJM Regulations with Prolegnas/Progsun

To indicate the achievement of synergistic coordination in drafting regulations in the RKP/RPJM with the Prolegnas/Progsun, the following can be considered:

#### a. Promulgation of Regulations Proposed through RKP/RPJM

During the 2020-2024 RPJM and RKP periods, a number of laws, government regulations, and presidential regulations have been promulgated, including:

##### Laws

- 1) Law Number 11 of 2020 concerning Job Creation
- 2) Law Number 3 of 2022

- 3) Law Number 2 of 2021 concerning the Second Amendment to Law Number 21 of 2001 concerning Special Autonomy for Papua Province
- 4) Law Number 11 of 2022 concerning Sports
- 5) Law Number 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning the Formation of Legislation

#### Government Regulations

- 1) Government Regulation Number 20 of 2021 concerning the Management of Abandoned Areas and Lands
- 2) Government Regulation Number 20 of 2021 concerning the Management of Abandoned Areas and Lands
- 3) Government Regulation of the Republic of Indonesia Number 2 of 2021 concerning the Implementation of Topographical Names
- 4) Government Regulation Number 21 of 2021 concerning the Implementation of Spatial Planning
- 5) Government Regulation Number 11 of 2019 concerning the Second Amendment to Government Regulation Number 43 of 2014 concerning Regulations for Implementing Law Number 6 of 2014 concerning Villages
- 6) Government Regulation Number 82 of 2019 concerning Amendments to Government Regulation Number 44 of 2015 concerning the Implementation of Work Accident and Death Insurance Programs
- 7) Government Regulation Number 60 of 2015 concerning Amendments to Government Regulation Number 46 of 2015 concerning the Implementation of Old Age Security Programs
- 8) Government Regulation Number 7 of 2020 concerning Amendments to Government Regulation Number 17 of 2007 concerning Organizing Sports Weeks and League
- 9) Government Regulation Number 25 of 2020 concerning the Implementation of Public Housing Savings
- 10) Government Regulation Number 1 of 2018 concerning the Second Amendment to Government Regulation Number 5 of 2009 concerning Financial Assistance to Political Parties

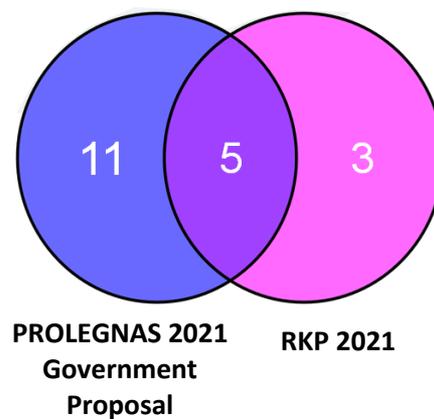
#### Presidential Regulation

- 1) Presidential Regulation Number 62 of 2022 concerning the Archipelago Capital Authority
- 2) Presidential Regulation Number 64 of 2022 concerning Spatial Planning for the National Capital City of the Archipelago National Strategic Area for 2022-2024
- 3) Presidential Regulation Number 105 of 2021 concerning the National Strategy for Accelerating the Development of Underdeveloped Regions 2020-2024
- 4) Regulation of the President of the Republic of Indonesia Number 63 of 2020 concerning the Designation of Underdeveloped Regions for 2020-2024
- 5) Presidential Regulation Number 60 of 2020 concerning Spatial Plans for Jakarta, Bogor, Depok, Tangerang, Bekasi, Puncak, and Cianjur Urban Areas
- 6) Presidential Regulation Number 66 of 2022 concerning Spatial Plans for National Strategic Areas for Gresik, Bangkalan, Mojokerto, Surabaya, Sidoarjo, and Lamongan Urban Areas
- 7) Presidential Regulation 8 of 2022 concerning the National Council, Secretary General, Regional Council, and KEK Administrator
- 8) Presidential Regulation 8 of 2022 concerning the National Council, Secretary General, Regional Council, and KEK Administrator
- 9) Presidential Regulation Number 76 of 2020 concerning Amendments to Presidential Regulation Number 36 of 2020 concerning the Development of Work Competence through the Pre-Employment Card Program
- 10) Presidential Regulation Number 70 of 2021 concerning Amendments to Presidential Regulation Number 104 of 2007 concerning the Provision, Distribution, and Pricing of 3 Kilogram Liquefied Petroleum Gas Cylinders
- 11) Presidential Regulation Number 71 of 2021 concerning Amendments to Presidential Regulation Number 38 of 2019 concerning the Provision, Distribution, and Pricing of Liquefied Petroleum Gas for Fishing Vessels for Target Fishermen and Water Pumping Machines for Target Farmers

- 12) Presidential Regulation No. 1 of 2022 concerning the National General Plan for Road Traffic and Transportation Safety
- 13) Presidential Regulation Number 98 of 2021 concerning the Implementation of Carbon Economic Value to Achieve Nationally Determined Contribution Targets and Control of Greenhouse Gas Emissions in National Development
- 14) Presidential Decree No. 81 of 2010 concerning the Grand Design of Bureaucratic Reform 2010–2025

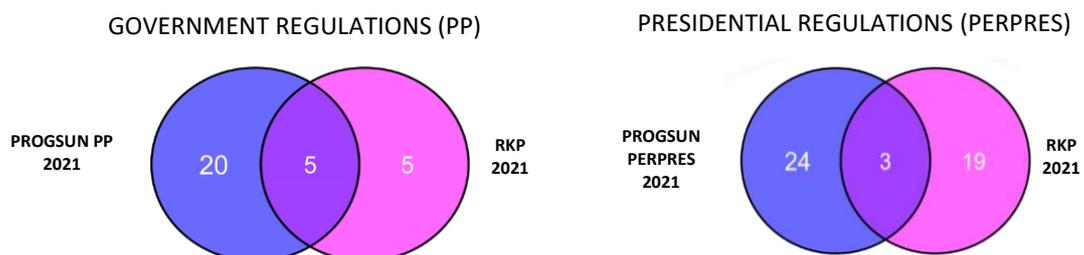
*b. The Regulatory Framework in The RKP Integrated with the Legislative Plan in The Prolegnas/Progsun*

The following is a comparison of the promulgation of RKP regulations with the 2021 Priority Prolegnas.



**Figure 1.** Comparison and intersection of the government proposals on Prolegnas 2021 and the RKP 2021

Among the eight proposed laws in the 2021 RKP and 16 proposed laws in the 2021 Priority Prolegnas proposed by the government, five laws in the 2021 RKP intersected with the 2021 National Legislation Program. These laws were the Draft Law on the Criminal Code (KUHP), Plague, Narcotics, IKN, and Civil Procedure Code.



**Figure 2.** Comparison and intersection of the government proposals on Progsun government regulations and presidential regulations and the RKP 2021

Of the 10 PP proposals in the 2021 RKP and the 25 PP proposals in the PP 2021 Progsun for government regulations, only 5 of them intersected. These were the RPP on PP Draft on Intellectual Property Rights (HKI) Based Financing Schemes for Creative Economy Actors, RPP on Recipients of Social Security Contribution Assistance (2 KR combined from Health and Employment Sector), RPP on Irrigation, RPP on Drinking Water Supply Systems (SPAM).

For Perpres, only 3 out of 22 proposals in the 2021 RKP and 27 proposals in the 2021 Presidential Regulation Progsun overlapped with each other. These were the Presidential Regulation on Spatial Plans (RTR) for the Banjarmasin-Banjarbaru-Banjar-Barito Kuala-Metropolitan Urban Area, the Presidential Regulation on Strengthening Development Assistance, and the Draft Presidential Decree on the Development and Utilization of *Jamu* (traditional health drink).

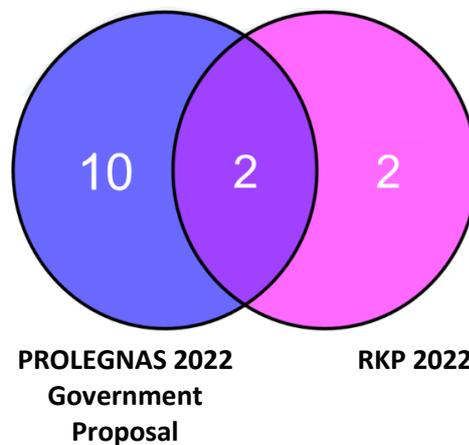


Figure 3. Comparison and intersection of the government proposals on Prolegnas 2022 and the RKP 2022

Two out of four proposed laws in the 2022 RKP and 12 proposed laws in the 2022 Priority Prolegnas by the government intersected with each other. These laws were the Draft Law on Civil Procedure Code and the Draft Law on the Criminal Code

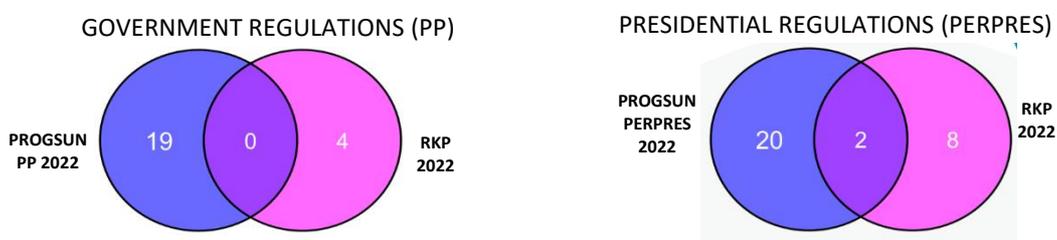


Figure 4. Comparison and intersection of the government proposals on progsun government regulations and presidential regulations and the RKP 2022

None of the 4 PP proposals in the 2022 RKP and 19 PP proposals in the 2022 PP Sun Program overlapped. However, out of the 10 Perpres proposals in the 2022 RKP and 22 Perpres proposals in the 2022 Perpres Progsun, there were two proposals that intersect. These were the Draft Presidential Regulation on Enhancing the Competitiveness of National Consultancy Services and the Draft Presidential Regulation on the National Strategy for Accelerating the Implementation of Gender Mainstreaming (PUG).

c. *National Legal System Integrated with The Regulatory Framework in Accordance with The Needs of National Priorities (PN), Priority Programs (PP), Priority Activities (KP), and Strategic Projects (Major Projects) in National Development Planning.*

In contrast to the legislative plan formulated by BPHN, the regulatory framework suggested by Bappenas through the RKP/RPJM planning documents is determined based on the priority needs, programs, activities, and strategic projects in the national development agenda. In essence, the regulatory framework originating from the RKP/RPJM aims to achieve the national development planning set forth

in the RKP/RPJMN, whereas the legislative plans developed by BPHN serve the national interests in various aspects.

## Conclusions

Based on the synergy issues of coordinating the preparation of RKP/RPJMN regulations with the Prolegnas/Progsun, the following conclusions can be drawn as follows. First, the lack of understanding regarding the urgency of fulfilling the indicators for proposing a regulatory framework inhibits synergy in the preparation of regulations by Bappenas and BPHN. Moreover, no provisions require sector directorates and K/L to comply with the indicators for proposing regulations, which are intended to be integrated into the National Legislative Prolegnas/Progsun national legislation plan. As a result, the regulatory framework proposed in the RKP cannot be followed up and included in the Prolegnas/Progsun. And second, to achieve effective coordination between the RKP/RPJMN and the Prolegnas/Progsun in drafting regulations, several indicators can be used, such as the promulgation of proposed regulations through the RKP/RPJMN, an integrated regulatory Framework, and a national legal system that caters to the needs of National Priorities (PN), Priority Programs (PP), Priority Activities (KP), and Strategic Projects (Major Projects) in national development planning. However, despite these indicators, a thorough analysis shows that the coordination in preparing regulations between the RKP/RPJMN and the National Legislation/Progsun has not been fully optimized.

## Recommendation

Based on the analysis and conclusions, it is important to establish certain regulations that require the sector directorates and K/L of Bappenas to adhere to certain requirements. These requirements may include the following. First, the proposed regulatory framework in the RKP/RPJMN must meet the indicators/criteria for the proposed regulatory framework so that it can be integrated into the Prolegnas/Progsun legislation plan. Second, the RKP/RPJMN should include regulations that specify the timeframe for their drafting and the consequences if they cannot be completed within the given timeframe, such as reduced funding or budgetary constraints. Third, strengthen coordination and synergy between institutions and stakeholders to establish the necessary regulatory framework as a supportive element for achieving development programs. And fourth, improve the knowledge and awareness about the urgency of regulations and the skills required to prepare academic papers and regulation drafts through human resource capacity building.

The recommendations presented in this policy paper could be utilized as inputs for the amendment of the SPPN law to make it a legally robust guideline for formulating an effective and efficient regulatory framework in development planning documents. It is also important to consider enhancing the capacity of human resources or experts involved in the preparation of regulatory and policy frameworks. Previous literature has emphasized the significance of human resources as a critical factor in developing effective regulations during the development planning and implementation phases.

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