

ABSTRAK

Undang-Undang Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-undangan, dibentuk dengan harapan dapat menjadi pedoman dalam pembentukan peraturan perundang-undangan yang dilaksanakan dengan cara dan metode yang pasti, baku, dan standar yang mengikat semua lembaga yang berwenang membentuk peraturan perundang-undangan. Namun, selama pemberlakuannya terdapat beberapa permasalahan dalam pelaksanaannya. Berdasarkan hal tersebut, diundangkan Undang-Undang No.15 Tahun 2019 tentang Perubahan Atas Undang-Undang Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-undangan. Salah satu perubahan dalam Undang-Undang No.15 Tahun 2019 adalah kewenangan pengharmonisasian, pembulatan, dan pemantapan konsepsi Rancangan Peraturan Daerah yang semula menjadi kewenangan Pemerintah Daerah berubah menjadi kewenangan Kementerian Hukum dan HAM selama Kementerian atau Lembaga yang menyelenggarakan urusan di bidang Pembentukan Peraturan Perundang-undangan belum terbentuk. Dampak dari perubahan kewenangan tersebut adalah terjadinya gelombang permohonan harmonisasi ke Kanwil Kementerian Hukum dan HAM Jawa Tengah.

Penelitian tesis ini bertujuan untuk mengetahui peran Kanwil Kementerian Hukum dan HAM Jawa Tengah dalam proses pengharmonisasian, pembulatan, dan pemantapan konsepsi Rancangan Peraturan Daerah, akibat hukum, kendala yang dihadapi, serta solusinya. Jenis penelitian tesis ini adalah deskriptif kualitatif dan metode pendekatan yuridis sosiologis. Dengan menggunakan teori negara hukum, teori ilmu perundang-undangan, dan teori pembentukan peraturan perundang-undangan dari perspektif hukum islam sebagai landasan kajian, diperoleh kesimpulan bahwa peran Kanwil Kementerian Hukum dan HAM Jawa Tengah adalah sebagai perpanjangan tangan Kementerian Hukum dan HAM RI dalam menyelaraskan Rancangan Peraturan Daerah sesuai ketentuan peraturan perundang-undangan baik secara vertikal maupun horizontal, Pancasila, Undang-undang Dasar Negara Republik Indonesia Tahun 1945 dan memastikan agar pembentukan Peraturan Daerah Provinsi/Kabupaten/Kota sesuai dengan ketentuan pembentukan peraturan perundang-undangan. Kendala yang dihadapi adalah lemahnya koordinasi yang menyebabkan seolah memperpanjang mekanisme pembentukan peraturan perundang-undangan di daerah.

Kata Kunci: Kanwil Kemenkumham, Pengharmonisasian, Lembaga Pembentuk Peraturan Perundang-undangan.

ABSTRACT

Law Number 12 of 2011 concerning the Establishment of Legislations, was established with the hope that it can serve as a guide in the formation of laws and regulations which are implemented in a definite, standard, and standard manner and method that binds all institutions authorized to form laws and regulations. . However, during its implementation there were several problems in its implementation. Based on this, Law No. 15 of 2019 concerning Amendments to Law No. 12 of 2011 was promulgated on the Establishment of Legislation. One of the changes in Law No. 15 of 2019 is the authority to harmonize, unify, and consolidate the conception of the Draft Regional Regulation which was originally the authority of the Regional Government to become the authority of the Ministry of Law and Human Rights as long as the Ministry or Institution that carries out affairs in the field of Formation of Legislative Regulations Invitation has not yet been formed. The impact of the change in authority is the occurrence of a wave of requests for harmonization to the Regional Office of the Ministry of Law and Human Rights in Central Java.

This thesis research aims to determine the role of the Regional Office of the Ministry of Law and Human Rights of Central Java in the process of harmonizing, concluding, and strengthening the conception of the Draft Regional Regulation, legal consequences, obstacles faced, and solutions. The type of this thesis research is descriptive qualitative and sociological juridical approach method. By using the theory of the rule of law, the theory of statutory science, and the theory of the formation of laws and regulations from the perspective of Islamic law as the basis for the study, it was concluded that the role of the Regional Office of the Ministry of Law and Human Rights of Central Java was as an extension of the Ministry of Law and Human Rights of the Republic of Indonesia in harmonizing the Draft Law. Regional Regulations in accordance with the provisions of laws and regulations both vertically and horizontally, Pancasila, the 1945 Constitution of the Republic of Indonesia and ensure that the formation of Provincial/Regency/City Regional Regulations is in accordance with the provisions of the establishment of laws and regulations. The obstacle faced is the lack of coordination which causes it to seem to extend the mechanism for the formation of laws and regulations in the regions.

Keyword: *Regional Office of the Ministry of Law and Human Rights, Harmonization, Legislation Forming Institutions .*