

## Urgency Of Forming Legislation About The Online Petition *Perspective Good Legislation Making*

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**Abstract,** *In the era of globalization , digital communication media is developing with rapid make it easier everyone in respond and express opinion through Network online social . Change.org is one of the sites that can utilized Good individual and also group For submit A petition online against decision the perceived government not enough appropriate . Success on monitoring the decision government in Indonesia through this online petition including very good , but sadly Not yet There is regulation specifically that covers it . In line with problem said , the purpose writing article This is For analyze urgency making A Regulation legislation about Online Petitions and their preparation use perspective Good Legislation Making . Research law normative which prioritizes Conception Good Legislation Making become appropriate methodology with objective research that was initiated . For make it easier discussion , poured out formulation problem , the first How Urgency Formation Regulation Legislation About Online Petition , Second How Ideal Concept of Regulation Legislation About Perspective Online Petition Good Legislation Making. From results analysis found that in Indonesia indeed Not yet There is regulation special that becomes umbrella law online petitions as well draft idealist making legislation online petition using perspective Good Legislation Makang .*

**Keywords;** *globalization, Good Legislation Making, methodology*

### 1. INTRODUCTION

In accordance mandate legislation that states that every individual own equal and free rights in to argue with responsible answer in front The law is based on article 28 of 1945 Constitution, proving that Indonesia is a country that upholds tall principle democracy . Have an opinion up front law in the present day No only can conducted in a forum direct but also can through receptacle Network social . Increasingly development technology specifically in field digital communication , providing convenience alone for every individual For express / pour out his opinion to A issue Good with method make or agree opinion the through petition that can accessed online by whom just .

One of container that can utilized For pour opinion in the form of petition online is through the change.org site. This site beginning launched in 2006 in Delaware - United States . Globally it has There is dozens thousand successful petition change decision government , without except including policies government in Indonesia . Success on monitoring the decision government in Indonesia through this online petition including very good , but sadly Not yet There is regulation specifically that covers it .

Apart from via the change.org site, actually the Indonesian government has also have electronic media as one of the receptacle approach to society , electronic media the normal We know with E- Government terminology or e-gov. E- Government or e-gov implies that government We awake technology so that worthy believed that Actually government has to know the rise A online petition .

Formation regulation related online petition along increasing era and increasingly development thinking public becomes very important . With existence protection law to one of the distribution media aspiration public in the form of This online petition is expected to can become bridge that can realize people's hopes for justice . More continue , to realize good regulation known term *Good Legislation Making* in the process of being drafted clauses legislation . Every existing articles must consider the interests of the people in general wide with consider its suitability with legislation state foundation . Related formation output law , Law No. 12 of 2011 concerning Formation Regulation Legislation become pioneer For realize regulation related online petition based on *Good Legislation Making*.

Based on background From the problems outlined above , two formulations were taken the issue to be raised in article with title Urgency Formation Regulation Legislation About Perspective Online Petition *Good Legislation Making* , namely *First* How Urgency Formation Regulation Legislation About Online Petition ? *Both* How Ideal Concept of Regulation Legislation About Perspective Online Petition *Good Legislation Making*?

## **2. RESEARCH METHODS**

Legal Research is a process that is intended use get A rules that have principles and doctrines that can answer A problems that arise in society . Study law normative which prioritizes Conception *Good Legislation Making* become appropriate methodology with objective research initiated . For produce output research that can become reference law related urgency online petition , needed assessment in a way comprehensive to principles knowledge related laws with Conception problems and their suitability with legislation that has been there are , especially those related with right freedom to put forward opinion mandate The 1945 Constitution . Formulation clause legislation based on Law No. 12 of 2011 concerning Formation Regulation Legislation believed can become base compilation regulation appropriate and applicable online petitions answer issue law in the middle society . Both legislation that has been mentioned will become foothold in analyze as well as find answer on the problems studied .

### 3. DISCUSSION

#### Urgency Formation Regulation Legislation About Online Petition

Becoming a country that upholds tall mark democracy , making Indonesia continue experience development in formation related regulations with right basic its citizens . Formation regulation right existing basic the has launched from beginning Indonesian independence . This is proven with legislated The 1945 Constitution is like that uphold tall rights humanity that continues develop until now . In its development , many become spotlight and often cause problem is related right convey aspiration Good in a way oral and also written about politics , law as well as country's economy . Cannot denied that to put forward opinion in advance general be one of form real participation politics , only just sometimes freedom in to put forward opinion this can also become boomerang if No accompanied by with a sense of responsibility high responsibility .

Democratic country people's in accordance mandate legislation the basis of the state becomes a fresh breeze that is utilized as people's shelter in take role For follow share in monitoring decisions issued government . Monitoring is carried out with objective For escort every policies issued to maintain side with the interests of the people, right? Leaning towards interests individual or A group just . Previously monitoring action is carried out limited to action in a way direct Good in the form of holding of *judicial review* forum , demonstration or negotiation open , but with the more the rise term *political weapon*, which is meaningful cleaning action political with give punishment arrest in a way unilaterally towards activists who are considered to be frontal, when This monitoring and protest actions object on A decision results output government related to what is felt No in accordance with the people's needs begin developing . The real form of monitoring is not just done with roll out demonstration but can done through A petition that got support public online . Every individual in public can access and provide support voice with easy and free as well as responsible answer .

Monitoring is a form of petition this online own Lots advantages , one of them is low risk Because No in a way direct involving action physical . In addition online petition or more general called online petitions also do not limited with distance as well as time , wherever the people are still Can channeling his aspirations with easy through digital media. For get support or sympathy a more society big usually petition will accompanied by with deployment action down to road or action others who intentionally viral so that can confiscate attention public wide .

One of form online petition that can utilized For pour opinion and middle popular public moment This is through the *change.org* site . This site beginning launched on 2006 in Delaware, United States . Globally , it has There is dozens thousand successful petition change decision government , without except including policies government in Indonesia . Success on monitoring the decision government in Indonesia through this online petition including very good . However sadly umbrella the law that governs it Not yet There is until with moment this . Without existence arrangement law special about online protests in Indonesia resulted in result in vacancy . Government feel No own obligation For answer petition In addition , the government No own handle regulation For respond or to clarify petition addressed to For to criticize or convey disagreement to A existing policies .

Actually mention petition as well as the regulation in a way global has known for a long time through the Maghna Charta Charter. In the charter the known term *the right of petition* which if translated has the meaning of rights in emit petition . It's just that arrangement the No comprehensive and comprehensive general or No detailed . In line with confession right individuals , in Indonesia through legislation the basis of the state and the laws that govern it regarding right basic humans are also real has guaranteed right to put forward voice However Still in general scope or Not yet specific to delivery voice through digital media so sometimes existence own online petition Still often ignored although has load great support .

Along with development of the era and progress pattern think public For participate share in monitoring and support efforts policy government in A structured container , then felt very necessary For make A regulations that can give umbrella law to online petition so that its existence can recognized and become revision for government related For produce output the law that is appropriate and needed public.

### **Ideal Concept of Regulation Legislation About Perspective Online Petition *Good Legislation Making***

For produce output good law required A standards that regulate procedure , procedural as well as quality substance the regulations it contains . With apply good standard , output the resulting law expected No only just become pile state documents but can also answer need law society . One of the the most important thing from results output law is the process of formation law That yourself . A good and structured process will bear fruit good and structured results . The process of compiling law in Indonesia is based on the concept *Good Legislation Making*.

Output results law must be own correlation tall with effort settlement problem law public without leaving the existing culture . In addition , it must also in harmony with arrangement legislation that is domiciled more high . For make regulation related with online petitions , the principles No may deviate or opposite from 1945 Constitution , Law Number 39 of 1999 concerning Human Rights Man as well as Law no. 12 of 2011 concerning Formation Regulation Legislation as law the parent who protects law related rights state - recognized individuals .

Nomenclature *Good Legislation Making* No written in the The 1945 Constitution , however referring to to Indonesian Ocean Justice with Title Systematics and Practice of Omnibus Law in Adopting Countries as well as review Design The next law called the Job Creation Bill from Perspective *Good Legislation Making* and Decisions Court Constitution Number 91/PUU-XVIII/2020 its meaning *Good Legislation Making* Already implied in the 1945 Constitution . Content material *Good Legislation Making* in Indonesia is regulated by legislation the basis of the state including covering protection to rights individual as Indonesian citizens, guidelines base state and direction development national statehood .

In regulation formation regulation legislation that applies Conception *Good Legislation Making* in detailed loaded the provisions that must be filled when compilation regulation new , if associated with draft output law about online petition , can explained as following :

1. Legal basis base in to form regulation online petition
2. The hierarchy that becomes reference formation regulation online petition
3. Design appropriate substance or No deviate with legislation above it
4. Procedure planning formation regulation online petition
5. Compilation design substance that must be continuous
6. Discussion and procedures in to validate design regulation online petition
7. Invitation regulation online petition
8. Dissemination regulation online petition
9. Monitoring participation public or its implementation in life public
10. Terms and Conditions other related with regulation online petition , legislative body authority as well as judiciary related regulation new the

In the system constitutional existing legislation in Indonesia, the body that has right in compile design regulation new is a legislative body with one of his considerations is in the form of request will need public related a law . In case this , regulation related online petition becomes need For made remember the magnitude benefits and roles carried out online petition in change or monitoring policy government . In addition urgency making regulation related

This online petition will also help build reciprocal relationship between the people and their leaders , where the people feel valued will his opinion and the government can apply standard or rule good and possible online petition accepted its existence . This is also in line with Article 96 of Law No. 15 of 2019, which mandates participation public in formation regulation good new one and also improvement . In article the explained stages a regulation start arranged until with considered has can implemented , as following :

1. Stage an planning , in stages This besides official legislation , the community can also participate active with give aspiration or inputs all related matters with online petition via letter officially to the competent legislative body
2. Stages compilation , in stages This existing inputs will accommodated and arranged such that appearance to form A script academic . Existing manuscripts will under review return For get enter-enter use refinement so that the related bill was formed online petition . Participation public in stages This represented by practitioners law , academics law or expert the law that is considered competent and masterful regarding procedure formation law as well as online petition .
3. Stage discussion , stages This carried out in two levels , where level first legislative body will to announce to public related the existence of a new bill and holding a discussion forum with the public to discuss refinement design legislation the or things substantive other things that are needed changed . And level second carried out by the legislative body internally with consider results reports and opinions of each member faction legislation .
4. Stage validation , stages This done by the president as stakeholders main sovereignty law
5. Stage invitation , if legislation related the online petition has approved so stages invitation This handed over entirely in the ministry law and rights basic man

After A regulation stated valid and start can implemented in life society , then its implementation still must escorted to be precise target . If in his journey found something missing or need perfected must be quick submitted as well as requested the review to institution government related . The more many violate A output law or the more many are asking review return to regulation said , can interpreted that regulation the Still raw .

#### 4. CONCLUSION

1. Although online petition has been rampant in Indonesia but Not yet There is Regulation Legislation that regulates in a way special about the online petition resulted in emptiness law so that government No own obligations and obligations regulation For answer or respond on petition containing issues important in Network social internet.
2. From the problems that have been writer describe above , the author try to describe How ideal concept of making A Regulation Legislation use perspective *Good Legislation Making* . *Good Legislation Making* reflected from and poured in The 1945 Constitution and Law 12 of 2011 concerning Formation Regulation Legislation .

#### 5. SUGGESTION

Government as it should be make A special regulations arrange about online petition not to happen emptiness law in constitutional law in Indonesia, besides that's so that the government own handle strong regulation For answer and also respond petition especially online from society . Making regulation expected No escape from perspective *Good Legislation Making* or making Regulations Good legislation , because If in make A regulation No in accordance with rules *Good Legislation Making* so worrying results from the regulations too problematic .

#### BIBLIOGRAPHY

##### Book

Amirudin and Zainal Ashikin, **Introduction Legal Research** . Jakarta: Rajawali Pres, 2018.

Ishaq, **Introduction Legal Science** , Jakarta: Raja Grafindo , 2014

Sudikno Mertokusumo , *Understanding the Law of a Introduction* , Yogyakarta: Liberty, 1999

##### Journal

Abdul Bashir , *The Importance of Academic Manuscripts in Formation Regulation Legislation for the Creation of Aspirational & Responsive Law* , IUS Journal , Volume 2, Legal Studies , University of Mataram , Mataram , 2014

Adiputra, AF, Rachman, FA, Madellin , M., Mumpuni , PR, & Saefuddin , E. Online *Petitions Form Citizen Participation* , Journal of Education- Science Social , Volume 29, University of Indonesia, Jakarta, 2020

Arifin, R., Rusdi , R., & Alkaduri , R. *Review Law Enforcement and Fulfillment of Rights in Context Universalism & Relativism of Human Rights in Indonesia* . Legality- Jurnal Scientific Law, Volume 26, Muhammadiyah University, Malang, 2018

Destriti , NA, Online *Petitions Form Advocacy Media Alternatives on Upstreams Social Media. Journal Global Communications* , Journal Global Communications , Volume 7, Banda Aceh, 2018.

Fitri PW and Nuzul AS W. . *Strength Online Petition in Compilation Legislation in Indonesia ( Observational Study) Site: Change.Org* ). Kazanah Law, Volume 3, Journal of Sunan Djati State Islamic University , Bandung. 2021

HAS Natabaya , *Improvement Quality Regulation Legislation ( A Input and Output Approach )* , Journal Indonesian Legislation , Volume 4, Directorate General Regulation Legislation of the Ministry of Law and Human Rights of the Republic of Indonesia , Jakarta, 2007

Liudmilla Vakariuk , Igor Babin, *Philosophy of Law of e- petition* , Journal and Politics , Volume 12 No 2, Ambon, 2019

M. Agus Santoso, Law, *Morals & Justice A Study of Legal Philosophy* , 2nd Edition, Jakarta: Kencana , 2014

Marla Ongkuh HS B, *Freedom To put forward Opinion based on the 1945 Constitution* . Al Wasath Journal : Journal Legal Science , Volume 2, Jakarta, 2021

Muhammadiyah , *Public Participation as a Strategy to Realize Good Governance of Regional Autonomy* , University of Makassar, Vol. II No April 2013, page . 58.

Samudra Indra, *the Principle of Legal Certainty in Implementation Decision Court Constitution Shaped State Institution Regulations and PERPUU*, *Journal Legal Science* , Volume 16 No 1, Jakarta, 2020

Stephanie Juwana, Gabriella Gianova , and Gridanya Mega, *Omnibus Law Systems and Practices in Various Countries and Analysis of the Job Creation Bill from Good Legislation Making Perspective* , Indonesia Ocean Justice Initiative, Policy Brief 4, Jakarta, 2020

#### **Constitution :**

Constitution Number 12 of 11 concerning Formation Regulation Legislation