



Regulatory Mapping And Review For The Purpose Of Analysis And Evaluation Of Legislation Within The Ministry Of Maritime Affairs And Fisheries

Special Issue, July 2024

e-ISSN 2716-5191

doi:

<https://doi.org/10.30997/jhd.vi>

Gyrissha¹, Rachmat Tridjono², Muhamad Aminulloh³

¹Faculty of Law Universitas Djuanda, Bogor, Indonesia.

²Faculty of Law Universitas Djuanda, Bogor, Indonesia.

³Faculty of Law Universitas Djuanda, Bogor, Indonesia.

ARTICLE INFO

Article history:

Received: April 6, 2024

Revised version received: May, 27, 2024

Accepted: July, 22, 2024

Available online: July, 22, 2024

Keywords:

Regulatory Reform, RMR, Laws and Regulations, regulatory simplification

How to Cite:

Chicago Style 16th edition

Corresponding Author:

Name: Muhamad Aminulloh

Email: aminulloh.muhamad@unida.ac.id

ABSTRAK

Reformasi regulasi merupakan program prioritas sebagaimana tertuang dalam rencana strategis dan rencana kerja Pemerintah saat ini. Urgensi reformasi regulasi didasari oleh kondisi regulasi nasional yang hiperregulasi, inkonsistensi, disharmoni (vertikal dan horizontal). Regulatory Mapping and Review (RMR) merupakan alat inovatif yang dapat digunakan untuk menilai kualitas sejumlah besar peraturan. Diharapkan mampu mendukung program reformasi regulasi. Dalam RMR, metode analisis dan evaluasi menggunakan pendekatan kualitatif dan kuantitatif. RMR nyatanya bisa membantu meningkatkan kualitas regulasi di lingkungan Kementerian Kelautan dan Perikanan. Tahapan dalam RMR diawali dengan inventarisasi, pemetaan dan review/analisis terhadap sejumlah besar peraturan, yang keluarannya berupa rekomendasi kepada Kementerian Kelautan dan Perikanan dalam perbaikan peraturan yang dianggap bermasalah atau merumuskan peraturan yang akan diterbitkan. sehingga memudahkan Pemerintah dalam menghasilkan peraturan yang berkualitas dan efektif dalam pelaksanaannya. Di sisi lain, RMR justru mendukung upaya penyederhanaan jumlah peraturan, sehingga dapat dihasilkan jumlah peraturan yang ideal sesuai kebutuhan, tanpa konflik baik secara vertikal maupun horizontal, serta efisien dan efektif.

ABSTRACT

Regulatory reform is a priority program as stated in the strategic plan and work plan of the current Government. The urgency of regulatory reform is based on the condition of national regulations that are hyperregulated, inconsistent, disharmony (vertical and horizontal). Regulatory Mapping and Review (RMR) is an innovative tool that can be used to assess the quality of a large number of regulations. It is expected to be able to support regulatory reform programs. In RMR, the

analysis and evaluation method uses qualitative and quantitative approaches. RMR can, in fact, help improve the quality of regulations within the Ministry of Maritime Affairs and Fisheries. The stages in RMR begin with an inventory, mapping and review/analysis of a large number of regulations, which outputs in the form of recommendations to the Ministry of Maritime Affairs and Fisheries in improving regulations that are considered problematic or formulating regulations that will be issued, making it easier for the Government to produce quality regulations and be effective in their implementation. On the other hand, RMR in fact supports efforts to simplify the number of regulations, so that an ideal number of regulations can be produced in accordance with needs, without conflict both vertically and horizontally and in an efficient and effective manner.



Available online at <https://ojs.unida.ac.id/LAW>
Copyright (c) 2024 by Jurnal Hukum De' Rechtsstaat (JHD)

1. Introduction

Indonesia declares itself as a state of law. This is as outlined in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which stipulates that Indonesia is a state of law. Thus in a state of law all life, both state life, national life, and social life must be based on law. This means that all actions must be based on legal and written laws and regulations. These laws and regulations must exist and apply first or precede the actions taken.¹ A good legislation, according to Bagir Manan, is at least based on 3 (three) things, namely: a) *juridical basis (juridische gelding)*; b) *sociological basis (sociologische gelding)*; and c) *philosophical basis*.²

Regulatory reform is a change intended to improve the quality of laws and regulations, namely laws and regulations that are in accordance with the principles of legislation formation, can support the implementation of social dynamics in an orderly manner, and the implementation of state administration and development effectively and efficiently. In addition to quality, laws and regulations must also be orderly and simple.³

Regulatory reform is one of the Government's priority programs in overseeing various other programs that are currently an important agenda as stated in the strategic plan and work plan set by the Government.⁴ The urgency of regulatory reform is often conveyed in several official forums by the President, as statements that specifically pay attention to the current regulatory conditions, such as "regulations have shackled the implementation of national development, national regulations are obese and there must be streamlining, *RI*

¹ Bagir Manan, *Constitutional Foundations of National Legislation* (padang, 1994).

² Rachmat Trijono, 'Alternative Model of Legislation Analysis', *Journal of Rechts Vinding: Media for National Law Development*, 1.3 (2012), 361-74 <[https://rechtsvinding.bphn.go.id/artikel/ARTIKEL 4 Vol 1 No 3.pdf](https://rechtsvinding.bphn.go.id/artikel/ARTIKEL%204%20Vol%201%20No%203.pdf)>.

³ Ministry of Law and Human Rights of the Republic of Indonesia BPHN, 'Guidelines for the Evaluation of Legislation', *Kemenkumham*, 4.3 (2019), 47.

⁴ Bayu Dwi Anggono, 'Omnibuslaw as a Law Formation Technique Opportunities for Adoption and Challenges in the Indonesian Legislative System', *Journal of Rechts Vinding: National Law*

Hyper Regulated, and others".⁵ Therefore, the Government has several times issued policies intended to simplify bureaucracy, simplify licensing, which can be observed from the formation of the Economic Policy Package to the formation of the Job Creation Law.

After the enactment of Law Number 11 of 2020 on Job Creation, which has been amended by Law Number 6 of 2023 on the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation into Law (hereinafter referred to as "Job Creation Law"), has changed the direction and policy of the Government in the governance of laws and regulations. Because the Job Creation Law invalidates many technical laws that are directly related to the marine and fisheries sector, including Law Number 32 of 2014 concerning Maritime Affairs; Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands jo. Law No. 1 of 2014; Law No. 31 of 2004 on Fisheries jo. Law No. 45 of 2009; Law No. 7 of 2016 on the Protection and Empowerment of Fishermen, Fish Cultivators, and Salt Farmers; Law No. 32 of 2009 on Environmental Protection and Management; and Law No. 26 of 2007 on Spatial Planning.

⁶The substantial changes stipulated in the Ciptakerja Law to regulations in the field of fisheries and marine affairs, including aspects related to Licensing; Spatial Planning and Zoning; Sanction Provisions; Reduction of Regional Government Authority/Performance; Withdrawal of Authority from the Minister to the Central Government; Community Involvement; Foreign Investment or Foreign-Owned Business; Provisions for Small Fishermen; Other Obligations; National Commission for the Assessment of Fish Resources Provisions for Fisheries Quality Standards; Changes in the Form of Other Documents.

So far in Indonesia, the fact shows that there are several analysis models applied by several ministries/agencies. Some ministries/agencies apply *Rule, Opportunity, Capacity, Communication, Interest, Process, Ideology (ROCCIPI)*, others develop and apply *Regulatory Mapping and Review (REGMAP)*, while some apply *Regulatory Impact Analysis (RIA)*, and certain circles use Fishbone and try to develop Indonesian-style analysis models such as *Modeal Analysis of Legislation (MAPP)*.⁷ It should be recognized that so far there has been no uniformity to choose the most appropriate analysis model for Indonesia, each has advantages and disadvantages that can be observed.

To improve the quality of regulations, especially in the marine and fisheries sector, the Ministry of Maritime Affairs and Fisheries (KKP) in this case the Legal Bureau, has taken the initiative to map and analyze legal products in the form of Ministerial Regulations which are expected to produce a recommendation as a basis for improving the quality of regulations in accordance with government policies in the marine and fisheries sector which have undergone several changes as described above.

In carrying out mapping activities and analysis of the Minister of Maritime Affairs and Fisheries Regulations, an analysis tool is used, namely *Regulatory Mapping and Review (RMR)*. RMR is an innovative tool that can be used to calculate the quality of a large number of regulations. The intellectual foundation of RMR comes from the main principles of *Regulatory Impact Assessment (RIA)* or refers to the principles of drafting good laws and regulations as stipulated in Law No. 12 of 2011 concerning the Drafting of Laws and

⁵ Mayasari Ima, "Regulatory Reform Policy Through the Implementation of Omnibuslaw in Indonesia," *Journal of Rechts Vinding: National Law Development Media* 9 (2020): 1-15, [https://rechtsvinding.bphn.go.id/jurnal/154611JURNAL_VOLUME_9_NO_1_REV3_\(2\).pdf#page=21](https://rechtsvinding.bphn.go.id/jurnal/154611JURNAL_VOLUME_9_NO_1_REV3_(2).pdf#page=21).

⁶ Indonesia Ocean Justice Initiative (IOJI), 'Analysis of the Marine and Fisheries Sector Job Creation Law', 2020, 104 <<https://oceanjusticeinitiative.org/wp-content/uploads/2020/10/IOJI-Analisis-UU-Cipta-Kerja-Sektor-Kelautan-dan-Perikanan.pdf>>.

⁷ Trijono.

Regulations and its amendments,⁸ simply put, *RMR* is equipped with a scoring system using *Microsoft Excel*. Regulations that have the lowest score indicate that the quality of the regulation is poor and needs to be improved (changed / revoked).

The analysis is conducted by a *reviewer*. The *reviewer* team comes from the Ministry of Maritime Affairs and Fisheries from different sub-units and the results of the analysis will be confirmed with relevant stakeholders.

From the results of the initial inventory, it was found that there were 785 regulations of the Minister of Marine and Fisheries Regulations that would be compiled in the regulatory database, there were several regulations that were the focus of analysis, including in the fields of: Implementation of Spatial Planning, Implementation of Maritime Affairs and Fisheries, Control of Fish Disease, Development of Quality Standards for Fishery Products, Fishing, Re-stocking and Aquaculture-Based Fishing, Institutional Assessment of Fish Resources, Operational Standards and Monitoring Systems for Fishing Vessels, Core Zone Status in Conservation Areas, Pollution Prevention, Damage Prevention, Rehabilitation, and Improvement of Fish Resources and the Environment, and Oversight of Marine Spaces. Then the number of regulations increased to 2398 regulations in the Marine and Fisheries sector in the form of Ministerial Regulations and Ministerial Decrees compiled in a *Master List*. The 2398 regulations will be selectively analyzed as needed using *tools* called *regulatory mapping and review*.

Based on the background description above, to conduct research related to mapping and analyzing regulations using *regulatory mapping and review*. The author is basically directly involved in activities carried out by the Ministry of Maritime Affairs and Fisheries from October 2021 to August 2022, with the theme of the activity "Analysis and Evaluation of Public Policy within the Ministry of Maritime Affairs and Fisheries" whose implementation involves all echelon units in the Ministry of Maritime Affairs and Fisheries.

2. Methods

This type of research is Normative juridical research, the object of research is norms, principles, principles of harmonization, comparative law of a legislation. Qualitative method is used in this research. Qualitative research methods with flexible and open and qualitative data collection can conclude existing findings. To obtain accurate and relevant data, data collection techniques are needed.⁹The ultimate goal of qualitative research in general is to understand certain phenomena, in this case the principles of good legislation, with reference to the Law on the Formation of Legislation. This research also uses quantitative data sources, by collecting and analyzing the analysis activities carried out by the Ministry of Maritime Affairs and Fisheries in the form of an Analysis Sheet on the quality of a ministerial regulation. The data collection technique used in this research is to collect the results of the analysis conducted by stakeholders within the Ministry of Maritime Affairs and Fisheries.

3. Results and Discussion

⁸ Ida Bagus Supancana, *A GRAND DESIGN OF INDONESIA REGULATION REFORM* (JAKARTA: Atmajaya Indonesian Catholic University, 2017).

⁹ GAUTAMA, Febrin Fandensia; TRIJONO, Rachmat; RUMATIGA, Hidayat. Legal Analysis of the Impact of the Inauguration of the New Autonomous Region (DOB) in Overcoming Armed Criminal Groups (KKB) to Realize Public Order and Order in Papua. *Karimah Tauhid*, 2024, 3.6. p. 7001.

To improve the quality of regulations, especially in the marine and fisheries sector, it is necessary to conduct mapping and review/analysis of related regulations, the results of which are expected to provide recommendations to the Government in formulating regulations that will be issued as well as improving/revising regulations that are still in effect, making it easier for the Government to produce quality regulations and be effective in their implementation.¹⁰

Based on the results of the first meeting with the Legal Bureau of the Ministry of Maritime Affairs and Fisheries on January 10, 2022, it was stated that the Ministry of Maritime Affairs and Fisheries will conduct an analysis and evaluation of the Minister of Maritime Affairs and Fisheries Regulations (hereinafter referred to as regulations) in large numbers. The main objective of this regulatory mapping and analysis activity within the Ministry of Maritime Affairs and Fisheries is to improve the quality of regulations while supporting Government policies in the field of Fisheries and Marine Affairs.

a. Implementation of Investarization Mapping and Regulatory Analysis Activities

1) Introduction Activity

At the initial stage of the activity, a meeting was held in advance with the Ministry of Maritime Affairs and Fisheries (Legal Bureau) regarding the planned activities to be carried out, stipulating or agreeing in advance several things related to: scope of study (types of regulations and *stakeholders*) team and resource requirements, identification of priority issues and problems, tabulation format of analysis results for *stakeholders*.¹¹ Furthermore, it is followed up with the implementation of annotated regulation collection activities in the KKP database (JDIH). This inventory activity of regulations related to Maritime Affairs and Fisheries issued by the Ministry of Maritime Affairs and Fisheries is to identify various problems in the implementation of all regulations in the field of Maritime Affairs and Fisheries with the aim of ensuring that all regulations support Government policies, especially those related to priority programs set by the Ministry of Maritime Affairs and Fisheries.

2) Initial Briefing

A Focus Group Discussion (FGD) was held related to the implementation of Analysis and Evaluation of Public Policies in the Marine and Fisheries Sector, one of the *issues* prioritized by the Minister of Maritime Affairs and Fisheries is the importance of simplifying regulations to provide more convenience to the public regarding public services in the marine and fisheries sector, as well as in an effort to realize the priority programs of the Ministry of Maritime Affairs and Fisheries.

3) Desk Study

To facilitate the implementation, technical discussions related to the implementation of analysis using tools built based on the principles of good regulation are outlined in the form of analysis sheets, including discussions related to: how to fill in, sources of information that can be used, literature studies, and direct interviews with relevant *stakeholders*. All activities are left to each *reviewer* whether in the form of interviews, FGDs, inviting *stakeholders* directly and or through other relevant activities. FGDs are also carried out to agree on the number of regulations inventoried, categorization, the field of regulation to be *reviewed*, the number of *reviewers*, the number of *regulations* to be analyzed, the determination of criteria and weighting of analysis

¹⁰ Maman Usman, *Final Report on Mapping, ANALYSIS AND EVALUATION OF FISH AND FISHING REGULATION Working Group on Evaluation Analysis Center for Regulatory Research, 2022.*

¹¹ maman usman, *ANEV CTF REPORT, 2022.*

sheets, etc. On the basis of this agreement, a division of tasks has been carried out to all *stakeholders within the CTF*, each directorate is asked to identify, map, group and divide the number of regulations under the authority of each section. Several findings were obtained, including: There is a regulation that regulates the authority of cross directorates; There are regulations that are no longer valid but are still used as a basis for carrying out their duties, and There are regulations that are no longer effective (temporari) but are still valid because there is no article clause that states the limit of validity, and others.

4) Regulatory Collection, Mapping and Analysis

Of the total 2398 regulations that have been inventoried, based on time considerations, classifications, groupings, divisions, categorizations, narrowing down to the strategic program of the Ministry of Maritime Affairs and Fisheries have been prepared, the number of regulations to be analyzed is 102 regulations. These are regulations in the form of Ministerial Regulations specifically related to priority programs and licensing/non-licensing, which are considered to represent all directorates in the Ministry of Maritime Affairs and Fisheries.

5) Preparation of Final Report

The final stage of all activities is in the form of preparation of analysis and evaluation reports using RegMap. The entire process of activities starting from the formulation of methodology, inventory of regulations, classification, grouping, analysis and evaluation will be systematized, summarized and equipped with analysis for efforts to improve the quality of regulations, especially for a number of regulations that score the lowest or are considered the most problematic.

2. Masterlist of Minister of Marine Affairs and Fisheries Regulations (Score Analysis Results)

In the inventory and mapping of regulatory databases within the Ministry of Maritime Affairs and Fisheries, output is produced in the form of a comprehensive regulatory database compiled in the form of a *masterlist*.¹²

From the *Master List* containing regulations related to Maritime Affairs and Fisheries which contains Minister of Maritime Affairs and Fisheries Regulations and Decrees of the Minister of Maritime Affairs and Fisheries from 2005-2021. The findings based on the results of the inventory and grouping of regulations are as follows:

The analysis of the 102 Permen referred to, based on consideration of policy changes due to the existence of the Job Creation Law and KKP's priority programs in 2022, is mapped as shown in the diagram below:

Table 1: Mapping and Grouping Results of 102 Regulations in KKP

All KP Regulations	
785	
KP regulations that are no longer valid	KP regulations that are still valid

¹² usman.

428	357		
KP regulations that are not analyzed and evaluated	KP Regulations that will be Analyzed and Evaluated (Licensing)		
153	204		
	Not Prioritized Analysis and Evaluation	Prioritization of Analysis and Evaluation in 2022	
	102	102	
	50.00%	50.00%	
		Non-licensing	Licensing
		42	60

In addition to the inventory activities, grouping has also been carried out on the permen and kepmen that have been included in the masterlist. The grouping / division is carried out by each directorate in the Ministry of Marine Affairs and Fisheries. The grouping of regulations is divided as follows:

- a. Fields with criteria: Fish Quarantine Agency for Quality Control and Safety of Fishery Products, Human Resources Research Agency, Secretariat, Aquaculture, Strengthening the Competitiveness of Marine and Fishery Products, Monitoring, Marine Spatial Management, Capture Fisheries and General;
- b. Categories with criteria: Fishing Equipment, Fish Management Unit, Government Assistance, Aquaculture, Good Fish Hatchery Practices, Special Allocation Funds, Data and Information, Training, Supervision, Law, Import, Industry, Type of Fish, Type of Commodity, Transport Vessel, Supervisory Vessel, Fishing Vessel, Quarantine, Fisherman Card, Public Relations, Position Class, and others.
- c. Groups: Licensing and Non-Licensing, Evaluation Analysis and Non-Evaluation Analysis, and Priority and Non-Priority Programs, and so on.

Regulatory grouping can be done as needed, in the event of policy changes in the marine and fisheries sector, for example changes to the strategic plan of the ministry of marine and fisheries or changes in central government policy. In this case *RegMap* becomes very *flexible* and *tailormade*, can be adjusted to the needs of its users.

3. Analysis Activity

Regulatory simplification, which is a way to control the quantity of regulations that are becoming positive law (in force) in order to realize proportional regulation. The first arrangement that can be done is to *simplify* regulations by inventorying existing regulations, identifying problems and stakeholders, evaluating problematic regulations, and revoking unnecessary ones.¹³

¹³ Ibnu Sina Chandranegara, 'Forms of Regulatory Streamlining and Harmonization', *Ius Quia Iustum Law Journal*, 26.3 (2019), 435-57 <<https://journal.uui.ac.id/IUSTUM/article/download/13070/9896>>.

As described in the previous chapter, after collecting regulatory data accompanied by classification, the next stage is to set parameters to test the quality of a regulation using assessment criteria and weighting that must be agreed upon in advance.

As for this analysis stage, it is preceded by the creation of *tools* called analysis sheets, based on *ms.excel*. The use of *Ms. Excel* is able to convert qualitative analysis results into quantitative ones, due to the weighting of the parameters/criteria chosen to assess the quality of a regulation, with unlimited capacity.

Analysis and evaluation carried out at the Ministry of Maritime Affairs and Fisheries using *Regmap* where the results of the analysis depend on the reviewer to fill in the analysis sheet that has an interest based on priority programs within the Ministry of Maritime Affairs and Fisheries.¹⁴

4. Analysis Sheet (Score)

The Analysis Sheet in the form of a scorecard is an important part of the methodology for assessing the quality of a regulation. The criteria/parameters used in the analysis sheet are adopted from the principles in Law No. 12/2011 on the Formation of Legislation and its amendments and *the* simplified RIA main principles.

As an illustration, here is a sampling of the analysis sheets that have been created, compiled, agreed upon and established together as a tool for assessing the quality of the candy to be tested.

Table 2: Analysis Sheet

ANALYSIS WORKSHEET					
Reg No.					
Regulation Title					
Field					
Category					
Description					
No.	Main Aspects and Supporting Criteria	Agree	Disagree	Supporting Remarks <i>This column MUST be filled in with a BRIEF BUT SUBSTANTIVE explanation to support the Agree or Disagree opinion.</i>	Weight
		0	1		
A.	Consistency with Government Policy				15%
	The main content of this regulation is NOT CONSISTENT and/or does not SUPPORT government policies in the marine and fisheries sector.				
B.	Multi-interpretation and dubious				

¹⁴ Trijono.

	This regulation is NOT WRITTEN in a language that is easy to understand, or the formulation written is LACKING in clarity or understanding, or the contents of this regulation contain MULTI TEXTUAL formulations.				10%
C.	Conflict with PUU				
	This regulation contains articles that are CONFLICTING and/or not in accordance with higher or equal laws and regulations.				15%
D.	Conflict with International Legal Instruments				
	This regulation contains articles that are CONFLICTING, INCORRECT, and/or NOT REGULATED in accordance with international legal instruments (Indonesia as a state party and <i>Customary international law</i>).				10%
E.	Public Interest				
	This regulation does NOT or DOES NOT PROTECT PUBLIC INTERESTS, especially community groups who are the main target of the enactment of this regulation.				20%
F.	Right on Target				
	This regulation causes NEGATIVE CAUSES to other groups that are not the main target (<i>negative externalities</i>)				15%
G.	Implementation				
	Preparations or requirements in order to implement this regulation are LACK OF CLEARNESS (NO CERTAINTY).				15%
Have all criteria been completed?				NOT	100%
TOTAL SCORE (%)		0,00%			

Additional Notes:	
Reviewer Name:	
Date:	

As in the chart above, the analysis sheet uses 7 (seven) criteria or parameters using sentences in the form of "negative statements" accompanied by filling instructions. The analysis is carried out by two *reviewers* with appropriate expertise. The 7 parameters are:¹⁵

¹⁵ Usman.

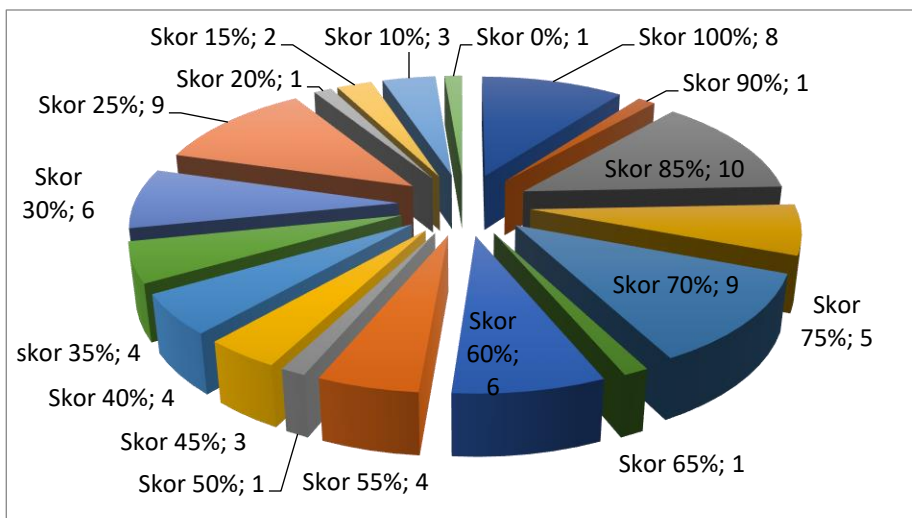
- a. Consistency with Government Policy (Weight 15%) The main content of this regulation is inconsistent and/or does not support government policies in the marine and fisheries sector.
- b. Multiple Interpretations and Doubts (Weight 10%) The regulation is not written in a language that is easy to understand, or the formulation written in is not clear or adequate, or the content of this regulation contains formulations that are multi-interpretive
- c. Contrary/conflict with laws and regulations (Weight 15%) This regulation contains articles that contradict and/or are not in accordance with higher or equal laws and regulations.
- d. Conflict with International Legal Instruments (Weight 10%) This regulation contains articles that are contradictory, incompatible, and/or not regulated in accordance with international legal instruments (Indonesia as a state party and *Customary international law*).
- e. Public Interest (Weight 20%) This regulation does not or has not protected the public interest, especially community groups who are the main target of the enactment of this regulation.
- f. Right on Target (Weight 15%) This regulation has negative consequences for other groups that are not the main target (*negative externalities*)
- g. Implementation (15% weight) Preparations or requirements for the implementation of this regulation are unclear (no certainty)

The Analysis Sheet above is equipped with a *scoring system* and weighting. *Scoring system* is a simplification of the quality of a regulation based on existing parameters and represented in percentage. A score of 100% means good and a score of 0% means not good. If one of the criteria is not met, then the score for that criterion is 0 (zero). Then each criterion is also given a weight to show that a criterion is more important than other parameters. The final score from the analysis of a regulation ranges between 0% and 100%.

A higher final score reflects that the quality of the regulation is better. Conversely, if the final score of a regulation is low, then it indicates that the quality of the regulation concerned is poor and further and more in-depth analysis must be carried out. Based on the weighting system, the *Reviewer* will be able to focus attention and deeper analysis on parameters with a score of 0.

The results of the score analysis are then entered in the *Master List* so that one regulation can be compared with other regulations quickly and easily. The results of the analysis of the 102 Regulations were then compiled in the Final Score List. The distribution of the score values of the 102 Regulations analyzed can be described as follows:

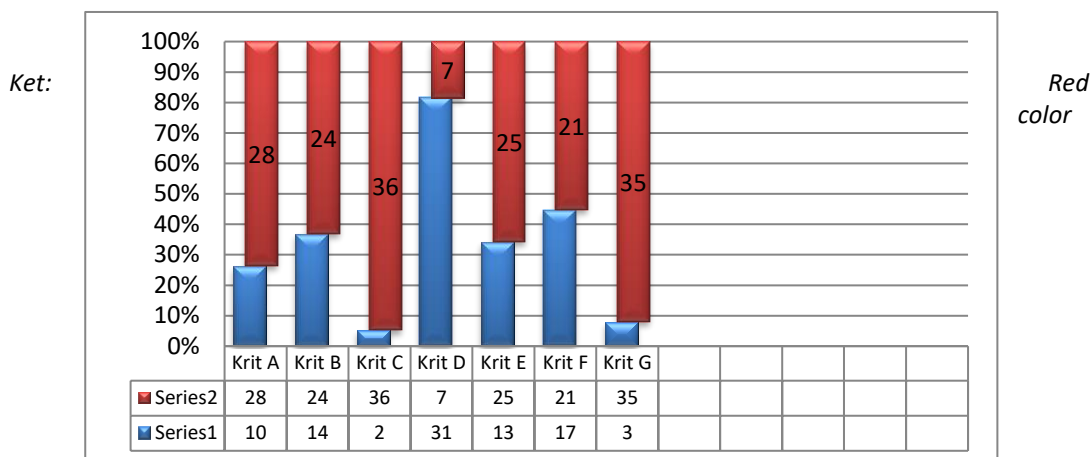
Table 3: Analysis diagram 102 Regulation



- a. Regulation with a score of 100% = 8 Regulation
- b. Regulation with a score of 90% = 1 Regulation
- c. Regulation with 85% score = 10 Regulation
- d. Regulation with a score of 75% = 5 Regulation
- e. Regulation with 70% score = 9 Regulation
- f. Regulation with a score of 65% = 1 Regulation
- g. Regulation with a score of 60% = 6 Regulation
- h. Regulation with a score of 55% = 4 Regulation
- i. Regulation with a score of 50% = 1 Regulation
- j. Regulation with a score of 45% = 3 Regulation
- k. Regulation with 40% score = 4 Regulation
- l. Regulation with a score of 35% = 4 Regulation
- m. Regulation with 30% score = 6 Regulation
- n. Regulation with a score of 25% = 9 Regulation
- o. Regulation with a score of 20% = 1 Regulation
- p. Regulation with a score of 15% = 2 Regulation
- q. Regulation with 10% score = 3 Regulation
- r. Regulation with score 0% = 1 Regulation

The lower the score indicates the lower the quality of a Regulation. Thus, more attention should be paid to the regulations with the lowest scores. However, there are a number of good quality regulations such as: 8 regulations scoring 100%, 1 Regulation scoring 90%, etc. Since the purpose of this study is to, among other things, find problematic regulations, the analysis will be directed more towards regulations that have a lower score, less or equal to 55%.

Table 4: Analysis Results of Regulations with Scores Below or Equal to 55%



Problematic regulations and blue color regulations that are considered good

- a. 28 regulations do not support government policies in the field of fisheries and marine affairs. The problem of inconsistency with government policies is generally caused by the existence of new policies in the field of marine and fisheries, both those contained in higher regulations and those related to the Government's strategic plan and priority programs.
For this reason, it is necessary to increase the socialization of policies intensely as well as increase the capacity and understanding of both the regulation drafting apparatus and the community about Government policies in the marine and fisheries sector. This is intended so that regulations that will be established and implemented truly reflect government policy in order to provide more certainty to both the community and the business world.
- b. 24 The regulation has multiple interpretations.
There are many regulations that are indicated to be multi-interpretive, so strengthening is needed in terms of the formulation/drafting of laws and regulations within the Ministry of Maritime Affairs and Fisheries. In addition, the process of drafting and stipulating a regulation should ideally involve all stakeholders, both those directly and indirectly affected, to ensure that the content of the regulation has received confirmation from stakeholders before implementation.
- c. 36 Regulations Conflict with other laws and regulations.
There are many regulations that are indicated to be disharmonious both vertically and horizontally. The disharmony of regulations has the potential to cause problems in its implementation.
To anticipate disharmony problems, ideally the government should provide sufficient time to socialize a regulation before it is passed. One form of socialization that is very important is public consultation, where all stakeholders from government, community and business are involved in it, so that when the regulation is enacted, it is considered to have accommodated the interests of all stakeholders.
- d. 7 Regulations Conflict with International Legal Instruments.
There are 7 regulations that are considered not in compliance with international legal instruments. It is feared that this will hamper trade activities (export and import) of fishery products in other countries. For this reason, updating various international legal instruments directly related to the fisheries and marine sector is a necessity to ensure that national fishery products are accepted in the international market.

- e. 25 Regulations do not protect the Public Interest.
One of the purposes of establishing a regulation is to provide services to the public. By referring to the findings as described above, stakeholder identification is a must in the process of formulating regulations, so that the regulations to be established really provide certainty, benefits to the community without setting aside the objectives and legal certainty of the regulation.
- f. 21 regulations have negative consequences for the Target group.
From the results of the analysis that has been carried out, it has been identified that the impact of regulations that are considered problematic that burden non-target groups is quite significant as described above. Ideally, in the process of formulating regulations, it is not only oriented towards institutional authority, but must also pay attention to the impact on all stakeholders, so that when the regulation is implemented, it really becomes right on target both in terms of benefits and costs to the intended target group and of course it needs to be anticipated as a potential burden on groups that are not the target of the regulation.
- g. 35 regulations are unclear Preparation of Implementation.
Referring to the various indications of problems that have been identified, including those related to outofdate regulations, conflicts of authority among existing institutions, etc., shows that regulations have not been accompanied by good implementation preparation, so that problems related to: lack of socialization, low institutional coordination, unclear regulation enforcement, etc. can be easily identified.
In principle, preparation for regulation implementation is closely related to the process of formulating, drafting and stipulating regulations. If the regulation is socialized, consulted, coordinated, prepared by involving all stakeholders, then various aspects related to the implementation of the regulation can be inventoried from the beginning and used as material in the formulation process up to its determination, so that when implemented, the regulation will be truly ready and effective in its implementation.

4. Conclusion

Of the 780 regulations that were successfully inventoried by the Ministry of Maritime Affairs and Fisheries, after a thorough sweep, in fact, 2398 regulations were obtained. There is a regulation that regulates the authority of cross directorates; There are regulations that are no longer effective (temporari) but are still valid because there is no clause of the article that states the limit of validity, or there is no regulation that revokes it and others.

These findings show the condition of regulations within the Ministry of Maritime Affairs and Fisheries, as well as confirming the mirror condition of national regulations that are hyper regulated, as formulated in the first problem, so that the regulatory simplification program (simplifying the number of regulations) is a necessity that must be carried out on an ongoing basis.

From the analysis of 102 Ministerial *Regulations* related to Licensing and Non-Licensing using *Regulatory Mapping and Review Tools*, it was found that there are 38 regulations that are considered the most problematic because the assessment score shows the quality of the regulation is below 55%, so adjustments need to be made. However, KKP's internal team concluded that the regulations that must be adjusted amounted to 76 Ministerial Regulations of Maritime Affairs and Fisheries, considering that they are no longer in accordance with

government policies and the current strategic plan of the Ministry of Maritime Affairs and Fisheries.

In fact, the regulations issued by the Ministry of Maritime Affairs and Fisheries are heavily influenced by changes in government policy related to the ratification of the Job Creation Law and its Derivatives. Licensing issues are quite dominant in the assessment process of the stipulated regulations. Therefore, the Ministry of Maritime Affairs and Fisheries regulatory products need to be adjusted to be more in line with the latest government policies, especially in the field of licensing.

The above facts show that the analysis and evaluation of a large number of regulations can be done as long as the methodology can be scientifically accounted for. Thus, to facilitate policy makers both in simplifying regulations and formulating regulations that meet the standards of norms, standards, procedures and criteria (NSPK).

References

Books

- Arinanto, Satya. "Human Rights in Political Transition in Indonesia." *National Library of the Republic of Indonesia*. National Library of the Republic of Indonesia, 2018.
- Asshiddiqie, Jimly. *Procedural Law of Law Examination*. N.p., 2006
- Atmaja, Gede Marhaendra Wija. "Methodology and Language of Legislation." *Technical guidance on drafting local regulations*. 2017
- Bentham, Jeremy. *Legislative Theory, Principles of Legislation in Civil and Criminal Law*. N.p., 2010
- Bappenas. *National Strategy for Regulatory Reform Realizing Simple and Orderly Regulations*. JAKARTA, 2015.
- BPHN, Ministry of Law and Human Rights of the Republic of Indonesia. "Guidelines for Evaluation of Legislation." *Ministry of Law and Human Rights 4*, (2019)
- Center Regularory Researc. "MasterList Final KKP 2022," 2022.
- Dwi Anggono Bayu, *Development of Legislation Formation in Indonesia*, Konpres, 2014.
- Farida Indarti, Maria. *Science of Legislation*, PT Kanisius, Jakarta, 2020
- Hanitidjo Sumitro, Roni. *Legal Research Methodology and Jurimetry*. Ghalia Indonesia, 1990.
- Hartono, Sunaryati. "Legal Research in Indonesia at the End of the 20th Century," 1994.
- Irawan, Prasetya. "Logic and Research Procedures." *Jakarta: Stia-Lan*, 1999.
- Ministry of National Development Planning / National Development Planning Agency *Final Report on Strategic Coordination of Regulatory Reform in 2013* Directorate of Legislative Analysis," 2013.
- Leks, Eddy Marek. "Analysis and Evaluation of Legislation on Public Housing." *National Law Development Planning Center* (2013)
- Manan, Bagir. *Fundamentals of Constitutional Laws and Regulation*. Padang: Faculty of Law, University of Andalas, 1994.
- Mardiyanti, Siti. *Legislation Science*. JAKARTA: eureke media aksara, 2022
- Nalle, Victor Imanuel W. "Research Methods in Indonesian Legislation: Developments and Challenges." *Towards Quality Legislation: Thoughts for Indonesian Legislation*. Ed. Nany Suryawati. Center for Constitutional and Pancasila Studies, Darma Cendika Catholic University, 2020
- pshk. *Study of Regulatory Reform in Indonesia: Key Issues and Strategies, Foundation for the Study of Indonesian Law and Legal Policy*. N.p., 2019
- Purwaka, Tommy Hendra. "Legal Research Methodology." *Jakarta: Atma Jaya University*

Publisher, 2007.

- Ranggawidjaja Rosjidi, *Introduction to Indonesian Legislation*, Mandar Maju, Bandung, 1998.
- Roestami Martin, *Research Methods, Reports and Writing Scientific Works*, Djuanda University, Bogor 2020
- Seidman, Ann, Robert B Seidman, and Nalin Abeyserkere. "Drafting Laws in a Changing Democratic Society." *Jakarta: ELIPS Project of the Ministry of Justice and Human Rights of the Republic of Indonesia*, 2001.
- Soekanto, Soerjono. "Introduction to Legal Research." *UI Pres*, 2006.
- Sunaryanto, Lasmono Tri. "RegMap: Institutionalizing Legislative Reform in Indonesia: A Brief Report." (2009)
- Supancana, Ida Bagus. *AN IDEA OF GRAND DESIGN OF INDONESIAN REGULATORY REFORM*. JAKARTA: Atmajaya Catholic University of Indonesia, 2017.
- Teguh Prasetyo, and A. Halim Barkatullah. *Philosophy, Theory and Science of Law*. PT Raja Grafindo Persada, 2014
- The Asia Foundation. *The Importance of Legislative Impact Analysis*. N.p., 2008
- Trijono Rachmat, *LEGAL POLITICS factors that influence policy*, Papas Sinar sinanti, 2022.
- Trijono, Rachmat. *National Legal System Theory and Practice*. Papas Sinar Sinanti, 2020
- Usman, Maman. "FINAL REPORT ON MAPPING, ANALYSIS AND EVALUATION OF FISH AND FISHING REGULATION Working Group Evaluation Analysis Center for Regulatory Research," 2022

Article

- Chandranegara, Ibnu Sina. "Forms of Regulatory Streamlining and Harmonization." *Ius Quia Iustum Law Journal* 26, no. 3 (2019): 435-57.
<https://journal.uui.ac.id/IUSTUM/article/download/13070/9896>
- Dwi Anggono, Bayu. "Omnibuslaw as a Law Formation Technique Opportunities for Adoption and Challenges in the Indonesian Legislative System." *Journal of Rechts Vinding: Media for National Legal Development* 9, no. Omnibus Law as the Main Means of Regulatory Arrangement (2020): 17–35.
[https://rechtsvinding.bphn.go.id/jurnal/154611JURNAL%20VOLUME%209%20NO%201_REV3%20\(2\).pdf#page=21](https://rechtsvinding.bphn.go.id/jurnal/154611JURNAL%20VOLUME%209%20NO%201_REV3%20(2).pdf#page=21)
- GAUTAMA, Febrin Fandensia; TRIJONO, Rachmat; RUMATIGA, Hidayat. Legal Analysis of the Impact of the Inauguration of the New Autonomous Region (DOB) in Overcoming Armed Criminal Groups (KKB) to Realize Public Order and Order in Papua. *Karimah Tauhid*, 2024, 3.6.
- Indonesia Ocean Justice Initiative (IOJI). "Analysis of the Marine and Fisheries Sector Job Creation Law," 2020, 104. <https://oceanjusticeinitiative.org/wp-content/uploads/2020/10/IOJI-Analisis-UU-Cipta-Kerja-Sektor-Kelautan-dan-Perikanan.pdf>
- Mayasari Ima. "Regulatory Reform Policy Through the Implementation of Omnibuslaw in Indonesia." *Journal of Rechts Vinding: Media for National Law Development* 9 (2020): 1–15.
[https://rechtsvinding.bphn.go.id/jurnal/154611JURNAL%20VOLUME%209%20NO%201_REV3%20\(2\).pdf#page=21](https://rechtsvinding.bphn.go.id/jurnal/154611JURNAL%20VOLUME%209%20NO%201_REV3%20(2).pdf#page=21)
- Trijono, Rachmat. "Alternative Model of Legislative Analysis." *Journal of Rechts Vinding: Media for National Law Development* 1, no. 3 (2012): 361-74.

<https://rechtsvinding.bphn.go.id/artikel/ARTIKEL%204%20Vol%201%20No%203.pdf>

Regulation - Regulation

Constitution of the Republic of Indonesia 1945

Law No. 12/2011 on the Formation of Legislation

Government Regulation in Lieu of Law (Perpu) Number 2 of 2022 on Job Creation

Decree of the Minister of Maritime Affairs and Fisheries Number 96/KEPMEN-KP/2020 of 2020 concerning Technical Guidelines for the Preparation of Written Studies of Draft Legislation within the Ministry of Maritime Affairs and Fisheries Using the Regulatory Impact Analysis (RIA) Method.