

A NEW PERSPECTIVE IN DEVELOPING COMPREHENSIVE AND INTEGRATED LEGAL DATABASE SYSTEM TO SUPPORT THE EASE OF DOING BUSINESS

By: **Tyas Dian Anggraeni, S.H., M.H.**

Head Of The Political Security Legal Subdivision Of Government And Environmental
Natural Resources In the Field Of Preparing Academic Draft
National Law Development Agency
The Ministry of Law and Human Rights
Email: tiasdian@yahoo.com

ABSTRACT

This paper discusses a new perspective on the organization of a legal database and specifically deals with the ease of doing business in Indonesia. The operation of a legal database is the task of the government that has been regulated by Regulation of The President Of The Republic Of Indonesia Number 33 Of 2012 Concerning Network Of National Law And Documentation. Specifically, the administration needs to carry out improvements and changes to adjust to current developments. A brief model of the implementation of a legal database is carried out towards the European Union through an analysis of their website. This paper uses normative legal research methods and literature study through data and document collection. The data that has been collected is analyzed. The renewal of the implementation of a more comprehensive legal database will be able to provide more certain and concise information related to policies taken by the government so that the public, especially business actors, are easier to predict and take steps to do.

Keyword : database ; ease of doing business; National Legal Documentation and Information

A. INTRODUCTION

Global challenges and competition as well as trade liberalization provide open opportunities for each country to develop their economic capabilities which are expected to follow the demands of economic globalization and free trade of the world. Globalization and trade liberalization creates a degree of dependency between countries. One of international cooperation organizations.¹

the things can be seen with the increasing number of agreements between countries in the economy and trade, which gave birth to institutions or organizations of international cooperation in the fields of economy and trade, such as the North American Free Trade area (NAFTA), European Union (EU), ASEAN Free Trade Area (AFTA), Asia Pacific Economic Cooperation (APEC) and other

¹ Fajar Sugianto, Economic Analysis of Law, Seri Analisis Ke -Ekonomian tentang Hukum Seri Pengantar, penerbit Kencana, Jakarta Edisi Revisi, 2013, page 3

On the other hand the increasingly incessant opening of free markets of this kind is an effort that is difficult to stop by countries in the world. The strong demands of globalization make trade and the economy closely related to the law, due to the very important position of law that regulates human behavior as economic agents in carrying out legal actions. Each country must prepare themselves well, one of which is related to government policy instruments in the economic field to the readiness of strategic policy making and the regulation of legislation as a supporting tool to accommodate these demands. In line with this, Indonesia must be prepared to face global economic competition so that it needs to create a conducive, promotive investment climate, provide legal certainty, justice, and efficiency while taking into account national economic interests. In response to this, the government needs to make efforts that can encourage economic growth, including creating good regulations related to the ease of starting a business which is one of the parameters used to measure the ranking of ease of doing business. One of the legal reform agendas is to arrange laws and regulations in order

to provide legal certainty and provide a sense of justice for the community.

In order not to be left behind, each country must develop and provide a variety of policies that are adequate and reliable to deal with and facilitate such free trade. Countries that first prepare a strategy outlined in regulations and legal provisions in the economy will more easily achieve stable economic conditions, efficient and effective compared to countries that have not prepared properly. One of the supporting strategies in legal matters is the availability of legal information, especially in the economic field which is accurate, complete and easily accessed in a good legal database. Incomplete and accurate legal data availability is often considered not to reflect legal flexibility in supporting economic activities. At some point the existence of the law seems to inhibit discretion, especially when business activities are pressed by time.

Practically, the legal database, especially those related to the economy, makes it easier for both business people and investors when they want to understand the regulations in conducting business. In the EODB some regulations have even been mapped that need to be

improved by using 10 (ten) indicators to measure the ease of doing business or also known as ease of doing business. The 10 indicators are: Starting a business; Licensing related to Building a Building; Electrical connection; Property Registration; Credit Access; Protection of Minority Investors; Payment of taxes; Cross-Country Trade; Contract Enforcement; Settlement of Bankruptcy Cases.² The availability of a comprehensive legal database will certainly and greatly facilitate business actors both in starting a business, taking care of licensing and resolving business disputes to bankruptcy matters.

Legal and regulatory issues in Indonesia have always been a never ending discussion. More specifically when discussing problems that occur in the legal database. Some of these problems include the incomplete legal database needed by those who need the data. In addition, the difficulty of accessing a comprehensive database covering the entire process of forming laws and regulations and the lack of well-integrated information relating to all data on laws and regulations is still an obstacle. These problems were revealed when the President requested accurate

data on the number of regulations in Indonesia. This condition needs to be corrected immediately, and the government needs to immediately make changes and create new perspectives in the administration of the legal database in Indonesia.

Several publications have concluded that there is a relationship between law and development, especially in the economic sector. Corruption, including in the law enforcement process, has made investment and business costs higher, a condition that does not support ease of doing business. Furthermore, in civil justice - specifically regarding contractual disputes, a slower process will increase the risk of contract cancellation, reduce capital investment, lower access to capital and lack of interest in people doing business.

In reality the Indonesian national legal system is the convergence of various existing legal systems, both civil and common law, Islamic legal systems, customary law, and others. With such complexity, there is the potential to cause many problems in the legal substance due to the mixing of various perspectives. In addition to the problematic legal

² <http://eodb.ekon.go.id/indikator-eodb/> (accessed June 10, 2019)

substance, unregulated legal document data causes overlapping and harmonious harmonization of laws and regulations at both the central and regional levels. The overlapping laws and regulations below are not difficult problems to solve. As long as there is coordination in the design, discussion and formation of legislation, legislation passed will certainly be far more orderly. Even though Indonesia has been independent for quite a long time, Indonesia still does not have a main codification system for all laws and regulations. As a result, even though the amount is large but qualitatively it is still not synchronous, not yet harmonious or even inconsistent. A codification and legal information system that is easy and effective is needed to find and correct this inconsistency.

Based on these conditions, it is interesting to start doing an analysis related to the implementation of a legal database in Indonesia, what are the current conditions and what are the problems? It is also interesting to see how it should be or a new perspective in administering a legal database in Indonesia? And what are the challenges and impacts for the Indonesian government?

B. RESEARCH METHOD

This paper uses a normative juridical approach. This method is carried out through a literature study that examines secondary data, in the form of legislation, especially law 12 of 2011 regarding the establishment of laws and regulations, and other regulations such as Presidential Regulation relating to the task of disseminating and documenting laws and regulations and other legal documents, and the results of research, studies, and other references related to the implementation of legal databases at several institutions both domestically and abroad, such as the web of the formation of legislation in the European Union relating to the problem to be later identified. The resulting writing is translated into four chapters in the following systematic way: introduction, discussion, and conclusion.

C. DISCUSSION

The era of globalization, especially in the economic field, affects all aspects of people's lives. Economic globalization causes the globalization of the law. The globalization of the law is not only based on international agreements, but also requires an understanding of the differences in legal and cultural traditions

between the west and the east and leads to integration between countries. Stiglitz stated that :

*“Globalization entails the closer integration of the countries of the world and that means there is going to be more interdependence. Our welfare, our well being, will depend on others, and it will depend on how globalization is managed”.*³

It shows that globalization for a country can be beneficial or detrimental depending on how the leaders of the country concerned manage it. Therefore, the rule of law is very important to regulate so that globalization can benefit the country positively. Linkages with international standards need to be a concern so that national companies or industries have competitiveness in the era of globalization.

The government has a big task to foster an environment conducive to entrepreneurs and small and medium-sized businesses. Sound and efficient business regulation is essential for entrepreneurship and the growing private sector. Without them, we don't have the chance to end extreme poverty and improve shared prosperity throughout the

world. The economy cannot develop without a healthy private sector. As local businesses develop, they create jobs and generate income that can be spent and invested domestically. Every rational government that cares about economic welfare and the progress of its constituency pays particular attention to the laws and regulations that affect local small and medium enterprises (SMEs). Effective business regulation provides opportunities for micro and small companies to grow, innovate, and, if applicable, move from the informal sector to the formal economy.

Good regulatory support is needed in economic development, but there is still much that must be done by the government to prepare good regulations. Existing regulatory conditions can be described as: hyper-regulated; overlapping; contradicting; inconsistent; unsynchronous and not harmonious; sectoral; and creating multi-interpretation. Hyper-regulated or overregulated can be seen in the fact that at national level only, the number of regulation covering from constitution, law, government regulations, and presidential regulations have reach

³ Joseph Stiglitz, “We have to make globalization work to all”, The Jakarta Post, 22 Oktober 2003, page 7.

almost 20.000 regulations (2011 red) and data from the National Legal Development Agency as of August 6, 2019 there were more 134,469 PUU (central and regional levels).⁴ The number exclude implementing regulations at ministerial or sectoral level. In addition, the number of regulations from 33 provincial governments and 491 regency/mayorality reach about 18.000 regulations. Such number is constantly growing as both national and local governments level is entitled to produce laws/by laws and other regulations. Consequently, no one can present accurate data on the exact number of regulations at the national and regional / local level.⁵

Deficiencies in the existing regulatory conditions faced by Indonesia have impacted toward business environment and investment climate. As generally recognized, a conducive business environment requires legal certainty,

more over it also requires business-friendly regulations which prevent high-cost economy. The problematic regulations may cause less competitive investment climate, investor will be reluctant to invest due to legal uncertainty and high cost-economy created by problematic or low quality of regulations.⁶

It is imperative to conduct a systematic regulatory reform in order to improve the quality of regulation and it will be improve business environment and investment climate for national economic empowerment, one of which needs to be improved is a database of laws and regulations. The database is a system that is widely introduced related to electronic storage systems, there are several meanings according to experts, the database is a collection of data or files that are interconnected.⁷

Along with the times, the database designed should use an electronic system,

⁴ Paparan Ekspose Usulan Pembentukan Jabatan Fungsional Analis Hukum oleh Kepala Pusat Analisa dan Evaluasi Hukum pada tanggal 6 Agustus 2019

⁵ Ida Bagus Rahmadi Supancana, Berbagai Perspektif Harmonisasi Hukum Nasional dan Hukum Internasional, dalam Paper presenterd at APEC Workshop: Using Regulatory Impact Analysis to Improve Transparency and Effectiveness in the Rulemaking Process, Washington, March 3-4, 2011, page 1

⁶ Ibid page 2

⁷ Initially database storage using files, but as the development of increasingly complex needs, file storage media can not provide an efficient solution, the accuracy and correctness of data is not guaranteed, because by using files the possibility of duplication of data is very large. Therefore information systems experts design and develop various methods to produce a software that is used specifically to produce database processing called Database Management System (DBMS). By using a DBMS, data processing is much faster and data duplication can be minimized, thus ensuring the correctness and accuracy of the data. Prof. Dr. Sri Mulyani, Ak., CA, Analisis dan Perancangan Sistem Informasi Manajemen Keuangan Daerah, Bandung, Edisi Kedua, Cetakan ke-1, 2016, page 85

The advantages of electronic database systems compared to conventional systems are indeed quite a lot. Some of the advantages of electronic database systems compared to conventional systems, from various sources,⁸ as follows:

1. Efficiency of data collection and requests and data transmission

The advantage of using the first database system is the emergence of an efficiency of the process of data traffic in a system, or a network. By using a database system, the request process, the transmission process, and also the process of receiving data will be much faster and also more efficient. This of course will really help anyone who uses a database system becomes easier and also becomes faster in obtaining information.

2. Data can be used and utilized by many parties

With the database system, all data contained in the data bank or server can be continued and managed in such a way that can be used by various parties, including users.

3. Centralized control and supervision of data

With a database system, all forms of control and supervision of data conditions as well as data traffic can be more easily controlled and controlled, because the database system adopts a centralized control, which can be monitored using only one program

4. Storage efficiency, and storage space, both physical and virtual

With the database system, then you can do the management of the data you have in the database, namely by reducing, adding and also making other arrangements for your data. In addition, with a good database system, you do not need to physically save data.

5. Use of accurate data information

With a database system that allows you to control all the data that you have, this will help in seeing the type of data traffic that is running, and is already running.

6. Can do the management of the database at any time

Helps in making the management process of the database much faster, more efficient and also easier to control

⁸ <https://dosenit.com/kuliah-it/database/kelebihan-sistem-basis-data> (accessed July 23, 2019)

7. High security and data protection

Database system is usually already equipped with its own security features. At a minimum, a database system uses security features that can be accessed by using a password or PIN. This will help prevent irresponsible hands who might break into and also hack into important data and information

8. Data can be standardized

If the data is spread out in several files in a different format, this makes it difficult to write application programs to retrieve and store data. Then the data in a database must be made in a standard format so that the application program can be easily created

9. Data sharing

Because the data has been integrated, the data will be easy to share right by using access rights for each level. Karena data sudah terintegrasi, maka data akan mudah untuk disharing kan dengan menggunakan hak akses untuk tiap level.

10. central management of data

Data is stored at one point so that administrators will be easier to do processing and maintenance.

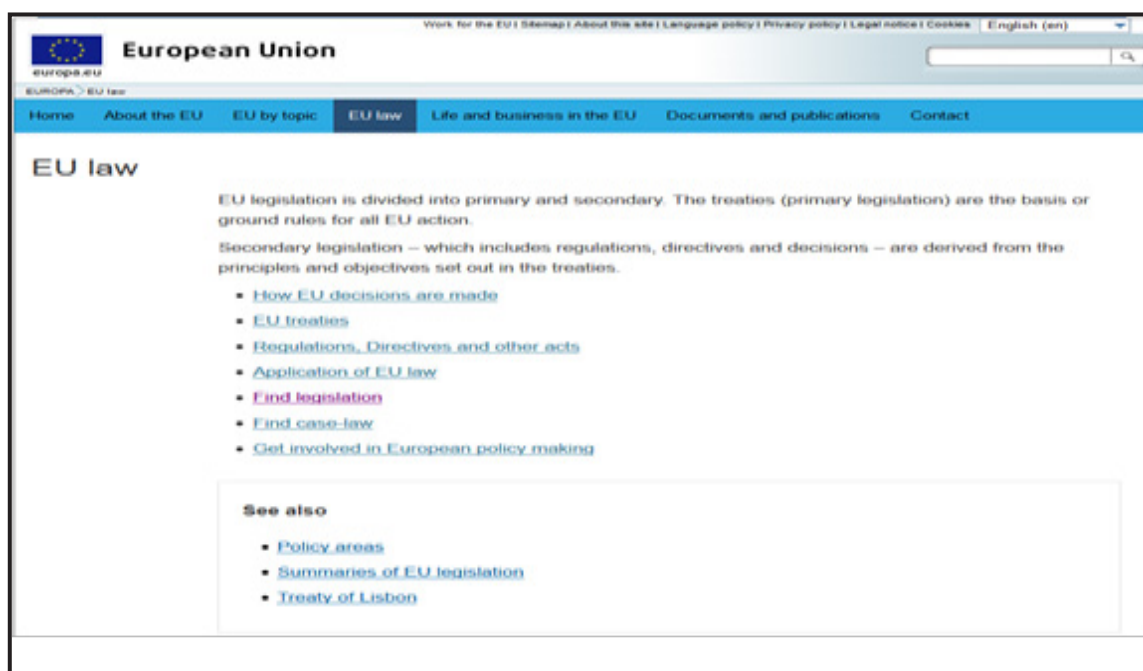
Arrangements for funding legal data in Indonesia are based on Presidential Regulation Number 33 year 2012 concerning the National Law Network and Documentation. in article 1 of the presidential regulation also regulates that "the National Legal Development Agency, the Ministry of Law and Human Rights is the Center for managing the legal database or known as the nomenclature of the National Legal Documentation and Information Network. The National Legal Documentation and Information network, hereinafter abbreviated as JDIHN, is a means for jointly utilizing legal documents in an orderly, integrated, and continuous manner, and is a means of providing legal information services in a complete, accurate, easy and fast.

Whereas a legal database or known as a legal document, in article 1 presidential regulation is a legal product in the form of statutory regulations or legal products other than statutory regulations which include but are not limited to court decisions, jurisprudence, legal monographs, legal magazine articles, law books , legal research, legal studies, academic texts, and draft laws and regulations. based on these rules, good database of laws and regulations is not just making a list or uniting all laws and

regulations. But a comprehensive database of status to comprehensive information about a regulation. The legal information contained therein can influence users decisions by helping them evaluate past or present events and predict the future and confirm or correct their evaluation results in the past in the form of studies, research or legal analysis and evaluation.

For example, we can see the legal database on the Official website of the

European Union, the website is published with details and discussion of all information related to policies that have been approved in the European Union and its implementation in each member country. information on the website also emphasizes that the Commission is responsible for ensuring that all EU countries apply EU law properly. In this role, the Commission is referred to as 'trustee of agreement'.



source : European Commission website ⁹

European union is a union of several countries, then in its legal file there is a special file of treaty for countries joining the european union. The database briefly

explained on how to draft EU law. Before the Commission proposes new initiatives it assesses the potential economic, social and environmental consequences that

⁹ https://europa.eu/european-union/index_en (accessed July 23,2019)

they may have. It does this by preparing 'Impact assessments' which set out the advantages and disadvantages of possible policy options. Impact assessments examine whether there is a need for EU action and analyse the possible impacts of available solutions. These are carried out during the preparation phase, before the Commission finalises a proposal for a new law. They provide evidence to inform and support the decision-making process.

The Commission also consults interested parties such as non-governmental organisations, local authorities and representatives of industry and civil society. Groups of experts give advice on technical issues. In this way, the Commission ensures that legislative proposals correspond to the needs of those most concerned and avoids unnecessary red tape. Citizens, businesses and organisations can participate in the consultation procedure via the website Public consultations.

National parliaments can formally express their reservations if they feel that it would be better to deal with an issue at national rather than EU level.¹⁰ In more detail, the web also informs us of the further procedures for the policies that

have been selected for action by all European Union countries, how is legislation adopted ordinary legislative procedure (formerly known as 'Codecision').

Step by step explanation of the ordinary legislative procedure where the European Parliament passes laws jointly with the European Union Council and list of past laws subject to this method, official Rules of Procedure of the European Council; how the European Council operates; European judicial cooperation in civil cases; cooperation between national courts in civil cases; Follow the life cycle of a legislative proposal from the moment it is launched until the final law is adopted.¹¹

As a comparison of what is shown in the European Union, Indonesia can begin to make a more comprehensive electronic integrated database on the formation of laws. The purpose of making a comprehensive database on the formation of laws, in addition to providing comprehensive information to the public, also provides data and complete information on how to make decisions and actions. In each process of forming laws, it can be seen that the policy choices

¹⁰ https://europa.eu/european-union/eu-law/decision-making/procedures_en (accessed July 24, 2019)

¹¹ Ibid

and background of the government, this condition is very helpful for business people to predict the right steps to be taken. In macroeconomics, this can be useful in improving economic and social welfare.¹²

In Indonesia, when people need data about laws and regulations from law to government regulations only electronically, so there are at least a number of websites where the statutory database is a reference if you want to know the laws and regulations in Indonesia. The public will access the database provided by the website of the State Secretariat, then the website is managed by "Online Law" and then to the website of the National Legal Development Agency. The data presented on the website of the state secretariat is easily accessible and quite comprehensive, but is still limited to laws, presidential regulations and government regulations, while for ministerial regulations it is still limited specifically to the interior ministry of the state secretary.

This is in accordance with Presidential Regulation of The Republic of Indonesia Number 1 Year 2007 Concerning

Agreement, Invitation, And Dissemination of Regulatory Regulations, for regulations stipulated by Institution Leaders, Ministers and Regional Heads. Article 32 of the Presidential Regulation of The Republic of Indonesia Number 1 Year 2007:

- (1) For the purpose of dissemination through electronic media as referred to in Article 29 paragraph (6) letter b, the State Secretariat, Cabinet Secretariat, Institutional secretariat as referred to in Article 12 paragraph (2), and the Ministry / agency secretariat secretariat as referred to in Article 12 paragraph (2) The Secretariat of the Ministries / Secretariat of the Institution as referred to in Article 26 paragraph (1) and the Regional Secretariat shall carry out an internet-based statutory regulation system.
- (2) The operation of the information system of laws and regulations as referred to in paragraph (1) shall be carried out as follows:
 - a. The Secretariat of State and the Secretariat of the Cabinet shall organize an information system of

¹² Della Rodrigo, "Regulatory Impact Analysis in OECD Countries, Challenges for Developing Countries", presented at Sout Asian Third High Level Investment Roundtable, Dhaka, Bangladesh, June, 2006, page 3.

statutory regulations which is separated or stipulated by the President;

b. Institutional Secretariat, Ministry Secretariat and Regional Secretariat as referred to in paragraph (1) shall maintain an information system of laws and regulations stipulated by the Institution's Chairperson, the Minister and the Regional Head concerned.

(3) Government Institutions other than those referred to in paragraph (1)

may organize an internet-based statutory information system.

Identification, for Laws, PPs, and Perpres, online information is carried out by the State Secretariat and the Cabinet Secretariat (Setkab). Beyond that, the implementation is carried out by the secretariat of the institution or each of which issues the regulation. Based on this, only the national legal guidance agency has the duty to organize a complete and comprehensive legal database in the form of legal documents.

No	Jenis	Nomor	Tahun	Tentang
1	UU	8	2019	PENYELENGGARAAN IBADAH HAJI DAN UMRAH
2	UU	7	2019	PENGESAHAN PERSETUJUAN ANTARA PEMERINTAH REPUBLIK INDONESIA DAN PEMERINTAH FEDERASI RUSIA TENTANG KERJA SAMA DI BIDANG PERTAHANAN (AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF INDONESIA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION ON COOPERATION IN THE FIELD OF DEFENCE)
3	UU	6	2019	PENGESAHAN PERJANJIAN MENGENAI BANTUAN TIMBAL BALIK DALAM MASALAH PIDANA ANTARA REPUBLIK INDONESIA DAN PERSATUAN EMIRAT ARAB (TREATY ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS BETWEEN THE REPUBLIC OF INDONESIA AND THE UNITED ARAB EMIRATES)
4	UU	5	2019	PENGESAHAN PERSETUJUAN ANTARA PEMERINTAH REPUBLIK INDONESIA DAN PEMERINTAH REPUBLIK BELARUS TENTANG KERJA SAMA INDUSTRI PERTAHANAN (AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF INDONESIA AND THE GOVERNMENT OF THE REPUBLIC OF BELARUS ON DEFENCE INDUSTRY COOPERATION)
5	UU	4	2019	KEBIDANAN
6	UU	3	2019	PENGESAHAN NOTA KESEPAHAMAN ANTARA PEMERINTAH REPUBLIK INDONESIA DAN PEMERINTAH REPUBLIK SERBIA TENTANG KERJA SAMA DI BIDANG PERTAHANAN (MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE REPUBLIC OF INDONESIA AND THE GOVERNMENT OF THE REPUBLIC OF SERBIA ON COOPERATION IN THE FIELD OF DEFENCE)
7	UU	2	2019	PENGESAHAN NOTA KESEPAHAMAN ANTARA KEMENTERIAN PERTAHANAN REPUBLIK INDONESIA DAN KEMENTERIAN PERTAHANAN KERAJAAN SPANYOL TENTANG KEGIATAN KERJA SAMA DI BIDANG PERTAHANAN (MEMORANDUM OF UNDERSTANDING BETWEEN THE MINISTRY OF DEFENCE OF THE REPUBLIC OF INDONESIA AND THE MINISTRY OF DEFENCE OF THE KINGDOM OF SPAIN ON COOPERATIVE ACTIVITIES IN THE FIELD OF DEFENCE)
8	UU	1	2019	PENGESAHAN PERJANJIAN ANTARA REPUBLIK INDONESIA DAN PERSATUAN EMIRAT ARAB MENGENAI EKSTRADISI (TREATY BETWEEN THE REPUBLIC OF INDONESIA AND THE UNITED ARAB EMIRATES ON EXTRADITION)
9	PP	51	2019	PENAMBAHAN PENYERTAAN MODAL NEGARA REPUBLIK INDONESIA KE DALAM MODAL SAHAM PERUSAHAAN PERSEROAN (PERSERO) PT PERUSAHAAN LISTRIK NEGARA
10	PP	50	2019	IMPOR DAN PENYERAHAN ALAT ANGGUTAN TERTENTU SERTA PENYERAHAN DAN PEMANFAATAN JASA KENA PAJAK TERKAIT ALAT ANGGUTAN TERTENTU YANG TIDAK DIPUNGUT PAJAK PERTAMBAHAN NILAI

Source : Jaringan Dokumentasi dan Informasi Hukum
Kementerian Sekretariat Negara ¹³

The statutory data presented is also not comprehensive explaining how a product process of the statutory

regulation is made, but only the final result of the legislation that has been enacted and given a number.

¹³ <https://jdih.setneg.go.id/> (accessed 10, July 2019)

For statutory data presented by "Hukum Online" is relatively more complete because the website "Hukum Online" has collaborated or integrated with the enactment of the ministry of law

and human rights. So that every regulation that has been numbered and enacted will automatically be entered into the existing regulatory database in "Hukum Online".

PUSAT DATA	
PERATURAN	PUTUSAN
Hirarki	
<ul style="list-style-type: none"> Konstitusi Jumlah Peraturan ID 6 EN 0 Sub Kategori 0 	<ul style="list-style-type: none"> Peraturan Daerah Jumlah Peraturan ID 28490 EN 7 Sub Kategori 548
<p>pengisian <input type="text"/> CARI Login Sign Up ▶</p>	
<ul style="list-style-type: none"> Undang-Undang (UU) Jumlah Peraturan ID 1581 EN 60 Sub Kategori 77 	<ul style="list-style-type: none"> Rancangan Peraturan Jumlah Peraturan ID 282 EN 8 Sub Kategori 0
<ul style="list-style-type: none"> Peraturan Pemerintah Pengganti Undang-Undang (PERPU) Jumlah Peraturan ID 160 EN 3 Sub Kategori 34 	<ul style="list-style-type: none"> Mahkamah Konstitusi (MK) Jumlah Peraturan ID 10 EN 0 Sub Kategori 1
<ul style="list-style-type: none"> Undang-Undang Darurat Jumlah Peraturan ID 168 EN 0 Sub Kategori 10 	<ul style="list-style-type: none"> MPR Jumlah Peraturan ID 140 EN 0 Sub Kategori 2
<ul style="list-style-type: none"> Peraturan Pemerintah (PP) Jumlah Peraturan ID 4430 EN 31 Sub Kategori 75 	<ul style="list-style-type: none"> Mahkamah Agung (MA) Jumlah Peraturan ID 526 EN 5 Sub Kategori 4
<ul style="list-style-type: none"> Peraturan-Peraturan Tingkat Presiden Jumlah Peraturan ID 5292 EN 26 Sub Kategori 156 	<ul style="list-style-type: none"> Komisi Yudisial Jumlah Peraturan ID 23 EN 0 Sub Kategori 0
<ul style="list-style-type: none"> Peraturan-Peraturan Tingkat Pusat Jumlah Peraturan ID 15795 EN 440 Sub Kategori 2318 	<ul style="list-style-type: none"> Peraturan Kolonial Jumlah Peraturan ID 32 EN 0 Sub Kategori 0

Source: Hukum online¹⁴

In addition to presenting regulatory data based on its hierarchy, this website also presents regulatory data by category,

for example capital markets, banking, labor and other categories.

¹⁴ <https://www.hukumonline.com> (accessed July 22, 2019)

Kategori		Sort A-Z
<p>Acara Peradilan Jumlah Peraturan ID 792 EN 27 Sub Kategori 18</p>	<p>Otonomi Daerah Jumlah Peraturan ID 2094 EN 2 Sub Kategori 58</p>	
<p>Adat Jumlah Peraturan ID 18 EN 0 Sub Kategori 7</p>	<p>Pasar Modal Jumlah Peraturan ID 1150 EN 40 Sub Kategori 109</p>	
<p>Administrasi Negara Jumlah Peraturan ID 3470 EN 5 Sub Kategori 18</p>	<p>Pekerjaan Umum Jumlah Peraturan ID 587 EN 23 Sub Kategori 5</p>	
<p>Agraria Jumlah Peraturan ID 640 EN 24 Sub Kategori 36</p>	<p>Penanaman Modal Jumlah Peraturan ID 341 EN 16 Sub Kategori 10</p>	
<p>Arbitrase & Alternatif Penyelesaian Sengketa Jumlah Peraturan ID 39 EN 1 Sub Kategori 2</p>	<p>Pendidikan & Kebudayaan Jumlah Peraturan ID 1707 EN 3 Sub Kategori 38</p>	
<p>Energi & Sumber Daya Mineral Jumlah Peraturan ID 2796 EN 87 Sub Kategori 102</p>	<p>Perbankan & Keuangan Jumlah Peraturan ID 2789 EN 107 Sub Kategori 148</p>	
<p>Hak Atas Kekayaan Intelektual Jumlah Peraturan ID 157 EN 13 Sub Kategori 7</p>	<p>Perdagangan Internasional Jumlah Peraturan ID 1991 EN 77 Sub Kategori 56</p>	
<p>Hukum Internasional Jumlah Peraturan ID 592 EN 0 Sub Kategori 8</p>	<p>Perdata Jumlah Peraturan ID 94 EN 5 Sub Kategori 3</p>	
<p>Industri & Perdagangan Jumlah Peraturan ID 1751 EN 41 Sub Kategori 42</p>	<p>Perlindungan Konsumen Jumlah Peraturan ID 27 EN 0 Sub Kategori 2</p>	
<p>Carian <input type="text"/> CARI Login Sign Up ▶</p>		
<p>Jumlah Peraturan ID 184 EN 6 Sub Kategori 7</p>	<p>Sub Kategori 199</p>	
<p>Keimigrasian Jumlah Peraturan ID 255 EN 6 Sub Kategori 7</p>	<p>Persaingan Usaha Jumlah Peraturan ID 48 EN 1 Sub Kategori 4</p>	
<p>Kesehatan Jumlah Peraturan ID 1659 EN 18 Sub Kategori 22</p>	<p>Pertanian, Kehutanan & Kelautan Jumlah Peraturan ID 3240 EN 35 Sub Kategori 87</p>	
<p>Ketenagakerjaan Jumlah Peraturan ID 2278 EN 42 Sub Kategori 47</p>	<p>Pidana Jumlah Peraturan ID 152 EN 3 Sub Kategori 3</p>	
<p>Konstitusi, HAM & Tata Negara Jumlah Peraturan ID 5678 EN 20 Sub Kategori 187</p>	<p>Profesi Bidang Hukum & Aparatur Penegak Hukum Jumlah Peraturan ID 404 EN 8 Sub Kategori 23</p>	
<p>Lingkungan Hidup Jumlah Peraturan ID 745 EN 20 Sub Kategori 20</p>	<p>Properti & Perumahan Jumlah Peraturan ID 478 EN 10 Sub Kategori 11</p>	
<p>Media Jumlah Peraturan ID 122 EN 0 Sub Kategori 0</p>	<p>Telekomunikasi Jumlah Peraturan ID 751 EN 17 Sub Kategori 13</p>	
<p>Organisasi Perusahaan Jumlah Peraturan ID 1687 EN 14 Sub Kategori 36</p>	<p>Transportasi Jumlah Peraturan ID 1826 EN 22 Sub Kategori 11</p>	

Source : Hukum online¹⁵

As coordinator in managing Legal Documentation and Information that has been appointed by the President, the Ministry of Law and Human Rights

through the National Legal Development Agency must start making improvements in managing a more comprehensive and integrated legal database. This task is

¹⁵ <https://www.hukumonline.com> (accessed July 30, 2019)

rather easy because as the coordinator of all law firms and / or work units whose tasks and functions carry out activities related to Legal Documents in the State Ministry; Secretariat of State Institutions; Non-Ministry Government Institutions; Provincial government; Regency / City Government; and Provincial and Regency / City Regional People's Legislative Secretariat, including law libraries in public and private tertiary institutions; Other institutions are involved in developing legal documentation and information determined by the Minister. It is recommended that the legal database held by the national legal development body be more comprehensive, starting from the results of analysis and evaluation, research, academic texts, and the process of discussing draft laws such as the history of a regulation. As a systematic description that will be displayed in the database can take the stages of formation of the formation of legislation. Data is almost the same as that displayed on the EU website.

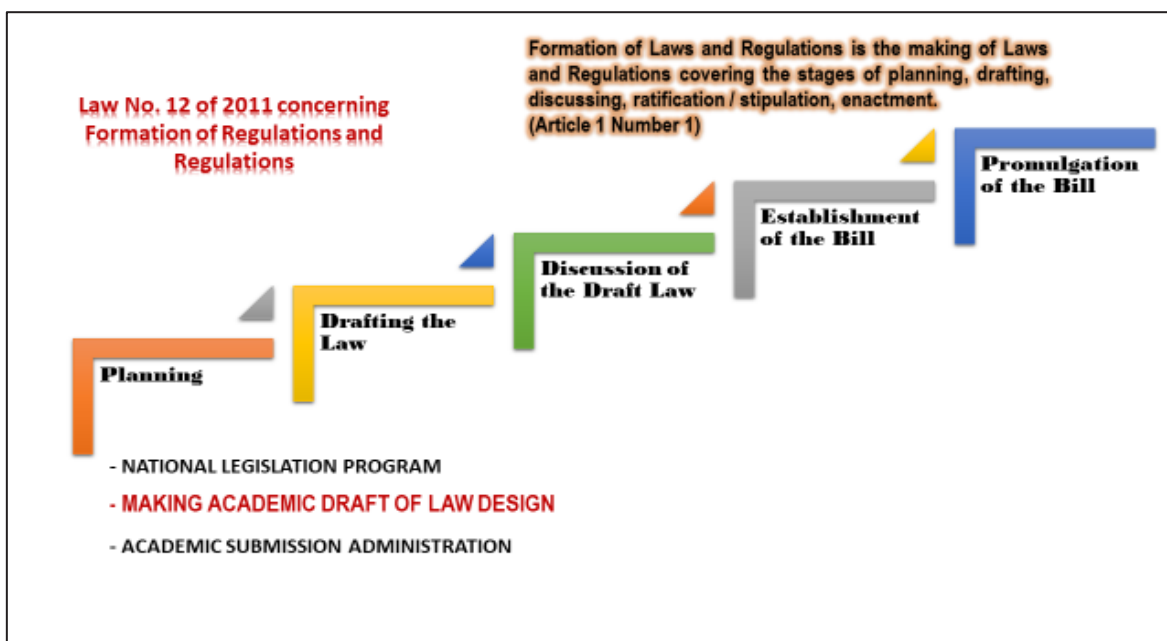
In Indonesia, the data can be adjusted to the law forming laws as regulated in Act number 12 of 2011 concerning the Formation of Laws, the process of law formation is as follows:

1. Research data resumes that describe the specific issues that must be addressed and the objectives that must be met, explain why country action is needed, outline policy options and describe the main features of the consultation strategy.
2. Conception, which is data that illustrates that the results of the study recommend that a law be drafted for the solution of the problem.
3. Data regarding the position of the conception or title in the National Legislation Program (Prolegnas).
4. Academic Paper/ Draft data that has been harmonized with the Statement of Alignment Results.
5. A bill approved by the House of Representatives with the President and ratification, and announced in the State Gazette of the Republic of Indonesia.

The process is a method of documenting a comprehensive and integrated history of the formation of laws. Because each process is carried out by various tasks and functions, for example research data or analysis and evaluation are managed by the Center for legal analysis and evaluation. Whereas the National Legislation Program and

Academic Paper are managed by the National Legal Planning Center while the drafted and approved bills are managed by the State Secretariat and the Secretariat. Whereas the Law whose data

has been enacted is managed by the Directorate General of Laws and Regulations, the Ministry of Law and Human Rights Invitations facilitates it as illustrated in the following illustration:



In addition to presenting a comprehensive database in the formation of laws, the database also presents legal products in addition to statutory regulations which include but are not limited to court rulings, jurisprudence, legal monographs, legal magazine articles, legal books as stipulated in the Presidential Regulation on documentation networks and information national law. Preferably a system of codification,

compilation and study of legal information along with an easy tracking system by linking one rule to another. By using this system, searching for legal information is easier and faster with the relevance of information displayed directly. Then the search for legal information is more clear and interactive with various searches appearing at one time and supplemented by various legal expert records.¹⁶ The challenge that must be resolved by the

¹⁶ a system for compiling various regulations into statutory regulations or codifying information that contains and facilitates ways to track, regulate and harmonize legal information to various parties. This codification system can provide a new way in the field of legal knowledge, so that all parties can actively link laws and regulations. Such databases are able to integrate legal information, not only in national and regional orders, but reach international scope. For example, Indonesia wants to improve the rules

government is in arranging a comprehensive and integrated legal electronic database in addition to requiring large budget support. Budget support is the impact of implementing an electronic law database. The impact of implementing an integrated legal database includes:

1. Large storage required

Because in it there is a database system that is interrelated then it needs a large storage to accommodate the existing system and data (documents) to be accommodated.

2. Skilled staff are needed in managing data

To manage such a large system, we need people who are experts in the field of computers that handle databases so that errors do not occur as desired.

3. The software is expensive

It costs a lot to buy software that is oriented on a database system, especially for computers that have the Main Frame type.

4. Damage to the database system can affect the department involved.

Because the data are interrelated, if there is an error in just one file, then

the files that are related to each other will experience an error that will affect the relevant department.

Improving the quality of database law also requires strong political will and commitment, including commitment to support the necessary facilities and sufficient funds to finance relevant activities. Another problem that must be resolved as a basic requirement for implementing an integrated legal database is the institutional problem. It is understood that implementing an integrated legal database must have a strong political will and must be led by the head of the Government. The existence of several ministries that hold legal data should integrate their data with the Ministry of Human Rights through the National Legal Development Agency, especially the National Legal Documentation Center and information network.

The number of information provider systems for laws and regulations developed by the government and regulated based on legislation so far have actually been ineffective and have the potential to cause problems. For example,

on business entities in Indonesia, which can be compared with regulations in other countries regarding company law.

related to authentic texts. Ideally, a single online statutory information system is created so that the search for the text of the law easily finds an authentic place or data source. The provision through the internet should be integrated with the mechanism of enactment of the law so that the more appropriate ministry to disseminate is the Ministry of Justice and Human Rights which indeed has the authority of the enactment. The granting of authority to disseminate via the internet to the State Secretariat and the Ministries / Institutions of the initiator is a "wasteful" task and tends to be inconvenient for law-seekers over the internet.¹⁷

While Indonesia is trying hard to promote trade and investment to speed up its development process by providing some incentives, there are little commitments have paid to systematical conducting regulatory reform process.

D. CONCLUSION

Based on the description above, the following things can be concluded :

1. The condition of managing the legal database in Indonesia when viewed from the flow of the formation of laws

and regulations, is still not optimal due to the management that is still scattered in various institutions and the optimal coordination of the management of the statutory database. The legal database is intended to not only collect all legal and regulatory data but can integrate all data based on the history of the manufacturing process in the form of legal documents that include the results of legal research, Academic Texts to become draft laws. The continued spreading of authority in forming legislation is also the reason for the database not being properly integrated at every stage in the formation of legislation.

2. A new perspective on the implementation of a legal database in Indonesia is needed to become a comprehensive and integrated electronic national law database. The database here does not only collect or inventory a variety of laws and regulations, but comprehensive legal data starting from the research process, preparation of academic texts, design, discussion to the enactment of a statutory regulation.

¹⁷ <https://www.hukumonline.com/berita/baca/lt546316f0a995e/efektivitas-penyebarnya-undang-undang-secara-online-oleh-pemerintah-broleh--m-nur-sholikin-/> (accessed August 1, 2019)

This makes it easier for the public, especially business people to make an analysis and predict what steps will be taken to develop their business so as not to lag behind the global economy.

3. Implementation of a centralized regulatory information system on one website and integrated with this law requires the willingness of the Ministry and other institutions to eliminate sectoral egos in carrying out

online management of the legislative function. It is hoped that their active role in storing or linking with Legal Information Network data will be coordinated by the National Legal Development Agency, the Ministry of Law and Human Rights. In addition, a large enough budget is needed to build a site that is able to accommodate all comprehensive data on legal databases.

BIBLIOGRAPHY

A. Book and Journal

Christoph Ossege, *European Regulatory Agencies in EU Decision-Making: Between Expertise and influence*, Springer, 2016

Della Rodrigo, "Regulatory Impact Analysis in OECD Countries, Challenges for Developing Countries", presented at Sout Asian Third High Level Investment Roundtable, Dhaka, Bangladesh, June, 2006

Fajar Sugianto, *Economic Analysis of Law, Seri Analisis Ke-Ekonomian tentang Hukum Seri Pengantar*, penerbit Kencana, Jakarta Edisi Revisi, 2013

Joseph Stiglitz, "We have to make globalization work to all", *The Jakarta Post*, 22 Oktober 2003, page 7.

Paparan Ekspose Usulan Pembentukan Jabatan Fungsional Analis Hukum oleh Kepala Pusat Analisa dan Evaluasi Hukum pada tanggal 6 Agustus 2019

Ida Bagus Rahmadi Supancana, *Berbagai Perspektif harmonisasi Hukum Nasional dan Hukum Internasional*, dalam Paper presenterd at APEC Workshop: Using Regulatory Impact Analysis to Improve Transparency and Effectiveness in the Rulemaking Process, Washington, March 3-4, 2011

Sri Mulyani, Ak., CA, *Analisis dan Perancangan Sistem Informasi Manajemen Keuangan Daerah*, Bandung, Edisi Kedua, Cetakan ke-1, 2016

Widodo Ekatjahjana Kai Hauerstein Dr. Daniel Heilmann (Eds.), *Regulatory Reform in Indonesia A Legal Perspective*, Published by Hanns Seidel Foundation, Jakarta, 2019

B. Internet

<https://jdih.setneg.go.id/> (accessed 10, July 2019)

<https://dosenit.com/kuliah-it/database/kelebihan-sistem-basis-data> (accessed July 23, 2019)

https://europa.eu/european-union/index_en (accessed July 23,2019)

https://europa.eu/european-union/eu-law/decision-making/procedures_en (accessed July 24, 2019)

<http://eodb.ekon.go.id/indikator-eodb/> (accessed June 10, 2019)

<https://www.hukumonline.com> (accessed July 30, 2019)

<https://www.hukumonline.com/berita/baca/lt546316f0a995e/efektivitas-penyebaran-undang-undang-secara-online-oleh-pemerintah-broleh--m-nur-sholikin-/> (accessed August 1, 2019)

C. Regulations

Law Of Law Number 12 Of 2011 Concerning Establishment Of Law Regulation

Regulation Of The President Of The Republic Of Indonesia Number 33 Of 2012 Concerning Network Of National Law And Documentation

Regulation Of The President Of The Republic Of Indonesia Number 1 Of 2007 Concerning Approval, Regulation And Dissemination Of Regulation Regulation

BIOGRAPHY

Tyas Dian Anggraeni, born in Yogyakarta, September 10, 1979. Graduated with a Bachelor of Laws from the Law Faculty of Janabadra University in Yogyakarta in 2001 and a Masters in Law from the University of Indonesia in 2007. He currently works at the Ministry of Law and Human Rights as Head of the Politics, Law Subdivision. , Security, Governance, and Natural Resources for the Environment in the Field of Academic Paper Arrangement at the National Legal Planning Center. Papers published include "Interaction of Local Law and National Law in Land Affairs in the Special Region of Yogyakarta", *Rechtsvinding Journal* Vol. 1 No. 1 of 2012; "Implementation of Good Corporate Governance (GCG) in Legal Due Delegation of Regional Government -Owned Enterprises (ROE) ", *Indonesian Law Journal* Vol. 5 December 2012; Danger of Political Dowry in Indonesia: An Early Analysis of Corruption, *Indonesian Law Journal* Vol. 11 December 2018 Can be contacted at tyasdian@bphn.go.id or tiasdian@yahoo.com