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Penyusunan Naskah Akademik

This slide outlines the background, problem identification, objectives, and methodology for preparing the Academic Draft for draft laws in the Indonesian Parliament.

Background



Quick Wins Program

The NA is prepared as part of the Quick Wins program to improve the legislative process in the Indonesian House of Representatives (DPR RI).



Academic Foundation

The NA is important to provide a strong academic foundation for the drafting of laws, ensuring they are based on robust theoretical and empirical research.

The NA serves as a crucial component of the Quick Wins program to enhance the legislative process and ensure laws are grounded in thorough academic research.

Problem Identification

- **Theoretical developments and empirical practices**

Examines the relevant theories, concepts, principles, and empirical practices related to the subject matter of the proposed law.
- **Philosophical, sociological, and juridical considerations**

Establishes the philosophical, sociological, and legal basis for drafting the proposed law.
- **Current laws and regulations**

Evaluates and analyzes the existing laws and regulations related to the subject matter to identify gaps, inconsistencies, and the need for reform.
- **Objectives, scope, direction, and content**

Defines the objectives, scope, direction, and specific content to be regulated in the proposed law.

Objectives and Uses



Understand Theoretical and Empirical Practices

Analyze the relevant theories, concepts, and principles related to the subject matter of the proposed law, as well as review empirical studies and data.



Formulate Philosophical, Sociological, and Juridical Foundations

Establish the philosophical, sociological, and juridical basis for the proposed law, in alignment with the Constitution and other relevant laws.



Evaluate Existing Laws and Regulations

Thoroughly examine the current laws and regulations related to the subject matter to ensure harmonization and avoid conflicts.



Define Objectives, Scope, Direction, and Content

Clearly outline the objectives, scope, direction, and content of the proposed law, based on the comprehensive analysis conducted.

The key objectives of preparing the Academic Manuscript (NA) are to thoroughly understand the relevant practices, evaluate existing laws, establish the foundations, and define the scope and content of the proposed law, ensuring a comprehensive and well-informed approach.

Methodology

- **Literature Review**

Examining relevant laws, regulations, court decisions, books, journals, and research papers to analyze the existing legal framework and regulations related to the subject matter of the proposed law.

- **Stakeholder Consultations**

Conducting focus group discussions, panel discussions, seminars, and interviews with government officials, industry representatives, civil society organizations, and other experts to gather insights on the needs, perspectives, and concerns of the target audience.

- **Field Data Collection**

Gathering first-hand information on the practical implementation and challenges faced in the subject area through field visits to select provinces.

Process Diagram



Literature Review

Analyze relevant laws, regulations, court rulings, international agreements, books, journals, and research reports to understand the existing legal framework and identify gaps or issues.

Consultations

Conduct focus group discussions, panel discussions, seminars, and interviews with experts, academics, government agencies, and other stakeholders to gather diverse perspectives and insights.

Field Data Collection

Visit specific regions or provinces to gather empirical data and understand the practical challenges and realities on the ground.

Key Considerations

Theoretical Developments

Analyze current theories and empirical practices related to the subject matter of the proposed law.

Empirical Practices

Examine relevant laws and regulations, both at the national and international level, to understand the practical application of similar legislation.

Existing Laws and Regulations

Thoroughly review the 1945 Constitution and other applicable laws to identify potential conflicts or overlaps with the proposed law.

Philosophical Foundations

Articulate the philosophical underpinnings and rationale for the proposed law to ensure it is well-grounded.

Sociological Implications

Analyze the sociological impact of the proposed law and address the needs and concerns of the affected stakeholders.

Juridical Foundations

Establish the legal basis and justification for the proposed law, including addressing any potential constitutional or legal issues.

Objectives of the NA

Understand theoretical and empirical practices related to the subject matter

Evaluate and analyze existing laws and regulations relevant to the subject matter

Formulate the philosophical, sociological, and juridical foundations of the new law

Define the objectives, scope, and content of the new law

Naskah Akademik terdiri dari 6 bab utama:





Isi Utama Tiap Bab



Bab I: Pendahuluan

Latar belakang

Identifikasi masalah

Tujuan dan kegunaan
penyusunan NA

Metode penyusunan
NA




Bab II: Kajian Teoretis dan Praktik Empiris

Kajian teoretis

Kajian terhadap asas/prinsip terkait penyusunan norma

Kajian terhadap praktik penyelenggaraan, kondisi yang ada, permasalahan yang dihadapi masyarakat

Kajian terhadap implikasi penerapan sistem baru



**Bab III: Evaluasi
dan Analisis
Peraturan
Perundang-
undangan Terkait**

**Evaluasi peraturan
terkait mulai dari
UUD 1945**

**Analisis
keterkaitan dengan
peraturan lain**




Bab IV: Landasan Filosofis, Sosiologis, dan Yuridis

Landasan filosofis:
pertimbangan pandangan
hidup, kesadaran, cita hukum
yang bersumber dari Pancasila

Landasan sosiologis:
pertimbangan kebutuhan
masyarakat

Landasan yuridis: pertimbangan
untuk mengatasi permasalahan
hukum



**Bab V:
Jangkauan, Arah
Pengaturan, dan
Ruang Lingkup
Materi Muatan**

**Jangkauan dan
arah
pengaturan**

**Ruang lingkup
materi muatan
undang-undang**



Bab VI Penutup

Simpulan

Saran

“The NA serves as the academic foundation for drafting new laws in Indonesia, ensuring that the legislative process is informed by thorough research, analysis, and stakeholder engagement.”

GUIDELINE FOR THE PREPARATION OF ACADEMIC PAPERS (NASKAH AKADEMIK OR NA)