

Measuring the Effectiveness of Ministry of Law Authority in Harmonizing Draft Regional Regulations for Cities

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Abstract

This study aims to analyze the effectiveness of the Ministry of Law's authority to harmonize Draft Regional Regulations of Mataram City following the enactment of Article 58 paragraph (2) and Article 97D of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 on the Formation of Laws and Regulations. This research employs a normative-empirical method, utilizing statutory, conceptual, and sociological approaches. The findings indicate that the exercise of the Ministry of Law's authority in harmonizing Draft Regional Regulations of Mataram City has not been effective. This is because such authority is limited to the issuance of a harmonization completion letter, without the power to ensure that the harmonization results are implemented by the Regional Government. Furthermore, there are no legal consequences if the Ministry of Law fails to conduct the harmonization process upon a request submitted by the Regional Government.

1. Introduction

The Unitary State of the Republic of Indonesia is a state based on law, as explicitly and clearly stipulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states: "Indonesia is a state governed by law".¹ One of the characteristics of a state based on law, referred to in English as the rule of law or in Dutch and German as *rechtstaat*, is the limitation of power in the administration of state governance.²

The principles of the Indonesian rule of law as embodied in the amendments to the 1945 Constitution of the Republic of Indonesia are as follows: first, the protection of

¹ Fauzi Iswari, "Aplikasi Konsep Negara Hukum dan Demokrasi dalam Pembentukan Undang-Undang di Indonesia," JCH (Jurnal Cendekia Hukum) 6, no. 1 (September 2020): 127-140

² Jimly Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara Jilid II* (Jakarta: Sekretariat Jenderal Mahkamah Konstitusi Republik Indonesia, 2006), 11.

Human Rights and citizens' rights (Chapter XA Articles 28A to 28J); second, the existence of an independent judicial power (Article 24 paragraph (1) of the 1945 Constitution); and third, the existence of administrative courts (Article 24 paragraph (2) of the 1945 Constitution). The consequence of these provisions is that every attitude, policy, and conduct of state apparatuses and citizens must be based on and in accordance with the law.³

The supremacy of law is highly upheld; therefore, legal development in Indonesia is directed toward the establishment of the Indonesian National Legal System, including in the field of governmental law.⁴ Starting from the governmental conditions during the New Order era, the initial step in the Reform Era to accommodate developing aspirations was the restructuring of the constitutional system through amendments to the 1945 Constitution of the Republic of Indonesia.⁵ The amendments to the 1945 Constitution brought very fundamental changes, beginning with the shift of supremacy (the holder of the highest power) from the supremacy of the People's Consultative Assembly (Majelis Permusyawaratan Rakyat) to constitutional supremacy (the amended 1945 Constitution of the Republic of Indonesia), including numerous other significant and fundamental changes that greatly influenced and generated juridical implications for the constitutional system.⁶

From the perspective of governmental administration, the changes that occurred include amendments to the 1945 Constitution of the Republic of Indonesia, particularly Article 18 paragraph (6), which essentially grants Regional Governments the authority to enact Regional Regulations and other regulations in implementing regional autonomy and co-administration tasks. Regional Regulations at the provincial level are enacted jointly by the Provincial Regional House of Representatives (DPRD Provinsi) and the Governor. At the regency/city level, they are enacted jointly by the Regency/City Regional House of Representatives (DPRD Kabupaten/Kota) and the Regent/Mayor.⁷

This development was also marked by a paradigm shift from a centralized system under Law Number 5 of 1974 to decentralization through Law Number 23 of 2014 concerning Regional Government. Within this framework, regions are granted broad, real, and responsible autonomy, except in strategic affairs such as foreign policy, defense, security, judiciary, monetary affairs, and national fiscal matters.⁸ Through this

³ Nandang Alamsah Deliarnoor et al., *Teori & Praktek Kewenangan Pemerintahan* (Bandung: Unpad Press, 2017), 33.

⁴ Darmini, "Pembentukan Peraturan Daerah yang Responsif melalui Inisiatif DPRD Kota Mataram," *Jurnal IUS* 6, no. 2 (2018): 340-356.

⁵ Ujang Hermansyah dan Raihan Sauki Faznur, "Akhir Era Orde Baru dan Awal Reformasi di Indonesia," *Nusantara: Jurnal Pendidikan, Seni, Sains dan Sosial Humaniora* 2, no. 2 (Januari 2025): 1-15

⁶ Mikhael Lambert Ngutra dan Moh Ery Kusmiadi, "Analisis Perubahan Kewenangan Majelis Permusyawaratan Rakyat Pasca Amandemen UUD 1945," *JPPADAP* 5, no. 2 (Juli 2025): 408-415

⁷ Hedwig Adianto Mau dan Tinton Ditisrama, *Hukum Tata Negara Indonesia: Teori dan Penerapan* (Purwokerto: Amerta Media, 2024), 46.

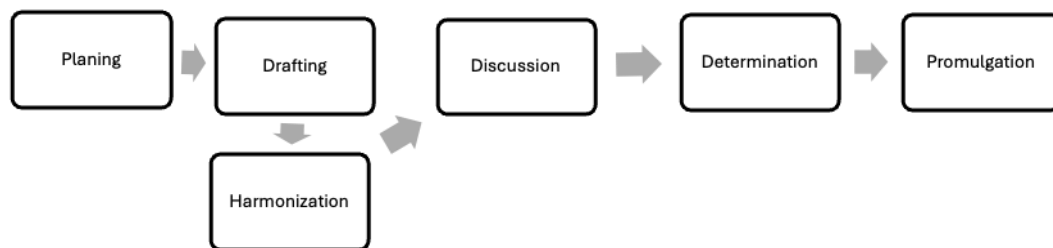
⁸ Edward, A. V., W. S. Akbar, J. Marantika, A. Frinaldi, H. Hendranaldi, dan L. Magriasti, "Perkembangan dan Batasan Desentralisasi di Indonesia pada Saat Undang-Undang Nomor 5

authority, regional governments are entitled to formulate Regional Regulations (Peraturan Daerah or Perda) together with the DPRD to regulate governmental affairs and adjust policies according to the characteristics and needs of local communities.⁹

The formulation of Regional Regulations is guided by Law Number 12 of 2011 as lastly amended by Law Number 13 of 2022, Law Number 23 of 2014, as well as Minister of Home Affairs Regulation Number 80 of 2015 as amended by Minister of Home Affairs Regulation Number 120 of 2018. Based on these provisions, the process of establishing Regional Regulations includes the stages of planning, drafting, deliberation, enactment, and promulgation in accordance with Article 273 paragraph (2) of Law Number 23 of 2014.

The five stages will be illustrated in the following figure:

Figure 1. The Process of Formulating Regional Regulations



Source: Figure Processed by the Researcher, 2026.

Among these stages, the drafting process includes the harmonization of Regional Regulation Drafts (Rancangan Peraturan Daerah). The harmonization of Regional Regulation Drafts is considered necessary to ensure that the resulting Regional Regulations do not conflict with higher laws and regulations and are drafted in accordance with the legislative drafting techniques stipulated in the appendix to Law Number 12 of 2011 concerning the Formation of Laws and Regulations and its amendments.

The enactment of Article 58 paragraph (2) of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Laws and Regulations grants authority for the harmonization of the conception of Regional

Tahun 1974 tentang Pokok-Pokok Pemerintahan di Daerah Berlaku," *Santhet (Jurnal Sejarah Pendidikan dan Humaniora)* 8, no. 2 (2024): 2554–2561.

⁹ Hely Joisen, Robert Tua Siregar, Sarintan E. Damanik, dan Mustafa Ginting, "Strategi Bapemperda dalam Penyusunan Perda Hak Inisiatif DPRD No. 7 Tahun 2017 tentang Insentif Tenaga Pendidik pada Tenaga Pendidikan Non Formal di Bidang Keagamaan (Studi Kasus di DPRD Kabupaten Toba Samosir Tahun 2014–2019)," *Jurnal Regional Planning* 4, no. 2 (2022): 1–16

Regulation Drafts to be “carried out” by the vertical agencies of ministries or institutions responsible for governmental affairs in the field of legislative drafting. The provision states:

“The harmonization, alignment, and consolidation of the conception of Provincial Regional Regulation Drafts as referred to in paragraph (1) shall be carried out by the vertical agency of the ministry or institution administering governmental affairs in the field of legislative drafting.”

The phrase “shall be carried out” in Article 58 paragraph (2) of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Laws and Regulations implies an obligation for regional governments to submit Regional Regulation Drafts for harmonization by the ministry or institution responsible for governmental affairs in the field of legislative drafting, namely the Ministry of Law. Structurally, the Ministry of Law has regional offices in all provinces throughout Indonesia. Therefore, the Regional Offices of the Ministry of Law function as vertical agencies administering governmental affairs in the field of legislative drafting, while Regional Regulations form part of the hierarchy of laws and regulations as stipulated in Article 7 paragraph (1) of Law Number 12 of 2011 concerning the Formation of Laws and Regulations.

Furthermore, the provisions referred to in Article 58 paragraph (2) of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Laws and Regulations apply *mutatis mutandis* to regencies/cities, which provides that:

“The harmonization, alignment, and consolidation of the conception of Provincial Regional Regulation Drafts as referred to in Article 58 and Regency/City Regional Regulation Drafts as referred to in Article 63 shall apply *mutatis mutandis* to the harmonization, alignment, and consolidation of the conception of drafts of Provincial Head Regulations and Regency/City Head Regulations.”

However, the norm contained in Article 97D of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Laws and Regulations has a weakness, as the authority of the Ministry of Law is limited only to the harmonization function, without any provision obligating regional governments to follow up on or implement the results of the harmonization of Regional Regulation Drafts. The Ministry of Law, through its Regional Offices in each province, does not possess the authority to ensure the implementation of the harmonization results. Consequently, discrepancies may arise between the Regional Regulation Drafts harmonized by the Ministry of Law through its Regional Offices and the final drafts resulting from discussions between Regional Heads and Regional Legislative Councils (DPRD).

This condition also applies to the Draft Regional Regulations of Mataram City, where several Regional Regulations of Mataram City did not follow the harmonization results issued by the Regional Office of the Ministry of Law of West Nusa Tenggara Province. In fact, in 2025, one Draft Regional Regulation of Mataram City was not followed up for harmonization by the Regional Office of the Ministry of Law of West Nusa

Tenggara Province. Since discrepancies may occur between the harmonized Regional Regulation Drafts produced by the Ministry of Law through its Regional Offices and the final drafts agreed upon between the Regional Head and the DPRD, it is necessary to conduct research regarding the effectiveness of the harmonization of Regional Regulation Drafts by the Ministry of Law through its Regional Offices, particularly in Mataram City. This raises a theoretical issue as to whether the authority of the Regional Offices of the Ministry of Law in each province to conduct the harmonization of Regional Regulation Drafts can be implemented effectively.

Mataram City, as the capital of West Nusa Tenggara and simultaneously the center of government, trade, services, and administrative activities in the region, has a relatively high intensity of Regional Regulation formation compared to other regencies/cities within the province. As an autonomous region, Mataram City has the authority to implement regional autonomy, including the authority to enact Regional Regulations as legal instruments in governance, development, and public service administration. The high demand for regulations in Mataram City requires that the process of drafting Regional Regulations be conducted in a more systematic, harmonized, and legally compliant manner to ensure consistency with higher laws and regulations as well as the public interest. Therefore, Mataram City is relevant as a research location because it possesses more complex and intensive regional legislative dynamics compared to other regions in West Nusa Tenggara.

Since the enactment of Article 58 paragraph (2) and Article 97D of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Laws and Regulations, the position of the Ministry of Law through its Regional Offices has become increasingly central in the process of drafting Regional Regulations. Previously, the harmonization of Regional Regulation Drafts could still be carried out internally by regional governments. However, following the enactment of Law Number 13 of 2022, the harmonization process through the Ministry of Law has become a mandatory stage before a Regional Regulation Draft may be enacted into a Regional Regulation. This provision indicates that the Regional Office of the Ministry of Law of West Nusa Tenggara Province now functions as a “mandatory gateway” in ensuring the harmonization, synchronization, and conformity of the substance of Regional Regulation Drafts with the national legal system.

Nevertheless, in practice, the implementation of this harmonization authority still faces various obstacles, including inter-agency coordination issues, limited human resources in legislative drafting, and the lack of optimal follow-up by regional governments regarding the harmonization results. These conditions highlight the importance of conducting research on the effectiveness of the implementation of the Ministry of Law’s authority in harmonizing Regional Regulation Drafts, particularly in Mataram City as a region with highly dynamic regional legislative activities in West Nusa Tenggara Province.

Based on the foregoing background, this research focuses on the main issue of how effective the implementation of the Ministry of Law’s authority is in the harmonization of Draft Regional Regulations of Mataram City. This research aims to analyze the effectiveness of the implementation of the Ministry of Law’s authority through the Regional Office of West Nusa Tenggara Province in the harmonization process of Draft

Regional Regulations of Mataram City, identify the obstacles encountered in its implementation, and formulate measures that may be undertaken to improve the effectiveness of the harmonization process in order to create regional legal products that are harmonious, synchronized, and consistent with the national legal system and the hierarchy of laws and regulations.

2. Research Methodology

This research is categorized as a normative-empirical study, employing statutory, conceptual, and sociological approaches by applying the Theory of the Hierarchy of Laws and Regulations, the Theory of Legal Effectiveness, and the Theory of Authority, which are based on legal literature, statutory regulations, previous research findings, and related documents. The techniques for collecting data and legal materials were conducted through interviews and documentation studies, supported by a quotation card system. The analysis of legal materials was carried out qualitatively by assessing the data obtained from the field with the assistance of relevant literature and research materials, from which conclusions were drawn and elaborated through descriptive writing.¹⁰

3. Results and Discussion

Effectiveness of the Implementation of the Ministry of Law's Authority in Harmonizing Draft Regional Regulations of Mataram City

The effectiveness of the implementation of the Ministry of Law's authority in harmonizing Draft Regional Regulations (Rancangan Peraturan Daerah / Raperda) of Mataram City must be understood within the framework of the legislative drafting system in Indonesia. Based on Article 58 paragraph (2) and Article 97D of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 on the Formation of Laws and Regulations, the authority to harmonize Draft Regional Regulations constitutes attributive authority directly granted by statute to the ministry administering governmental affairs in the legal sector. Meanwhile, the provisions contained in Article 30 of the Minister of Home Affairs Regulation Number 80 of 2015 represent a form of delegated authority derived from higher-level regulations. Hierarchically, statutes occupy a higher position than ministerial regulations as stipulated in Article 7 paragraph (1) of Law Number 12 of 2011; therefore, the implementation of harmonization authority must refer to statutory provisions.

From the perspective of Hans Kelsen's theory of the hierarchy of norms, the legal system is structured in a hierarchical and layered manner, in which lower norms must derive from and may not conflict with higher norms. This concept emphasizes that the validity of a legal norm depends upon the legitimacy conferred by higher norms up to

¹⁰ Ardiansyah, Risnita, dan M. Syahrani Jailani, "Teknik Pengumpulan Data dan Instrumen Penelitian Ilmiah Pendidikan pada Pendekatan Kualitatif dan Kuantitatif," *IHSAN: Jurnal Pendidikan Islam* 1, no. 2 (Juli 2023): 1-9,

the basic norm (grundnorm).¹¹ In line with this theory, the principle of *lex superior derogat legi inferiori* is recognized, affirming that higher regulations override lower regulations in the event of conflict.¹² Therefore, in the context of harmonizing Draft Regional Regulations, statutory provisions must serve as the primary basis for the implementation of authority by the Ministry of Law, including through Regional Offices at the provincial level.

Based on this normative construction, the authority of the Ministry of Law in harmonizing Draft Regional Regulations is not merely administrative in nature, but also carries a strategic function in maintaining the alignment, conformity, and consistency of the substance of Draft Regional Regulations with higher laws and regulations. This simultaneously creates a consequence that regional governments are obliged to submit Draft Regional Regulations for harmonization before they are enacted as Regional Regulations (Peraturan Daerah / Perda). Accordingly, the harmonization process becomes an essential part of ensuring the quality of regional legal products.

The formation of Regional Regulations itself constitutes an integral part of the national legislative drafting system involving regional heads together with Regional People's Representative Councils (Dewan Perwakilan Rakyat Daerah / DPRD). Initiatives for the formation of Regional Regulations may originate either from regional heads or the DPRD, with the aim of producing regulations responsive to regional needs.¹³ In order for Regional Regulations to possess high quality, their formation must be based upon three principal foundations, namely philosophical, sociological, and juridical foundations. The philosophical foundation requires that the substance of Regional Regulations reflect values of justice and possess long-term sustainability.¹⁴ The sociological foundation requires that Regional Regulations address actual needs and problems within society. Meanwhile, the juridical foundation emphasizes the importance of conformity and synchronization with higher laws and regulations.¹⁵

As part of the hierarchy of laws and regulations as stipulated in Article 7 paragraph (1) of Law Number 12 of 2011, Regency/Municipal Regional Regulations must be established in accordance with applicable procedures and provisions. The process of forming Regional Regulations includes the stages of planning, drafting, discussion, enactment, and promulgation, as regulated under Article 237 paragraph (2) of Law Number 23 of 2014 concerning Regional Government. During the drafting stage, the

¹¹ Wahyu Prianto, "Analisis Hierarki Perundang-Undangan Berdasarkan Teori Norma Hukum oleh Hans Kelsen dan Hans Nawiasky," *Jurnal Ilmiah Ilmu Sosial dan Pendidikan* 2, no. 1 (2024): 8-19,

¹² Sri Warjiyati et al., "Benturan Norma dalam Implementasi Asas *Lex Superior Derogate Legi Inferiori* pada Surat Edaran dan Undang-Undang," *Reformasi Hukum* 28, no. 3 (2024): 234-250

¹³ Mohammad Yuli Irvaniar dan Lucky Dafira, "Problematisasi Pengesahan Peraturan Daerah di Jawa Timur (Studi Kasus Pembentukan Peraturan Daerah Jawa Timur)," *Jurnal Hukum Legalita* 6, no. 2 (tanpa tahun): 1-19

¹⁴ Jenniefer Royhan dan Saraya Gaisan, "Hukum dan Moralitas: Dimensi Filosofis dalam Penegakan Hukum," *Praxis: Jurnal Filsafat Terapan* 3, no. 1 (2023): 1-25,

¹⁵ Yoga Andriyan, Adirandi M. Rajab, Rahmat Hidayat, Sofyan Muhamad, dan Munzir, "Eksistensi Naskah Akademik dalam Pembentukan Rancangan Peraturan Daerah," *JPPAP: Jurnal Pemerintahan, Politik Anggaran dan Administrasi Publik* 3, no. 1 (2023): 1-18.

harmonization of Draft Regional Regulations becomes a crucial step in ensuring the absence of normative conflicts and in guaranteeing the integration of the national legal system.

Before being enacted as Regional Regulations, Draft Regional Regulations must first undergo harmonization during the drafting stage. The process of forming Regional Regulations is carried out through the following stages:

1. Planning Stage:

The planning stage in the formation of Regional Regulations (Peraturan Daerah/Perda) constitutes the initial phase that determines the direction of regional legislative policy through the formulation of the Regional Regulation Formation Program (Program Pembentukan Peraturan Daerah/Propemperda). This planning process includes proposals originating from both the Regional Head and the Regional People's Representative Council (DPRD), which are subsequently coordinated by the DPRD through the Regional Regulation Formation Agency (Bapemperda) and formally established during a DPRD plenary session as an official decision.¹⁶

Based on Articles 10 to 17 of Minister of Home Affairs Regulation Number 80 of 2015, the planning mechanism for Regional Regulations is differentiated according to the source of the proposal. For Regional Regulations originating from the Regional Head, the process begins with instructions to the heads of Regional Apparatus Work Units (SKPD) to prepare the Propemperda. The preparation process is coordinated by the regional legal affairs office and may involve vertical government agencies as necessary. Subsequently, the results of the preparation are submitted to the Regional Head through the Regional Secretary and forwarded to the Bapemperda through the leadership of the DPRD. Meanwhile, Regional Regulations originating from the DPRD are prepared by the Bapemperda. The results from both parties are then jointly agreed upon as the Propemperda and established through a DPRD plenary session.

In the event that both the Regional Head and the DPRD submit draft Regional Regulations concerning the same subject matter during the same legislative session, the draft discussed shall be the DPRD proposal, while the Regional Head's proposal shall serve as comparative material. This provision is regulated under Article 8 of Government Regulation Number 12 of 2018. Therefore, the planning stage serves as an important instrument to ensure synchronization and effectiveness in the formation of Regional Regulations.

2. Drafting Stage:

The drafting stage of Regional Regulation Drafts (Rancangan Peraturan Daerah/Ranperda), whether originating from the Regional Head or the DPRD, is regulated under Articles 25 to 32 of Minister of Home Affairs Regulation Number 80

¹⁶ Eka N. A. M. Sihombing, *Rekonseptualisasi Materi Muatan Peraturan Daerah* (Jakarta: Badan Strategi Kebijakan Hukum dan Hak Asasi Manusia BALITBANGKUMHAM Press (Anggota IKAPI), 2023), 55.

of 2015 concerning the Formation of Regional Legal Products. At the initial stage, the Regional Head instructs the Regional Apparatus Organization (OPD) to prepare the Ranperda based on the Propemperda by establishing a drafting team through a Regional Head decree. This team may involve researchers or experts as necessary to strengthen the quality of the substance.

The drafting process is carried out in a coordinated manner, whereby the head of the team reports developments to the Regional Secretary. The completed draft is subsequently provided with coordination initials by the team leader and the initiating regional apparatus before being submitted to the Regional Head through the Regional Secretary for harmonization, refinement, and consolidation of concepts. This stage is coordinated by the regional legal affairs office and may involve relevant ministerial vertical agencies.

The results of the harmonization process are then initialed for approval on each page as a form of administrative finalization. The draft is subsequently presented to the Regional Head as the final concept before being submitted to the DPRD for discussion. Accordingly, this process emphasizes the importance of both administrative and substantive coordination in the formation of regional legal products.

Following the enactment of Article 58 paragraph (2) and Article 97D of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 on the Formation of Laws and Regulations, the harmonization process of Regional Regulation Drafts involves the Regional Office of the Ministry of Law.

Based on interviews with the Head of the Legal Division of the Regional Secretariat of Mataram City, Mr. H. Lalu Wira Ilham, S.H., MCMR, and Junior Legislative Drafter at the Legal Division of the Regional Secretariat of Mataram City, Mr. Janur Yudistyo Prabowo, S.H., M.H., it was revealed that "Regional Regulation Drafts originating from the Regional Head, particularly those proposed by the relevant Regional Apparatus Organizations (OPD), tend to implement mandates from higher laws and regulations, regional development plans, the administration of regional autonomy, and delegated assistance tasks."

3. Discussion Stage:

The mechanism for discussing Regional Regulation Drafts (Ranperda), whether originating from the Regional Head or the DPRD, is regulated under Articles 72 to 78 of Minister of Home Affairs Regulation Number 80 of 2015 concerning the Formation of Regional Legal Products. These provisions affirm that the discussion of Ranperda is conducted jointly by the DPRD and the Regional Head through two levels of deliberation in order to obtain mutual approval.

The first-level deliberation includes the presentation of initial explanations and responses from the parties involved. If the Ranperda originates from the Regional Head, this stage includes the Regional Head's explanation during a plenary session, general views from factions, and responses from the Regional Head. Conversely, if the Ranperda originates from the DPRD, the discussion begins with an explanation from the leadership of the DPRD's supporting body, followed by the Regional

Head's opinion, factional responses, and further discussions in commission meetings, joint commission meetings, or special committee meetings together with the executive branch.

The second-level deliberation constitutes the decision-making stage during a plenary session, preceded by a report on the discussion results, requests for verbal approval from members, and the delivery of the Regional Head's final opinion. If consensus through deliberation cannot be achieved, decisions are made based on majority vote.

If the Ranperda fails to obtain mutual approval, it cannot be resubmitted during the same legislative session. A Ranperda may also be withdrawn prior to joint discussion, either by the Regional Head through an official letter or by the DPRD through a leadership decision accompanied by clear reasons. Meanwhile, the withdrawal of a Ranperda currently under discussion may only be conducted through mutual agreement during a plenary session attended by the Regional Head. These provisions demonstrate that the discussion process of Ranperda is systematic, participatory, and upholds the principle of prudence in the formation of regional regulations.

4. Enactment Stage:

The enactment of a Regional Regulation (*Peraturan Daerah/Perda*) is the process of signing the Regional Regulation by the Regional Head after mutual approval has been obtained and a registration number has been assigned. The mechanism for the enactment of a Regional Regulation is as follows: (Direktorat Jenderal Peraturan Perundang-undangan Kementerian Hukum Republik Indonesia & Japan International.¹⁷

1. A provincial Regional Regulation draft that has been assigned a registration number shall be enacted as a provincial Regional Regulation by the Governor;
2. Within a maximum period of 30 (thirty) days from the date on which the provincial Regional Regulation draft is jointly approved by the Provincial Regional People's Representative Council (DPRD) and the Governor, the draft shall be enacted by the Governor through the affixing of a signature;
3. The signing of the provincial Regional Regulation shall be made in 4 (four) copies to be submitted to:
 - a. the DPRD;
 - b. the Regional Secretary;
 - c. the regional apparatus responsible for provincial legal affairs or the regency/city legal division in the form of minutes; and
 - d. the initiating regional apparatus.
4. The text of the provincial Regional Regulation that has been signed by the Governor shall be assigned a number using whole numbers and the relevant year by the Provincial Regional Secretary;

¹⁷ Direktorat Jenderal Peraturan Perundang-undangan Kementerian Hukum Republik Indonesia dan Japan International Cooperation Agency, *Buku Tanya Jawab Seputar Pembentukan Peraturan Daerah dan Peraturan Kepala Daerah*(Jakarta, 2025), 84.

5. If within a period of 30 (thirty) days the text of the provincial Regional Regulation draft is not signed by the Governor, the draft shall legally become a Regional Regulation and must be promulgated; and
6. The ratification clause for a provincial Regional Regulation draft that is not signed by the Governor must be affixed to the final page of the provincial Regional Regulation before the promulgation of the provincial Regional Regulation text in the provincial gazette, with the statement: "This Regional Regulation is hereby declared legally valid."

5. Promulgation Stage:

Regional Regulations that have been enacted shall subsequently be promulgated by placing them in the regional gazette by the Regional Secretary, while the explanatory notes of the Regional Regulations shall be recorded in the supplementary regional gazette by the Regional Secretary.¹⁸ Laws and regulations shall come into force and have binding legal effect on the date of their promulgation, unless otherwise stipulated in the relevant legislation, as regulated under Article 87 of Law Number 12 of 2011 on the Formation of Laws and Regulations.

Based on the explanation above, it is understood that the harmonization process of Regional Regulation Drafts takes place during the drafting stage. With the enactment of Article 58 paragraph (2) and Article 97D of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 on the Formation of Laws and Regulations, there is a clear affirmation regarding the limits, scope, and legal basis for conducting the harmonization of Regional Regulation Drafts. According to Ranggawidjaja, as cited by Pantja Astawa and Suprin Na'a, "the authority to formulate legislation possessed by an institution or official may be obtained through attribution and delegation of authority".¹⁹ From the perspective of the theory of authority, this provision may be understood as a form of attribution of authority. Attribution of authority in legislation refers to the granting of authority to formulate laws and regulations, which at its highest level is conferred by the 1945 Constitution or statutory law upon a state institution or government body.²⁰ The pattern of authority distribution must also be balanced by an equivalent pattern of accountability so that such authority can be exercised proportionally and responsibly.²¹ Therefore, the enactment of the norms contained in Article 58 paragraph (2) and Article 97D of the a quo Law establishes a formal legal basis for the Ministry of Law to carry out the harmonization of Regional Regulation Drafts of Mataram City.

The harmonization of Regional Regulation Drafts must be implemented more effectively and efficiently while prioritizing the application of several fundamental

¹⁸ Claustantianus Wibisono Tanggono, Kukuh Sudarmanto, Muhammad Junaidi, dan Zaenal Arifin, "Mekanisme Pembentukan Peraturan Daerah yang Berkualitas di Pemerintah Daerah," *Jurnal Juridisch* 1, no. 3 (November 2023): 216–230,

¹⁹ Ranggawidjaja, dalam I Gde Pantja Astawa dan Suprin Na'a, *Dinamika Hukum dan Ilmu Perundang-undangan di Indonesia*, edisi pertama (Bandung: Alumni, 2005), 53.

²⁰ Yusri Munaf, *Hukum Administrasi Negara* (Riau: Marpoyan Tujuh Publishing, 2015), 54.

²¹ Ni'Matul Huda, *Otonomi Daerah: Dinamika Hubungan Pusat dan Daerah Pasca Reformasi* (Depok: Rajawali Pers, 2024), 105.

principles, namely the principle of conformity with Pancasila, the hierarchy of laws and regulations, the principle of clarity of objectives, the principle of implementability, and the principle of openness and public participation. Furthermore, harmonization must also be based on the principles of justice, legal certainty, and utility so that regional legal products are not only formally valid but also responsive to the needs of society. Through the implementation of these principles, the harmonization process is expected to prevent overlaps and inconsistencies in regulation and to conform with legislative drafting techniques, thereby ensuring that the resulting Regional Regulation Drafts are fully aligned with higher laws and regulations and support the proper administration of regional governance.

Nevertheless, the regulation concerning the harmonization of Regional Regulation Drafts as stipulated in Article 58 paragraph (2) and Article 97D of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 on the Formation of Laws and Regulations, which grants authority to the Ministry of Law to conduct harmonization of Regional Regulation Drafts, is not final in nature and does not possess binding legal force. Consequently, the harmonization results issued by the Ministry of Law may be altered during the discussion process between the Regional Government and the DPRD.

Based on data obtained from the Legal Division of the Regional Secretariat of Mataram City, there is a list of Regional Regulation Drafts originating from both the Regional Head and the Regional People's Representative Council (DPRD) of Mataram City during the period 2022–2025, namely as follows:

1. In 2022, the Program for the Formation of Regional Regulations for the Year 2022 was established through Decision of the Regional People's Representative Council of Mataram City Number 1 of 2022, as follows:

Table 1. Regional Regulation Drafts in 2022 (Proposals from the Mataram City Regional House of Representatives and the Regional Government)

Proposed Regional Regulation Drafts by the Mataram City DPRD	Proposed Regional Regulation Drafts by the Regional Government
a) Management of Hotel, Lodging, and Home Stay Businesses	a) Amendment to Regional Regulation Number 15 of 2011 concerning Certain Licensing Retributions
b) Administration of Tourism Businesses	b) Second Amendment to Regional Regulation Number 16 of 2011 concerning Business Service Retributions
c) Entrepreneurship	c) Administration of Risk-Based Business Licensing
d) Preservation of Regional Cultural Heritage Buildings	d) Parking Management
e) Preservation of Regional Culture	e) Amendment to Regional Regulation Number 15 of 2016 concerning the Formation and Organizational Structure of Mataram City Regional Apparatuses

f) Child Protection System	f) Regional Taxes and Retributions
g) Protection of Local Workers	g) Regional Financial Management
h) Implementation of Anti-Corruption Education	h) Master Plan for Industrial Development of Mataram City
i) Protection of Local Products	i) Implementation of Employment Affairs
j) Tree Protection	j) Accountability Report for the Implementation of the Regional Revenue and Expenditure Budget for Fiscal Year 2021
k) Drainage Development Master Plan	k) Amendment to the Regional Revenue and Expenditure Budget for Fiscal Year 2022
l) Child-Friendly City	l) Regional Revenue and Expenditure Budget for Fiscal Year 2023
m) Implementation of Character Education Based on Local Wisdom	

Source: Legal Division of the Regional Secretariat of Mataram City, 2026.

1. The year 2023 has been stipulated by the Decree of the Mataram City Regional People's Representative Council Number 2 of 2023 concerning the 2023 Regional Regulation Formation Program as follows:

Table 2. Regional Regulation Drafts in 2023 (Proposals from the Mataram City Regional House of Representatives and the Regional Government)

Proposed Regional Regulation Drafts by the Mataram City DPRD	Proposed Regional Regulation Drafts by the Regional Government
a) Child-Friendly City	a) Regional Taxes and Regional Retributions
b) Protection of Local Products	b) Parking Management
c) Drainage Development Master Plan	c) Second Amendment to Regional Regulation Number 27 of 2001 concerning Community Partnership Development Deliberation
d) Preservation of Regional Cultural Heritage Buildings	d) Second Amendment to Regional Regulation Number 15 of 2016 concerning the Formation and Organizational Structure of Mataram City Regional Apparatuses
e) Preservation of Regional Culture	e) Protection of Sustainable Agricultural Food Land
f) Child Protection System	f) Accountability Report on the Implementation of the Regional Revenue and Expenditure Budget for Fiscal Year 2022
g) Protection of Local Workers	g) Amendment to the Regional Revenue and Expenditure Budget for Fiscal Year 2023
h) Implementation of Character Education Based on Local Wisdom	h) Regional Revenue and Expenditure Budget for Fiscal Year 2024

Source: Legal Division of the Regional Secretariat of Mataram City, 2026.

2. The year 2024 has been stipulated by the Decision of the Leadership of the Mataram City Regional People's Representative Council Number 1 of 2024 concerning the 2024 Regional Regulation Formation Program as follows:

Table 3. Regional Regulation Drafts in 2024 (Proposals from the Mataram City Regional House of Representatives and the Regional Government)

Proposed Regional Regulation Drafts by the Mataram City DPRD	Proposed Regional Regulation Drafts by the Regional Government
a) Child Protection Administration System	a) Long-Term Regional Development Plan of Mataram City for 2025–2045
b) Protection of Local Workers	b) Second Amendment to Regional Regulation Number 12 of 2011 concerning the Spatial Planning of Mataram City for 2011–2031
c) Preservation and Management of Cultural Heritage	c) Public Markets
d) Preservation of Regional Culture	d) Accountability Report on the Implementation of the Regional Revenue and Expenditure Budget for Fiscal Year 2023
e) Implementation of Character Education Based on Local Wisdom	e) Amendment to the Regional Revenue and Expenditure Budget for Fiscal Year 2024
	f) Regional Revenue and Expenditure Budget for Fiscal Year 2025

Source: Legal Division of the Regional Secretariat of Mataram City, 2026.

3. The year 2025 has been stipulated by the Decree of the Mataram City Regional People's Representative Council Number 4 of 2025 concerning the 2025 Regional Regulation Formation Program as follows:

Table 4. Regional Regulation Drafts in 2025 (Proposals from the Mataram City Regional House of Representatives and the Regional Government)

Proposed Regional Regulation Drafts by the Mataram City DPRD	Proposed Regional Regulation Drafts by the Regional Government
a) Legal Aid for Underprivileged Communities	a) Mataram City Regional Spatial Plan for 2025–2044
b) Public Complaint Handling Services	b) Medium-Term Regional Development Plan of Mataram City for 2025–2030
c) Administration of Building and Environmental Planning	c) Regional Development Planning System
d) Administration of Shared Telecommunication Towers	d) Regional Tourism Development Master Plan for 2026–2031
e) Management of Parks and Urban Forests	e) Mediation Center (<i>Bale Mediasi</i>)
f) Implementation of Pancasila	f) H. Moh. Ruslan Regional General

Education and National Insight	Hospital of Mataram City
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Source: Legal Division of the Regional Secretariat of Mataram City, 2026.

Based on the results of research conducted at the Legal Division of the Regional Secretariat of Mataram City in 2026, it was found that from 2022 to 2025 there were 71 Draft Regional Regulations of Mataram City proposed by the Regional House of Representatives (DPRD) and the Regional Government; however, only 33 of them were successfully enacted as Regional Regulations, namely:

Year 2022

1. Regional Regulation of Mataram City Number 1 of 2022 concerning the Administration of Risk-Based Business Licensing
2. Regional Regulation of Mataram City Number 2 of 2022 concerning Accountability for the Implementation of the Regional Revenue and Expenditure Budget for Fiscal Year 2021
3. Regional Regulation of Mataram City Number 3 of 2022 concerning Amendments to the Regional Revenue and Expenditure Budget for Fiscal Year 2022
4. Regional Regulation of Mataram City Number 4 of 2022 concerning Amendments to Regional Regulation of Mataram City Number 15 of 2011 concerning Certain Licensing Retributions
5. Regional Regulation of Mataram City Number 5 of 2022 concerning the Regional Revenue and Expenditure Budget for Fiscal Year 2023
6. Regional Regulation of Mataram City Number 6 of 2022 concerning Regional Financial Management.

b. Year 2023

1. Regional Regulation of Mataram City Number 1 of 2023 concerning Entrepreneurship
2. Regional Regulation of Mataram City Number 2 of 2023 concerning the Implementation of Anti-Corruption Education
3. Regional Regulation of Mataram City Number 3 of 2023 concerning the Administration of Tourism Businesses
4. Regional Regulation of Mataram City Number 4 of 2023 concerning the Administration of Tree Protection
5. Regional Regulation of Mataram City Number 5 of 2023 concerning Amendments to Regional Regulation Number 15 of 2016 concerning the Formation and Organizational Structure of Regional Apparatuses
6. Regional Regulation of Mataram City Number 6 of 2023 concerning Accountability for the Implementation of the Regional Revenue and Expenditure Budget for Fiscal Year 2022
7. Regional Regulation of Mataram City Number 7 of 2023 concerning Amendments to the Regional Revenue and Expenditure Budget for Fiscal Year 2023
8. Regional Regulation of Mataram City Number 8 of 2023 concerning the Administration of Child-Friendly Cities
9. Regional Regulation of Mataram City Number 9 of 2023 concerning the Protection of Local Products

10. Regional Regulation of Mataram City Number 10 of 2023 concerning the Administration of Urban Drainage Systems
11. Regional Regulation of Mataram City Number 11 of 2023 concerning the Industrial Development Plan of Mataram City for 2023–2043
12. Regional Regulation of Mataram City Number 12 of 2023 concerning Parking Management
13. Regional Regulation of Mataram City Number 13 of 2023 concerning the Regional Revenue and Expenditure Budget for Fiscal Year 2024.

c. Year 2024

1. Regional Regulation of Mataram City Number 1 of 2024 concerning Regional Taxes and Regional Retributions
2. Regional Regulation of Mataram City Number 2 of 2024 concerning Accountability for the Implementation of the Regional Revenue and Expenditure Budget for Fiscal Year 2023
3. Regional Regulation of Mataram City Number 3 of 2024 concerning the Administration of Child Protection
4. Regional Regulation of Mataram City Number 4 of 2024 concerning the Protection of Local Workers
5. Regional Regulation of Mataram City Number 5 of 2024 concerning the Preservation and Management of Cultural Heritage
6. Regional Regulation of Mataram City Number 6 of 2024 concerning Amendments to the Regional Revenue and Expenditure Budget for Fiscal Year 2024
7. Regional Regulation of Mataram City Number 7 of 2024 concerning the Long-Term Regional Development Plan of Mataram City for 2025–2045
8. Regional Regulation of Mataram City Number 8 of 2024 concerning the Regional Revenue and Expenditure Budget for Fiscal Year 2025.

d. Year 2025

1. Regional Regulation of Mataram City Number 1 of 2025 concerning Accountability for the Implementation of the Regional Revenue and Expenditure Budget for Fiscal Year 2024
2. Regional Regulation of Mataram City Number 2 of 2025 concerning Amendments to the Regional Revenue and Expenditure Budget of Mataram City for Fiscal Year 2025
3. Regional Regulation of Mataram City Number 3 of 2025 concerning the Medium-Term Regional Development Plan of Mataram City for 2025–2029
4. Regional Regulation of Mataram City Number 4 of 2025 concerning H. Moh. Ruslan Regional General Hospital of Mataram City
5. Regional Regulation of Mataram City Number 5 of 2025 concerning the Regional Tourism Development Master Plan for 2026–2031
6. Regional Regulation of Mataram City Number 6 of 2025 concerning the Regional Revenue and Expenditure Budget for Fiscal Year 2026.

Based on the results of an interview with Mr. Janur Yudistyo Prabowo, S.H., M.H., Junior Legislative Drafter at the Legal Division of the Regional Secretariat of Mataram City, it was revealed that “all Regional Regulation Drafts of Mataram City promulgated from 2023 to 2025 had undergone harmonization by the Regional Office

of the Ministry of Law of West Nusa Tenggara Province. However, there was 1 (one) Regional Regulation whose final outcome was inconsistent with the harmonization results issued by the Ministry of Law, namely Regional Regulation of Mataram City Number 3 of 2024 concerning the Administration of Child Protection. In addition, there was 1 (one) Draft Regional Regulation that was not followed up for harmonization by the Regional Office of the Ministry of Law of West Nusa Tenggara Province, yet the draft has now been promulgated as a Regional Regulation, namely Regional Regulation of Mataram City Number 4 of 2025 concerning H. Moh. Ruslan Regional General Hospital of Mataram City.”

The discrepancy in Regional Regulation of Mataram City Number 3 of 2024 concerning the Administration of Child Protection occurred during the discussion stage, where the harmonization result issued by the Regional Office of the Ministry of Law of West Nusa Tenggara Province referred to the “Administration of Child Safeguarding,” whereas the final discussion and promulgation process resulted in the title “Administration of Child Protection.” This condition demonstrates that the authority of the Ministry of Law is limited only to the issuance of the harmonization completion letter without any accompanying authority to ensure that the harmonization results of Regional Regulation Drafts are followed up.

With regard to the Draft Regional Regulation concerning H. Moh. Ruslan Regional General Hospital, which was not followed up for harmonization by the Regional Office of the Ministry of Law of West Nusa Tenggara Province, this occurred because the draft had already been approved by the DPRD of Mataram City through Decision of the Regional People’s Representative Council of Mataram City Number 9 of 2025 concerning Approval for the Enactment of 3 (Three) Draft Regional Regulations into Regional Regulations, as referred to in the Letter of the Head of the Regional Office of the Ministry of Law of West Nusa Tenggara Province Number: W.21-PP.02.03-1529 concerning Follow-Up on the Harmonization of Draft Regional Regulations, dated 1 July 2025.

Based on the guidelines used by the Ministry of Law in conducting the harmonization of Regional Regulation Drafts, as previously explained, the existence of 1 (one) Regional Regulation whose final outcome differed from the harmonization results issued by the Regional Office of the Ministry of Law of West Nusa Tenggara Province, as well as 1 (one) Draft Regional Regulation that was not followed up for harmonization by the same office but has now been promulgated as a Regional Regulation, demonstrates the application of the guidelines contained in Decree of the Minister of Law and Human Rights Number: M.HH-01.PP.02.01 of 2023 concerning Guidelines for Harmonization, Consolidation, and Refinement of the Conception of Draft Regional Regulations and Draft Regional Head Regulations. Such a ministerial decree is specifically binding upon certain governmental organs and possesses a concrete legal form.²²

From a normative juridical perspective, the differences between the harmonization results of Draft Regional Regulations conducted by the Ministry of Law and the outcomes of discussions at the regional legislative level may be explained through the construction of authority and the stages in the formation of laws and regulations.

²² Putera Astomo, *Ilmu Perundang-Undangan: Teori dan Praktik di Indonesia* (Depok: PT RajaGrafindo Persada, 2023), 9.

Harmonization conducted by the Ministry constitutes part of the executive function aimed at ensuring that the substance of Draft Regional Regulations conforms with higher laws and regulations, the principles governing the formation of legislation, and the public interest. Normatively, this function is grounded in the principle of the hierarchy of norms and the principle of *lex superior derogat legi inferiori* as regulated under Law Number 12 of 2011 on the Formation of Laws and Regulations and its amendments.

Meanwhile, the outcomes of discussions on Draft Regional Regulations by the DPRD together with the Regional Head constitute a manifestation of the attributive legislative authority of regional governments based on the Constitution and statutory regulations. During the discussion stage, changes to the substance of legal norms may occur because the forum functions as a regional legal policy arena that considers public aspirations, local needs, and the dynamics of norm formation. Normatively, such differences do not automatically conflict with the law, provided that the final substance remains within the scope of regional authority and does not contradict higher laws and regulations.

Therefore, the normative juridical basis for such differences lies in the distinction between the functions and positions of authority: harmonization serves a preventive and evaluative function within the framework of normative supervision, whereas the discussion of Draft Regional Regulations constitutes the exercise of legislative authority that may carry out adjustments, provided that it remains subject to the principles of legality, hierarchy of norms, and supervisory and evaluative mechanisms as regulated within the legislative system.

Based on the explanation above, in this study the author seeks to determine the extent of the effectiveness of the Ministry of Law's authority in the harmonization of Draft Regional Regulations of Mataram City. According to Soerjono Soekanto, the effectiveness of law is determined by 5 (five) factors: ²³

- a. The legal factor itself (legislation);
- b. The law enforcement factor;
- c. The factor of facilities or infrastructure supporting law enforcement;
- d. Society, namely the environment in which the law applies or is implemented; and
- e. The cultural factor, namely the result of human creativity, intention, and values within social interaction.

The Theory of Effectiveness above, when connected to this research, may be explained as follows:

1. The Legal Factor Itself (Legislation)

As previously explained, the authority of the Ministry of Law in the implementation of the harmonization of Draft Regional Regulations arose from the enactment of Article 58 paragraph (2) and Article 97D of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 on the Formation

²³ Soerjono Soekanto, *Faktor-Faktor yang Mempengaruhi Penegakan Hukum* (Jakarta: PT RajaGrafindo Persada, 2008), 8.

of Laws and Regulations. However, such authority is limited only to the issuance of a harmonization completion letter and is not accompanied by authority to ensure that the harmonization results of Draft Regional Regulations are subsequently implemented.

The granting of such authority was subsequently followed by the issuance of 3 (three) regulations to implement that authority, namely Circular Letter of the Minister of Law and Human Rights Number M.HH-01.PP.04.02 of 2022, Decree of the Minister of Law and Human Rights Number M.HH-01.PP.02.01 of 2023, and Regulation of the Minister of Law Number 40 of 2025. There are differences in the legal character and legal standing between a circular letter, a ministerial decree, and a ministerial regulation. Circular letters and ministerial decrees are not included within the hierarchy of laws and regulations as stipulated under Law Number 12 of 2011 on the Formation of Laws and Regulations and its amendments. Consequently, their external binding force is limited and may give rise to multiple interpretations in implementation, particularly when the regulated substance affects parties outside the internal structure of the ministry. This lack of clarity regarding normative status may reduce legal certainty and impact the effectiveness of its implementation.

2. The Law Enforcement Factor

The implementation of the harmonization of Draft Regional Regulations is highly dependent upon the performance of legislative drafting officials as well as coordination among institutions (Hermi Sari BN et al., 2020). As previously explained, there was 1 (one) Draft Regional Regulation of Mataram City whose harmonization process was not followed up by the Regional Office of the Ministry of Law of West Nusa Tenggara Province. This occurred due to a lack of coordination among institutions and legislative drafters.

As a consequence, the Draft Regional Regulation that had been submitted to the Regional Office of the Ministry of Law of West Nusa Tenggara Province could not complete the harmonization process within the stipulated time limit, namely no later than 15 (fifteen) working days from the date the documents were completely received. This provision refers to Decree of the Minister of Law and Human Rights Number M.HH-01.PP.02.01 of 2023, which stipulates that the harmonization process shall be conducted within a maximum of 15 working days from the receipt of complete requirements until the issuance of the harmonization completion letter.

The harmonization request for the 1 (one) Draft Regional Regulation was submitted on 15 May 2025. However, the Draft Regional Regulation was not followed up because it had already been approved earlier by the DPRD of Mataram City through Decision of the Regional People's Representative Council of Mataram City Number 9 of 2025 concerning Approval for the Enactment of 3 (Three) Draft Regional Regulations into Regional Regulations on 18 June 2025. Thus, the Regional Office of the Ministry of Law of West Nusa Tenggara Province actually had 24 (twenty-four) working days from the receipt of the request to complete the harmonization process.

3. The Factor of Facilities or Infrastructure Supporting Law Enforcement

In the process of harmonizing Draft Regional Regulations, facilities and infrastructure that support legislative drafters in conducting harmonization are highly important. Such facilities are required to ensure the smooth implementation of the process, improve the accuracy of legal analysis, and guarantee the quality of the harmonization results produced (Salma et al., 2025). .

4. Society, Namely the Environment in Which the Law Applies or Is Implemented

Regional Governments, as parties obligated to submit Draft Regional Regulations (*Raperda*) for harmonization, in practice often perceive the process merely as an administrative formality that must be fulfilled within the stages of regulation formation. Such a perception arises primarily because the legal basis regulating this obligation is considered not to possess sufficiently strong binding force and is not accompanied by a strict sanction mechanism in cases where it is not optimally implemented (Sanjaya & Widjaja, 2025). As a result, harmonization is not always understood as a substantive instrument for ensuring conformity, consistency, and alignment of the substance of Draft Regional Regulations with higher laws and regulations, but rather merely as a complementary procedure in the regional legislative process.

Normatively, the weak binding force has implications for the low level of compliance by Regional Governments in following up the harmonization results conducted by the Ministry of Law. This condition potentially creates disharmony within regional laws and regulations because recommendations for improvement produced through the harmonization process are not fully accommodated in the enacted legal products.

5. The Cultural Factor, Namely the Result of Human Creativity, Intention, and Values Within Social Interaction

The legal culture that still places the harmonization of Draft Regional Regulations merely as a procedural stage, rather than as a substantive instrument for ensuring normative conformity, together with weak coordination among institutions, also affects its effectiveness. Normatively, although Regulation of the Minister of Law Number 40 of 2025 possesses stronger binding force, changes in legal culture require consistency and continuous enforcement. Moreover, the Draft Regional Regulations discussed in this thesis research have not yet implemented the use of Regulation of the Minister of Law Number 40 of 2025 because the ministerial regulation was only promulgated on 23 October 2025. Consequently, the harmonization of Draft Regional Regulations of Mataram City in this thesis research still used the guidelines under Decree of the Minister of Law and Human Rights Number M.HH-01.PP.02.01 of 2023, which is not part of the hierarchy of laws and regulations.

Based on Soerjono Soekanto's theory, the effectiveness of the implementation of the Ministry of Law's authority in the harmonization of Draft Regional Regulations has not yet been effective. This is primarily caused by the limited binding force of the norms granting such authority, which only extends to the issuance of the harmonization completion letter without any accompanying authority to ensure that the harmonization results of Draft Regional Regulations are followed up. This condition

also affects the factors of law enforcement and legal culture because, without further binding authority, the role of the Ministry of Law becomes limited and unable to consistently ensure the implementation of harmonization results by Regional Governments. Therefore, this constitutes a major factor contributing to the ineffectiveness of the implementation of the Ministry of Law's authority in the harmonization of Draft Regional Regulations.

4. Conclusion

The Implementation of the Authority of the Ministry of Law in Harmonizing the Draft Regional Regulations of Mataram City has not been effective. This is because the authority is limited to the issuance of a letter of completion of harmonization without being accompanied by the authority to ensure the results of the harmonization of the draft regional regulation for follow-up by the Regional Government. Consequently, if the results of the harmonization are not followed up, the purpose of granting the authority will not be achieved. In addition, there are no legal consequences if the Ministry of Law does not follow up on the harmonization request requested by the Regional Government, so that the letter of completion of harmonization is not issued. In practice, this can be seen in 1 (one) Draft Regional Regulation of Mataram City in 2025 which was not followed up by the Regional Office of the Ministry of Law of NTB, but was still able to be promulgated as a Regional Regulation.

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