

**PERAN KANTOR WILAYAH KEMENTERIAN HUKUM DAERAH
ISTIMEWA YOGYAKARTA DALAM PEMBENTUKAN PERATURAN
DAERAH PASCA PERUBAHAN KEDUA UNDANG-UNDANG NOMOR
12 TAHUN 2011 TENTANG PEMBENTUKAN PERATURAN
PERUNDANG-UNDANGAN**

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INTISARI

Latar belakang masalah dalam penelitian ini muncul dari perubahan signifikan mekanisme harmonisasi Peraturan Daerah (Perda) pasca amandemen Pasal 58 UU No. 12 Tahun 2011 melalui UU No. 13 Tahun 2022 yang menarik kewenangan pengharmonisasian dari Biro Hukum Pemerintah Daerah dan Badan Legislasi Daerah kepada Kantor Wilayah Kementerian Hukum. Sentralisasi kewenangan harmonisasi ke pemerintah pusat mengurangi otonomi daerah dalam pembentukan produk hukum, sekaligus menimbulkan ketidaksesuaian antara norma hukum (*das sollen*) dan praktik implementasinya (*das sein*). Fenomena ini menimbulkan persoalan hukum terkait efektivitas harmonisasi, pengabaian norma, dan ambiguitas regulasi pelaksana. Rumusan masalah penelitian berfokus pada kedudukan Kantor Wilayah Kementerian Hukum dalam proses harmonisasi Perda serta praktik implementasinya di Daerah Istimewa Yogyakarta (DIY). Metode penelitian menggabungkan pendekatan yuridis-normatif (analisis dokumen hukum) dan empiris (studi kasus implementasi di Kanwil Kemenkum DIY) untuk mengkaji dinamika substantif dan prosedural. Hasil penelitian menunjukkan bahwa penarikan kewenangan Pengharmonisasian dari desentralisasi ke sentralisasi merupakan respon atas kurangnya kompetensi sumber daya manusia yang dimiliki lembaga daerah dalam melakukan proses pengharmonisasian. Praktik keterlibatan Perancang Kanwil Kementerian hukum pada proses pengharmonisasian di DIY sendiri sudah dilakukan sebelum perubahan UU *a quo*. Namun praktiknya, terjadi ketidakefektifan. Perancang Kanwil Kemenkum di DIY hanya terbatas penyalarsan teknik penyusunan (*Legal Drafting*). Oleh karena itu, penulis merekomendasikan perlunya penguatan dan peningkatan kapasitas perancang pada proses pengharmonisan ini, agar dapat mencakup ranah substantif dari sebuah Raperda.



**Peran Kantor Wilayah Kementerian Hukum Daerah Istimewa Yogyakarta Dalam Pembentukan Peraturan Daerah
Pasca Perubahan Kedua Undang-Undang Nomor 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-Undangan**

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Kata Kunci: Otonomi Daerah, Harmonisasi Perda, Kantor Wilayah Kementerian Hukum Daerah Istimewa Yogyakarta.

***THE ROLE OF THE REGIONAL OFFICE OF THE MINISTRY OF LAW
OF THE SPECIAL REGION OF YOGYAKARTA IN THE FORMATION OF
REGIONAL REGULATIONS AFTER THE SECOND AMENDMENT TO
LAW NUMBER 12 OF 2011 CONCERNING THE FORMATION OF
LEGISLATION***

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ABSTRACT

The background to the issue in this study arises from significant changes in the mechanism for harmonizing Local Regulations (Perda) following the amendment of Article 58 of Law No. 12 of 2011 through Law No. 13 of 2022, which transferred the authority for harmonization from the Local Government Legal Bureau and the Local Legislation Agency to the Regional Office of the Ministry of Law. The centralization of harmonization authority to the central government reduces regional autonomy in the formation of legal products, while also causing inconsistencies between legal norms (das sollen) and their implementation practices (das sein). This phenomenon raises legal issues related to the effectiveness of harmonization, disregard for norms, and ambiguity in implementing regulations. The research problem focuses on the position of the Regional Office of the Ministry of Law in the harmonization process of local regulations and their implementation practices in the Special Region of Yogyakarta (DIY). The research method combines a juridical-normative approach (analysis of legal documents) and an empirical approach (case study of implementation at the Regional Office of the Ministry of Law and Human Rights in DIY) to examine substantive and procedural dynamics. The results of the study show that the withdrawal of harmonization authority from decentralization to centralization is a response to the lack of human resources competition possessed by regional institutions in carrying out the harmonization process. The practice of involving the Regional Office of the Ministry of Law and Human Rights in the harmonization process in DIY itself had been carried out before the amendment to the law in question. However, in practice, there was ineffectiveness. The designers at the Regional Office of the Ministry of Law and Human Rights in Yogyakarta are limited to technical harmonization (legal drafting). Therefore, the author recommends strengthening and improving the capacity of designers in this

harmonization process so that they can cover the substantive aspects of a draft regional regulation.

Keywords: *Regional Autonomy, Harmonization of Local Regulations, Regional Office of the Ministry of Law and Human Rights of the Special Region of Yogyakarta.*