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Monitoring and Review of Regional Regulations in Indonesia that Ensure Legal Certainty

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Abstract

This research aims to analyze the monitoring and review of regional regulations to ensure the relevance, effectiveness, and harmonization of local legal products with the needs of the community and the prevailing legal hierarchy. The absence of clear provisions regarding the mechanisms for monitoring and reviewing in Law No. 12 of 2011 concerning the Formation of Laws and Regulations hinders the realization of a harmonious and consistent legal system. This study employs a normative legal approach, analyzing theories of legal certainty, utility, legal systems, and legisprudence. The findings indicate that Law No. 12 of 2011 on the Formation of Laws and Regulations, as amended by Law No. 15 of 2019 and Law No. 13 of 2022, only regulates the monitoring and review of statutes (laws), without encompassing subordinate regulations, including Regional Regulations (Perda). The study reveals a legal vacuum regarding the mechanisms for monitoring and reviewing Perda, which leads to ambiguities in authority, procedures, and the implementation of evaluations across different levels of government. Consequently, the process is often conducted subjectively, without a uniform and systematic legal reference. To establish a regulatory model for the monitoring and review of Perda that ensures legal certainty, an integrated approach is required—one that combines normative juridical, evaluative-participatory, and data-based methodologies. In this context, three applicable models are identified: (1) a model that adopts the existing monitoring mechanism for statutes; (2) the Regulatory Impact Analysis (RIA) model; and (3) the ROCCIPI analysis model (Rule, Opportunity, Capacity, Communication, Interest, Process, and Ideology). Furthermore, the selective review approach within the Sunset Clause model may be integrated into both the RIA and ROCCIPI frameworks to strengthen the effectiveness of periodic and systematic evaluations of Perda.

Keywords: Monitoring and Review Mechanisms, Regional Legislation, Legal Authority, Legal Certainty.

Introduction

The regulation set forth in Law Number 12 of 2011 concerning the Formation of Laws and Regulations in Indonesia, prior to its first amendment, did not provide provisions for monitoring and reviewing laws and regulations that had been promulgated/enacted by the state. This condition has given rise to several issues, including:

1. Laws and regulations often fail to meet the needs and developments of society, resulting in laws that lag and are unable to support national development and
2. Laws and regulations frequently fail to function effectively and efficiently, which in turn leads to consequences such as the law being disregarded by the public, the law failing to operate properly, the limited utility and effectiveness of laws and regulations, and a lack of legal certainty provided by the regulatory framework.

One of the efforts to achieve legal order, legal certainty, and legal utility is monitoring and reviewing enacted laws and regulations. The concept of monitoring and reviewing legislation includes the analytical process of observing, recording, and assessing the implementation of prevailing laws to determine the extent to which the intended outcomes have been achieved, the impacts generated, and their benefits for the Unitary State of the Republic of Indonesia. (Harahap & Tanjung, 2024)

Each formation of legislation must have a clear purpose, be implementable, and possess both utility and effectiveness. Monitoring and review are conducted to assess the clarity of objectives as well as the usefulness and effectiveness of legislation in society. Such evaluations must be supported by materials related to the implementation of the laws and regulations in question. One way to assess a regulation is to examine whether its enactment's fundamental objectives have been realized in practice. If these objectives have indeed been fulfilled in reality, the implementation of the legal provisions is likely effective. Conversely, suppose such objectives have not or cannot be realized. In that case, the implementation of the law may be considered ineffective, indicating the presence of a gap between the aspirational goals of the law (law in books) and the actual conditions in society (law in action).

The amendment to Law Number 12 of 2011 concerning the Formation of Laws and Regulations in Indonesia introduced provisions on the monitoring and review of statutes. However, the formation of legislation should not be limited to statutes alone; it must also regulate the monitoring and review of laws and regulations below the level of statutes. This should be carried out mutatis mutandis through the legal framework of Law Number 12 of 2011, as amended by Law Number 15 of 2019 and Law Number 13 of 2022.

Although the legislative framework in Indonesia regulates the formation of laws and regulations from higher-level statutes to lower-level instruments such as regional regulations in a comprehensive manner, the provisions on subordinate legislation do not yet include the stages of monitoring and review. Therefore, this article proposes that the formation of all legislation must be regulated in terms of its enactment and comprehensively include mechanisms for monitoring and review as an integral part of the legislative system.

Based on the issues presented in the introduction above, the following research problems can be formulated: First, what is the legal mechanism for regulating the monitoring and review of regional regulations that ensures legal certainty? Second, how can the Regulatory Impact Analysis (RIA) model and the ROCCIPI model—comprising Rule, Opportunity, Capacity, Communication, Interest, Process, and Ideology—be applied in the stages of monitoring and reviewing regional regulations?

Literature Review

Efforts to ensure regional regulations' effectiveness and legal certainty require a systematic approach through an integrated monitoring and review mechanism (Yuliana & Sesung, 2024). In legal literature, monitoring and review are viewed as essential components of the legislative cycle, not merely concluding the regulatory drafting process but also initiating the phase of oversight regarding the implementation and enforceability of legal norms. Bayu Dwi Anggono (2020) emphasizes that evaluating laws and regulations is part of better legal production management, which should not end at the drafting and enactment stages but must be continued through data-driven evaluation based on societal needs. This highlights that regulation must not be static but rather dynamic and adaptive to social change.

Concerning the goal of achieving regional regulations that uphold legal certainty, the concept of legal certainty, as articulated by Lawrence M. Friedman through his legal system Theory comprising structure, substance, and legal culture, is essential to analyze (Putra et al., 2025). The existence of formal norms does not merely determine legal certainty but also the extent to which those norms are consistently applied, socially understood, and possess legitimacy. Therefore, evaluating Regional Regulations (Peraturan Daerah or Perda) must encompass legal-formal and sociological aspects. This perspective aligns with the views of Sauri et al., who stress the importance of continuous legal oversight to ensure alignment between the intended objectives of regulation and its actual implementation (Sauri et al., 2024).

To support this evaluative process, the Regulatory Impact Analysis (RIA) model offers an evidence-based approach, providing a systematic framework for assessing the effectiveness of regulation. In the Indonesian context, Widaningrum, Retnandari, and Susanto demonstrate that RIA can be used to determine whether a regulation achieves its policy objectives and identify potential unintended consequences. The application of RIA in monitoring and reviewing Perda can provide scientific justification for decisions to maintain, revise, or revoke a regional regulation. Furthermore, RIA enhances stakeholder participation through active community involvement in public consultations, strengthening regional policymaking's legitimacy and accountability (Widaningrum et al., 2024).

In addition to RIA, the ROCCIPI model—comprising Rule, Opportunity, Capacity, Communication, Interest, Process, and Ideology—also plays a vital role in regulatory evaluation. This model offers a more contextual and diagnostic analysis of the factors that hinder the effective implementation of the regulation. Sulaeman asserts that ROCCIPI is instrumental in uncovering hidden dimensions of policy failure, including institutional barriers, communication gaps, and conflicts of interest. By accurately identifying the weaknesses of a

given regulation, the ROCCIPI model enables regional policymakers to formulate more precise, context-sensitive, and responsive solutions to the needs of local communities (Aditiya Sulaeman, 2024).

Thus, existing literature indicates that monitoring and review mechanisms for Perda cannot rely solely on normative-legal approaches but must be reinforced through evaluative-participatory frameworks such as RIA and ROCCIPI. These two models complement each other methodologically and embody a new paradigm in regional regulatory governance—one that is data-driven, participatory, and aligned with constitutional values and local aspirations. In order to establish a sustainable and legally certain regional legal system, the integration of these models is imperative and cannot be overlooked.

Research Method

Based on the formulation of the research problems, this study employs a normative legal research method, which views law as a system of norms. The normative system referred to includes principles, norms, and rules derived from legislation, court decisions, legal agreements, and legal doctrines (teachings). The type of research used corresponds to the problem formulation and is conducted through the statutory, conceptual, and historical approaches. The statutory approach is employed to examine laws and regulations relevant to the core theme of the research, namely the lack of comprehensive regulation concerning the monitoring and review of legislation in Indonesia as governed by statute. The conceptual approach supports the analysis of legal concepts related to norm-setting within legislation, assessing whether such norm-setting aligns with the underlying spirit of the legal concepts from which it derives. In the context of this research, the author analyzes the legal relationship concerning the mechanisms of legislative formation, where any legal product that is enacted ought to be subject to monitoring and review as part of the evaluation process of the regulation in question.

Result

Legal Mechanism for Monitoring and Reviewing Regional Regulations that Ensure Legal Certainty

In principle, laws and regulations are enacted because they are necessary and beneficial for governing the life of society, the nation, and the state. Legislation should resolve problems, not create further uncertainty, injustice, or complications. Therefore, once a regulation has been enacted, an evaluation or review mechanism must be implemented to determine whether the regulation is enforceable and provides tangible benefits (Taufik, 2021). The foregoing aligns with the formation of Regional Regulations (Peraturan Daerah or Perda), which ideally serve as a response to societal normative needs and aim to provide solutions to concrete problems encountered in local contexts. Perda is not merely a legal instrument but also a reflection of regional aspirations and social dynamics that demand certainty, justice, and utility. Within this framework, the enactment of Perda should not be confined to the formal process of legislation

alone; rather, it must be followed by a systematic monitoring and review mechanism. This is essential in order to assess whether the Perda in question truly addresses the issues identified in its academic manuscript and explanatory notes or instead generates adverse effects such as legal uncertainty, ineffective implementation, or social injustice. Monitoring and reviewing Perda constitute a form of substantive evaluation that should be an integral part of the regional regulatory cycle. Through this activity, regional governments and the Regional People's Representative Council (DPRD) may revise, repeal, or amend Perda that are no longer relevant or that cause negative externalities.

The monitoring and review of statutes is regulated under Article 1 point 14 and Chapter XA of Law Number 12 of 2011. Further provisions concerning the monitoring and review of statutes are to be regulated by the internal rules of the House of Representatives (DPR), the Regional Representative Council (DPD), and Presidential Regulation. Since the initial inclusion of these provisions in 2019 through Law No. 12 of 2011, and up to the time of this writing, the Government and the DPD have not yet issued implementing regulations regarding the monitoring and review mechanisms. In contrast, the DPR has done so through DPR Regulation Number 2 of 2020 concerning the Formation of Laws. Therefore, it is imperative that the Government and the DPD promptly issue further comprehensive regulations to govern the monitoring and review of legislation (Lumbantoruan, 2021).

The amendments to Law Number 12 of 2011 concerning the Formation of Laws and Regulations provide several foundational considerations, as outlined in the first amendment to Law Number 12 of 2011, namely to strengthen the sustainable formation of legislation needed for the structuring and improvement of legislative procedures—from the planning stage to the stages of monitoring and review. The second amendment to Law Number 12 of 2011 further emphasizes that, in order to realize a planned, integrated, and sustainable legislative formation process, there must be structural improvements and refinements to the legislative mechanisms from the planning stage, drafting stage, deliberation, enactment or ratification, through to its promulgation.

Law Number 15 of 2019 concerning the Amendment to Law Number 12 of 2011 stipulates that monitoring and review constitute activities aimed at observing, recording, and assessing the implementation of enacted legislation in order to determine the extent to which the intended outcomes have been achieved, the impacts generated, and its overall utility for the Unitary State of the Republic of Indonesia. Furthermore, Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011, under Article 95A, regulates that monitoring and review of statutes shall be conducted after such statutes come into force. This monitoring and review process is carried out by the House of Representatives (DPR), the Regional Representative Council (DPD), and the Government (Indonesia, 2022).

Monitoring and review of statutes are carried out by the House of Representatives (DPR) and coordinated through the internal organ responsible for legislative affairs. The implementation of monitoring and review by the Regional Representative Council (DPD) is coordinated through its organ responsible for legislative drafting. Monitoring and review by the government are coordinated by the minister or head of state authority in charge of legal drafting in collaboration with relevant ministers or heads of state institutions. Furthermore, the

provisions regarding the monitoring and review of statutes are governed respectively by DPR Regulations, DPD Regulations, and Presidential Regulations.

The legislative mechanism currently provided under the law only governs the monitoring and review of statutes. Subordinate legislation, such as regulations below the level of statutes, remains unregulated in this respect. This creates a juridical issue that fails to provide legal certainty regarding monitoring and reviewing subordinate regulations, including Regional Regulations (Peraturan Daerah or Perda). In terms of their drafting stages, Regional Regulations—whether at the provincial or regency/municipal level—follow the same process as statutes. As stipulated in Law Number 12 of 2011 concerning the Formation of Laws and Regulations, both statutes and regional regulations go through stages of Planning, Drafting, Deliberation and Approval, Promulgation, and Dissemination. The only difference lies in the legislative organs involved: the House of Representatives, with the approval of the President, enacts statutes, while the Regional House of Representatives (DPRD) at the provincial or regency/municipal level—with the approval of the Governor or Regent/Mayor, enacts Regional Regulations.

The National Legislation Program (Prolegnas) is a planning instrument for the formation of statutes, prepared in a structured, coordinated, and systematic manner. Similarly, the Regional Legislation Program (Prolegda) serves as the planning mechanism for the formulation of provincial or regency/municipal regional regulations and follows the same pattern as Prolegnas. Based on this concept, it is necessary to regulate the monitoring and review of statutes and regulations below the level of statutes to ensure mutatis mutandis govern their application. This aims to realize a more comprehensive legal system in Indonesia, particularly in terms of the formation, monitoring, and review of laws and regulations, especially within the context of Regional Regulations.

Therefore, an additional amendment to Law Number 12 of 2011 concerning the Formation of Laws and Regulations is needed to provide legal authority for state institutions to monitor legislation below the level of statutes. This would ensure that legislative bodies responsible for subordinate legislation, such as Regional Regulations, have the legal certainty and authority to conduct monitoring and review. The absence of a regulatory framework conferring such authority has resulted in a lack of prioritization in evaluating subordinate legislation, including Perda, undermining the regional legislative system's overall quality and responsiveness. (Chen et al., 2024)

According to Bayu Dwi Anggono, the purpose of evaluating legislation is to "establish better legislative production management." Effective legislative management encompasses the following stages: (1) planning, (2) drafting, (3) deliberation, (4) enactment or ratification, (5) promulgation, and (6) evaluation (Anggono, 2015). Anggono's view affirms that the existence of regulation should not end at the stage of its formation and promulgation but must be followed by a comprehensive evaluative process. Evaluation, in this sense, should not be regarded as a separate activity from the legislative cycle; rather, it constitutes an essential component of the regulatory cycle that ensures the continued effectiveness and relevance of regulation, including Regional Regulations (Peraturan Daerah or Perda).

In this context, the evaluation stage, as described by Anggono, can be functionally integrated with the concept of monitoring and reviewing Perda. Monitoring aims to observe and assess the implementation of Perda within society, while review serves as the basis for revising, repealing, or updating ineffective or problematic Perda. Accordingly, the evaluation phase in ideal regulatory management should be operationalized through a system of periodic, objective, and data-driven monitoring and review of Perda. This is crucial to ensure that enacted Perda remains relevant to evolving societal needs, is not in conflict with higher norms, and does not impose disproportionate administrative burdens or compliance costs. Thus, strengthening the evaluation stage through monitoring and review instruments constitutes a vital strategy to promote the effectiveness of regional regulation.

Monitoring and review of Regional Regulations (Peraturan Daerah or Perda)—whether at the provincial or regency/municipal level—are activities intended to observe, record, and assess the implementation of legislation to determine the extent to which the intended outcomes have been achieved, the impacts produced, and the benefits provided to the Unitary State of the Republic of Indonesia. Similar to the monitoring and review of statutes, monitoring and review of Perda may be carried out by the Regional Legislative Body (Badan Legislasi Daerah) after such Perda comes into force. The results of these activities may serve as recommendations for the preparation of the Regional Legislative Program (Prolegda). Monitoring and review of Perda may cover the development of implementing regulations that are either directly mandated by the Perda itself or required by higher-level legislation, as well as the conformity between the content of implementing regulations and the Perda provisions.

Monitoring and review of Perda are implemented in three main stages: the planning, implementation, and follow-up. The planning stage involves determining priority scales, preparing preliminary studies, addressing administrative and technical requirements, allocating human and financial resources, setting time limits, identifying locations for field visits, selecting resource persons, and drafting terms of reference. The Regional Legislative Body may undertake the implementation stage, supported by expert staff and advisory personnel, who present the preliminary review findings in plenary meetings. The Legislative Body may establish a Working Committee (Panitia Kerja or Panja), which is authorized to invite and receive input from various stakeholders and experts. The Panja conducts field visits and may coordinate with other commissions or internal organs of the Regional House of Representatives (DPRD). The committee presents the revised findings based on feedback received from experts, the public, and/or relevant legislative bodies. Subsequently, the committee compiles a final study report summarizing the results of the monitoring and review and submits this report to the plenary meeting of the Regional Legislative Body for a formal decision.

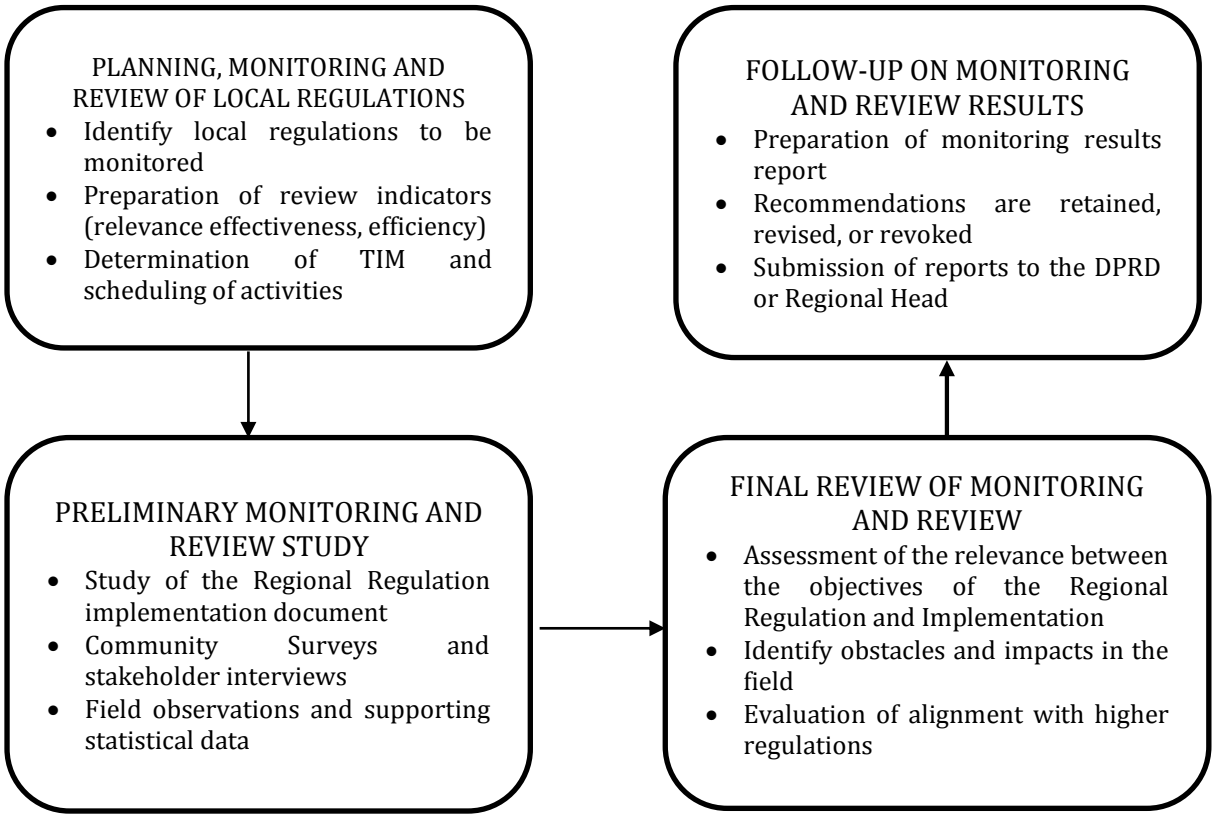
The final stage involves submitting the monitoring and review report to a plenary session of the DPRD, after which the leadership of the DPRD (at the provincial or regency/municipal level) forwards it to the relevant commission. The designated commission will then follow up under its duties and authorities under prevailing laws and regulations. These three stages—planning, implementation, and follow-up essentially adopt the monitoring and review framework applied to national legislation, as outlined in the amended provisions of Law Number 12 of 2011 concerning the Formation of Laws and Regulations. These stages

demonstrate that the monitoring and review of regional legal products follow a logic and structure similar to that used in the review of national legislation.

The planning stage defines the scope, evaluation indicators, and instruments to be used, similar to developing a regulatory review framework for statutes. The implementation stage involves data collection, observation, and analysis of the effectiveness of Perda implementation in practice—an approach that aligns with empirical evaluation methods used in assessing statutory implementation. Finally, the follow-up stage reflects corrective measures such as revision, repeal, or the formulation of new policies based on the evaluation findings, a step also observed in the process of legislative reform at the national level.

Therefore, the monitoring and review stages of Perda are not merely administrative procedures but reflect a systematic and methodological approach adopted from regulatory governance practices at the national level. This approach underscores the importance of maintaining consistency in both national and local legal evaluation systems and confirms that the quality of regional legislation cannot be separated from proven evaluative practices established for higher-level laws, particularly statutes.

The following chart outlines the stages of monitoring and review of Regional Regulations based on the model used for the monitoring and review of statutes:



The Regulatory Impact Analysis (RIA) Model and the Rule, Opportunity, Capacity, Communication, Interest, Process, and Ideology (ROCCIPI) Model in the Stages of Monitoring and Reviewing Regional Regulations

RIA is an analytical, evidence-based approach aimed at systematically evaluating the potential impacts of a regulation, whether it is being drafted or already in force (Bull & Ellig, 2017). In the context of monitoring and reviewing Regional Regulations (Peraturan Daerah or Perda), the application of the RIA method may be assessed in terms of methodological accuracy and functional relevance. In principle, RIA is highly relevant and appropriate for application in the monitoring and review of Perda, as this approach goes beyond mere formal compliance with the normative hierarchy and procedural requirements and focuses instead on the substantive effectiveness of regulation in achieving its social, economic, and environmental objectives. In other words, RIA serves to fill the gap in current monitoring and review practices, which are predominantly normative and legalistic (Carvalho et al., 2020).

The application of RIA in the evaluation of Perda allows for the identification and measurement of the actual impacts of a regulation, including the identification of potential regulatory overlap, unnecessary administrative burdens, and misalignment between regulatory objectives and outcomes. Within the framework of regional autonomy, RIA also creates opportunities for broader participation from administrators and stakeholders, thereby enhancing the quality of participation in the regional legislative process through concrete evidence and data (Kamkhaji et al., 2019). Furthermore, RIA has the advantage of providing rational justification for whether a regional legal policy should be maintained, revised, or repealed. This becomes especially important following Constitutional Court Decisions Number 137/PUU-XIII/2015 and Number 56/PUU-XIV/2016, which revoked the central executive's authority to annul Perda. Accordingly, efforts to strengthen the effectiveness of Perda must now rely on policy-based analytical approaches rather than solely on administrative measures.

Nevertheless, the implementation of Regulatory Impact Analysis (RIA) for Peraturan Daerah (Regional Regulations) also faces several challenges, including limited technical capacity of human resources at the regional level, insufficient availability of reliable data, and the absence of operational regulations governing the methodology and implementation standards of RIA at the local government level. Therefore, to ensure that RIA can be effectively utilized in the monitoring and review of Perda, it is necessary to strengthen institutional capacity, provide training for government officials, and integrate RIA into both national and regional regulatory evaluation systems (Satria, 2018). Taking into account both its advantages and challenges, RIA is an appropriate and strategic approach to be adopted within the framework of monitoring and reviewing Perda.

The RIA approach model can be used to monitor and review regional regulations that have been enacted and are in force within the community (Kusuma et al., 2020). Additionally, the RIA approach evaluates and analyzes the effectiveness of regulations already implemented. The RIA model assists regional governments in determining whether a Perda has achieved its intended objectives or, conversely, has resulted in unintended outcomes. Monitoring and reviewing activities using the RIA model also contribute to improving regional regulations that prove ineffective in practice. RIA constitutes a comprehensive and systematic evaluation of a

proposed law or regulation's potential positive and negative impacts. Its primary function is assessing whether the proposed regulation will achieve its intended goals and identifying possible unintended consequences (Retnosari & Syaif, 2024).

The Regulatory Impact Assessment (RIA) approach is essentially a systematic, evidence-based analytical method that is not only relevant during the formation stage of Regional Regulations (Peraturan Daerah or Perda) but also highly appropriate for use in the monitoring and review of regulations already in force (Hamdani et al., 2023). The methodological structural similarities between these two phases—such as the identification of policy problems, the analysis of regulatory impacts (including social, economic, and environmental), stakeholder engagement, and the formulation of evaluation-based recommendations—demonstrate that RIA can be applied in parallel and consistently across both phases of the regulatory cycle. In the context of Perda formulation, RIA serves as an ex-ante instrument to ensure that proposed regulations have thoroughly considered various policy alternatives and their comprehensive impacts. Meanwhile, in the monitoring and review of Perda, RIA functions as an ex-post tool to test the effectiveness of regulatory implementation, detect misalignments with evolving strategic environments, and provide an objective basis for revising, refining, or repealing regulations that are no longer relevant (Retnosari et al., 2024). The alignment of these methodologies reflects the importance of building a regulatory system that is adaptive and responsive to social dynamics while also strengthening the institutional capacity of local governments to manage the policy cycle sustainably through a measurable, participatory, and accountable evaluative framework.

The stages for applying the Regulatory Impact Analysis (RIA) model in the monitoring and review of Regional Regulations that have already been enacted are as follows:

A. Data Inventaritation

   The first stage involves collecting field data on the implementation and enforcement of Regional Regulations (Peraturan Daerah) that are already in effect within the community. The data inventory includes the following:

   1. The actual implications of the Regional Regulation on local communities and the regional economy;
   2. Expressions of dissatisfaction and feedback from the public and stakeholders;
   3. The effectiveness of law enforcement and whether any impact has arisen in the implementation of the regulation;
   4. The performance of key indicators established during the drafting of the Regional Regulation and whether these indicators have contributed to regional development.

B. Problem Identification

   The process of identifying various issues or obstacles arising in the formulation, implementation, and enforcement of Regional Regulations (Peraturan Daerah) aims to determine the problems that hinder the effectiveness of such regulations and may negatively impact society. The issues that emerge in the implementation of Perda may stem from several aspects, including:

1. Public compliance: Is there a high level of non-compliance within the community? Why do members of the public fail to comply with the Regional Regulation?
2. Policy communication: Have efforts to communicate the Regional Regulation's content, objectives, and implications been adequate? Do the public understand the applicable Perda, including their rights and obligations under such regulation?
3. Inter-agency coordination at the regional level: Are there obstacles to coordination among the relevant local government agencies, including difficulties in implementing local policies and programs?
4. Implementation costs: Are the costs associated with implementing the Regional Regulation disproportionately high?

C. Problem Analysis

Through careful analysis and evaluation, regional governments can identify problems within the existing Regional Regulations (Peraturan Daerah) and develop solutions to improve and refine them for greater effectiveness and benefit to society. The RIA method focuses on analyzing the actual impacts of Perda that are already in effect. Impact analysis includes an evaluation of whether Perda has delivered the intended outcomes from both economic and social perspectives. From an economic standpoint, the analysis considers whether the Perda has had a relevant impact on the continually evolving socio-economic conditions of the local community.

D. Renewed Stakeholder Consultation

The RIA approach includes renewed stakeholder consultation as a critical step to ensure that existing Regional Regulations are not only technically effective but also supported by and relevant to the interests of those affected by the regulation. This approach involves gathering input from a wide range of stakeholders, including members of the community, local business actors, industry representatives, government institutions, non-governmental organizations, academics, and civil society organizations.

E. Policy Adjustment Based on Findings

Applying the RIA approach to policy adjustments of Regional Regulations enables a more measured process by ensuring that any proposed changes genuinely provide benefits to the public and relevant stakeholders. If the evaluation reveals that a Perda is ineffective or has produced unintended consequences, the next step is to formulate recommendations for amendment or adjustment of the regulation. Such adjustments may include revising the Perda, strengthening enforcement mechanisms, improving communication and public outreach, and developing supporting infrastructure.

Several benefits of the Regulatory Impact Analysis (RIA) approach model in the policy adjustment of Regional Regulations are as follows:

1. The RIA approach model enables policymakers to make decisions based on comprehensive evidence and data;
2. By assessing the impacts, potential risks associated with adjustments to Regional Regulations can be better identified and managed;
3. The transparent and stakeholder-inclusive stages of the RIA approach model enhance the accountability of local governments in formulating regional policies;
4. The RIA approach model assists in providing the most effective and efficient policy options for achieving the objectives of the Regional Regulation;

5. The RIA approach model helps minimize resistance to the amended Regional Regulation by involving the public and relevant parties in the adjustment phase.

F. Ongoing Monitoring and Review

Regulations that have been adjusted must be continuously monitored and periodically reviewed to ensure their effectiveness. This ongoing monitoring and review are essential to assess whether the adjustments made have successfully addressed the identified problems or whether further improvements are required. Regular and systematic monitoring provides clearer insights into the long-term success of the Regional Regulation. The RIA approach model can be utilized to conduct monitoring and review in a structured and systematic manner. This monitoring aims to determine whether the Regional Regulation remains relevant and effective.

G. Regulatory Solutions

Local governments can formulate better and more responsive policies to meet community needs through the application of the RIA approach model. Regulatory solutions derived from the RIA process may include presenting various alternative solutions, assessing those alternatives, and selecting the most appropriate policy option. Presenting multiple policy alternatives is a crucial step before decision-making, aiming to ensure that each policy choice leads to optimal and just outcomes for society. The use of the RIA approach model in monitoring and reviewing Regional Regulations allows for several solutions and instruments, including:

1. Identifying the key aspects of the Regional Regulation to be reviewed;
2. Selecting core indicators that enable easier and more accurate monitoring and review;
3. Engaging relevant stakeholders, such as community organizations and business actors;
4. Formulating recommendations based on the results of the monitoring and review of the Regional Regulation;
5. Assess whether the Regional Regulation promotes legal compliance and conduct periodic monitoring to ensure its continued relevance.

By applying the RIA (Regulatory Impact Analysis) approach model—particularly in monitoring and reviewing Regional Regulations (Peraturan Daerah)—more effective and relevant outcomes can be achieved, while supporting the realization of good local governance.

The use of the ROCCIPI analysis model in the monitoring and review of Perda involves an in-depth assessment of the factors that influence the effectiveness of regulatory implementation. The following outlines how each element of the ROCCIPI model can be applied in the process of monitoring and reviewing Regional Regulations:

1. Rules

   This element refers to the relevant laws, regulations, or legal norms that influence or form the basis of a particular issue. Understanding this component allows policymakers to evaluate whether a problem arises due to the absence of clear rules or whether the existing rules are adequate but not properly complied with.

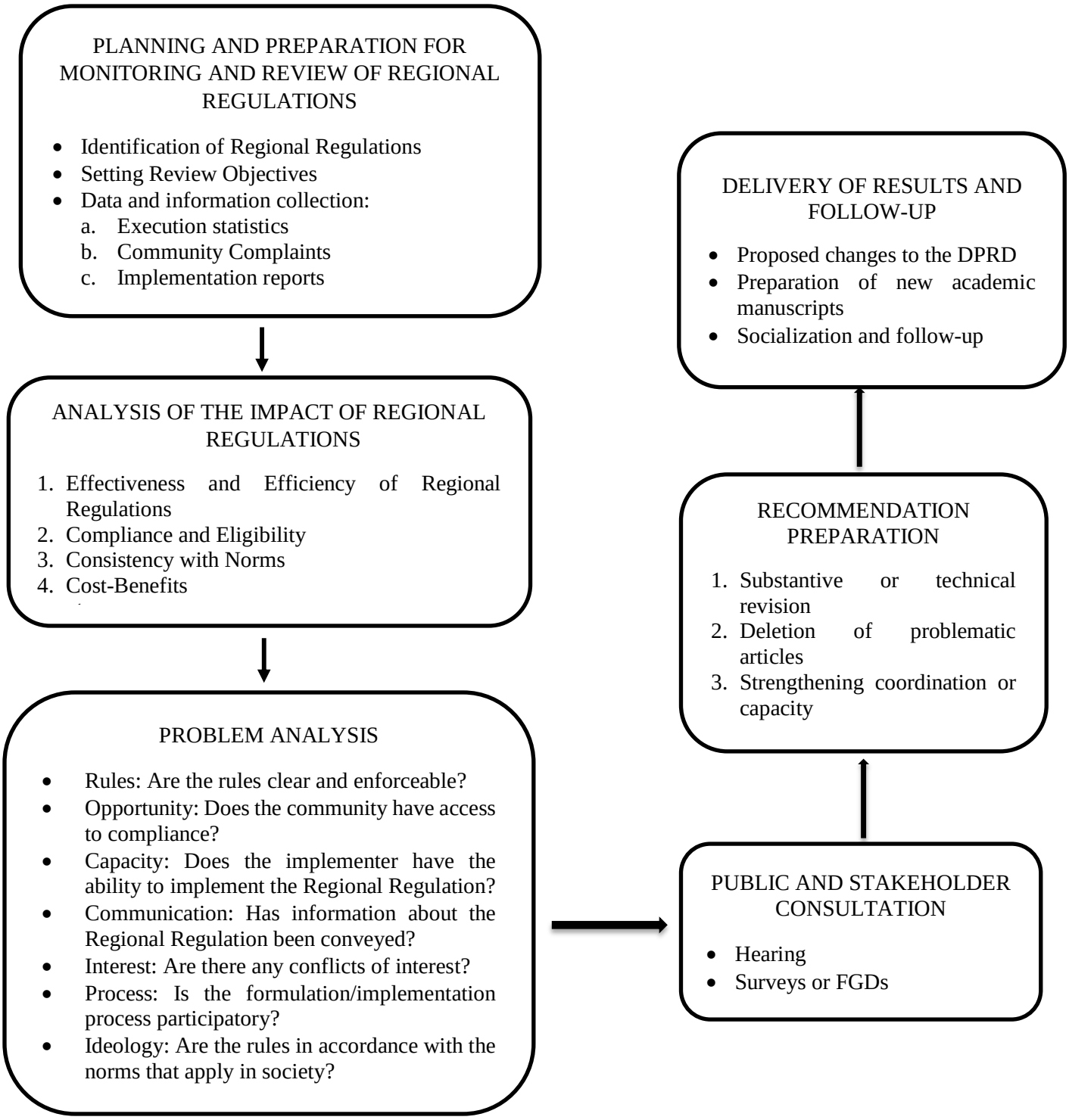
2. Opportunity

   "Opportunity" refers to situations in which individuals have the chance to take certain actions—whether in compliance with or in violation of the rules. This element seeks to

identify whether there are loopholes that allow individuals or groups to violate Perda without serious consequences. It also considers whether existing sanctions are strong enough to deter violations and examines factors such as lack of supervision that create opportunities for non-compliance.

3. Capacity
   An analysis of capacity helps determine whether there are barriers preventing individuals from complying with the rules and, if so, identifies appropriate solutions. This component refers to the ability of individuals or groups to comply with specific laws and policies.
4. Communication
   Communication analysis within the ROCCIPI model is used to determine whether ineffective dissemination of information contributes to non-compliance. It allows policymakers to design better communication strategies. The focus here is on whether information about the regulation or policy has been clearly and understandably conveyed to the public.
5. Interest
   The "interest" component refers to the motives, incentives, or personal interests that influence individual or group behavior in complying with or violating a rule or policy. This analysis explores what individuals seek, avoid, or expect in relation to the regulation. By understanding these interests, policymakers can identify factors that encourage or hinder compliance.
6. Process
   This element involves analyzing the procedures and mechanisms for implementing or enforcing laws and policies. The focus is identifying operational barriers that may obstruct compliance and improving procedures to ensure regulations are implemented more effectively. It evaluates how the rules are carried out and whether those processes are efficient and effective in the context of Perda.
7. Ideology
   Ideological analysis within the ROCCIPI model helps policymakers understand the enforcement of rules at the local level and ensure that such rules align with societal norms. This element ensures that policies are legal and rational and consistent with the values and beliefs of the local community. By doing so, local policymakers can ensure the legitimacy and cultural resonance of the Regional Regulation.

The following chart is outlining the stages of monitoring and reviewing Regional Regulations using the RIA and ROCCIPI models:



Conclusion

The ideal model for regulating the monitoring and review of Regional Regulations (Peraturan Daerah or Perda) should integrate three key approaches: a normative-juridical approach, an evaluative-participatory approach, and a data-driven approach. The normative-juridical approach emphasizes the necessity of ensuring that Perda complies with higher-level legislation and includes clear provisions regarding the authority of institutions tasked with monitoring and reviewing regional regulations. In contrast, the evaluative-participatory

approach underscores the importance of involving the public and stakeholders in the review process to ensure the responsiveness and legitimacy of the regulation. Based on the study of existing mechanisms—including the RIA (Regulatory Impact Analysis) model, the ROCCIPI model (Rule, Opportunity, Capacity, Communication, Interest, Process, and Ideology), and the Sunset Clause model—three fundamental forms of regulatory monitoring and review models have been identified: the model that mirrors the statutory monitoring and review mechanism for national laws, the RIA model, and the ROCCIPI analytical model.

To establish a legally certain, juridically legitimate, and effectively implementable monitoring and review system for Perda, formalization of these models is necessary through statutory regulation, particularly by amending Law Number 12 of 2011 on the Formation of Laws and Regulations. First, it should be clearly stated that the regulatory framework must not rely solely on a normative-juridical basis but must also incorporate participatory evaluation and empirical data analysis. Such a multidimensional approach will enable the development of a legal evaluation system that is not only formally sound but also socially and economically responsive to the needs and dynamics of local communities. Second, a hybrid approach should be adopted by combining the statutory-based model—serving as the foundation for legal uniformity nationwide—with the RIA model, which empirically measures the effectiveness and impact of regulations, and the ROCCIPI model, which provides a comprehensive diagnostic tool for identifying core implementation challenges, including ideological and interest-based factors.

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