

RECONSTRUCTION OF THE MECHANISM FOR MONITORING AND REVIEWING LEGISLATION IN INDONESIA: AN ANALYSIS OF THE 2019–2024 NATIONAL LEGISLATIVE PROGRAM (PROLEGNAS)

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Abstract

Monitoring and review of legislation is an integral part of the legislative cycle, aiming to ensure the effectiveness, consistency, and responsiveness of regulations to societal dynamics. The strengthening of this function has been normatively emphasized in the amendment to Law Number 12 of 2011 through Law Number 13 of 2022 concerning the Formation of Legislation, which requires legislative and executive institutions to conduct evaluations of laws. However, in practice, the mechanism for monitoring and reviewing legislation in Indonesia still faces various problems, particularly in the context of implementing the 2019–2024 National Legislation Program (Prolegnas). This study aims to analyze the normative design of the mechanism for monitoring and reviewing legislation, identify gaps between norms and empirical practice, and formulate a more effective reconstruction model for the mechanism. This study uses normative legal methods with a legislative and conceptual approach, and is analyzed qualitatively. The results show that although the normative framework has accommodated the function of legislative evaluation, its implementation remains administrative in nature, not integrated into the legislative cycle, and not evidence-based. Furthermore, monitoring of laws resulting from the 2019–2024 National Legislation Program (Prolegnas) has not been conducted systematically, which has resulted in repeated regulatory changes without comprehensive evaluation. Therefore, a reconstruction of the legislative monitoring and review mechanism is needed through an integrated, participatory, and data-driven post-legislative scrutiny approach to strengthen the quality of the national legislative system.

Keywords: *Legislative Evaluation; Legislative Monitoring; Legislative Review; Post-Legislative Scrutiny; Prolegnas.*

1. INTRODUCTION

The process of enacting legislation does not essentially end at the stage of enactment; rather, it constitutes a policy cycle that requires continuous oversight,

monitoring, and evaluation.¹ The development of positive law in Indonesia indicates a significant paradigm shift, in which the evaluation of legislation is no longer viewed as an optional activity but has become a binding legal obligation. This is reaffirmed by amendments to Law No. 12 of 2011 on the Formulation of Legislation, as amended by Law No. 15 of 2019. Article 95A explicitly stipulates that the People's Representative Council, the Regional Representative Council, and the Government are required to monitor and review laws that have entered into force. This provision marks a crucial turning point that establishes evaluation as an integral part of the national legislative process. Furthermore, Article 95B extends this obligation to the regional level, mandating Regional People's Representative Councils (DPRD) and Regional Governments to monitor and review regional regulations.²

This strengthened obligation to evaluate is further reinforced by Law No. 13 of 2022, which constitutes the second amendment to Law No. 12 of 2011. This regulation introduces the concept of “*meaningful participation*,”³ which is not only relevant during the lawmaking stage but must also be implemented during the evaluation stage. Institutionally, House of Representatives Regulation No. 1 of 2020 on Rules of Procedure provides a technical framework for carrying out the evaluation function, specifically by granting the Legislative Body the authority to monitor and review laws.⁴

Normatively, the legal framework governing the monitoring and review of laws has been significantly strengthened, particularly following the amendments introduced by Law No. 13 of 2022. This strengthening affirms that the legislative function does not end at the stage of norm-setting but also encompasses the evaluation of a law's implementation as part of the legislative cycle. However, this normative strengthening has not yet been fully accompanied by adequate institutional designs and operational mechanisms.⁵

In practice, monitoring and review still tend to be positioned as *ex post* activities separate from the main legislative process. This structure results in evaluation findings not being systematically integrated into subsequent legislative decision-making processes. Monitoring reports ultimately serve more as administrative documents than as corrective instruments with the power to drive policy changes. In other words, there

¹ Rudy Rudy dkk., “Pemantauan Dan Peninjauan Undang-Undang Dalam Siklus Pembentukan Peraturan Perundangan-Undangan,” *Konferensi Nasional Asosiasi Pengajar Hukum Tata Negara dan Hukum Administrasi Negara* 2, no. 1 (2024): 319-354, <https://doi.org/10.55292/x0gant41>.

² Gunardi SA Lumbantoruan, “Desain strategi pemantauan dan peninjauan peraturan perundang-undangan dalam mendukung agenda penataan regulasi,” *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 10, no. 2 (2021): hlm. 263-281, <http://dx.doi.org/10.33331/rechtsvinding.v10i2.706>.

³ Mochamad Adli Wafi dan Muhammad Machshush Bill Izzi, “Integrating Electronic Participation in the Legislative Process to Optimize the Fulfillment of Meaningful Participation,” *Jurnal Konstitusi* 21, no. 4 (2024): 518 – 541, <https://doi.org/10.31078/jk2141>.

⁴ Tim Setjen dkk., *Ringkasan Laporan Kinerja DPR RI Tahun Sidang 2020-2021, 14 Agustus 2020-15 Agustus 2021: DPR Hebat Bersama Rakyat*, 2021. Diakses pada 8 Mei 2026. <https://repositori.dpr.go.id/id/eprint/665/>.

⁵ Dian Kus Pratiwi, *Pembentukan Undang-undang secara Cepat dalam Sistem Legislasi di Indonesia pada Masa Pemerintahan Joko Widodo*, Disertasi, Universitas Islam Indonesia, 2025. hlm. 66.

is a gap between normative legitimacy and implementation effectiveness in the exercise of monitoring functions.⁶

This situation also indicates that the monitoring mechanism has not yet evolved into evidence-based post-legislative scrutiny but remains within the framework of formal evaluation limited to meeting administrative indicators. Consequently, the monitoring mechanism's ability to detect early on potential normative disharmony, implementation ineffectiveness, or unintended social impacts is severely limited. In such situations, corrections to laws often occur through judicial mechanisms at the Constitutional Court of the Republic of Indonesia, rather than through internal evaluation by the legislative body. This phenomenon can be seen in the review of Law No. 11 of 2020 on Job Creation, which was declared conditionally unconstitutional by the Constitutional Court due to procedural defects in its enactment process. In addition, various strategic laws, such as the Law on the Corruption Eradication Commission and the Law on Minerals and Coal, have also been subject to constitutional review by the Constitutional Court. This situation indicates that mechanisms for correcting regulatory weaknesses are more frequently carried out through judicial review by the Constitutional Court than through the legislative body's own mechanisms for monitoring and reviewing laws.⁷

Therefore, this paper aims to critically analyze the mechanisms for monitoring and reviewing laws, particularly in the context of the implementation of the 2019–2024 National Legislation Program (Prolegnas). The analysis focuses on identifying gaps between normative design and empirical practice, as well as their implications for the effectiveness of the national legislative system in producing regulations that are adaptive, consistent, and responsive to societal dynamics.

2. METHOD

This study employs a normative legal research method using both the statutory approach and the conceptual approach. The statutory approach is used to analyze the normative framework for the monitoring and review of laws as stipulated in Law No. 12 of 2011, along with its amendments and other relevant regulations, while the conceptual approach is used to examine the theory of post-legislative scrutiny and legislative evaluation as developed in the scholarly literature, including the works of Rudy et al. and Ade Irawan Taufik. The legal materials used consist of primary, secondary, and tertiary sources, which were analyzed qualitatively using descriptive-analytical

⁶ Lita Tyesta Addy Listya Wardhani dan Luthfi Hafidz Rafsanjani, "Desain Pemantauan Dan Peninjauan Peraturan Pemerintah: Strategi Reformasi Regulasi Melalui Mekanisme Comprehensive Evaluation And Regulatory Impact Monitoring for Government Regulation (CERIM-Gov)," *Konferensi Nasional Asosiasi Pengajar Hukum Tata Negara dan Hukum Administrasi Negara* 2, no. 1 (2024): 141–162. <https://doi.org/10.55292/h54ew802>.

⁷ Kompas.com, "Ini Pertimbangan MK Putuskan UU Cipta Kerja Inkonstitusional Bersyarat," 25 November 2021, <https://nasional.kompas.com/read/2021/11/25/21383001/ini-pertimbangan-mk-putuskan-uu-cipta-kerja-inkonstitusional-bersyarat>.

techniques to identify gaps between norms and practice, as well as to formulate a model for reconstructing a more effective and evidence-based mechanism for the monitoring and review of laws (evidence-based legislation)

3. ANALYSIS OR RESULTS

3.1. Mechanisms for Monitoring and Reviewing Laws

Before detailing the results of the monitoring and review of laws within the framework of the 2019–2024 National Legislation Program (Prolegnas), it is important to first explain how the mechanisms for monitoring and reviewing laws are normatively regulated, as well as where these functions fit within Indonesia's constitutional system. Based on House of Representatives Regulation No. 2 of 2020 on the Formulation of Legislation (hereinafter referred to as House of Representatives Regulation No. 2 of 2020), the evaluation process is divided into three stages, namely:

3.1.1. Planning Stage

In DPR Regulation No. 2 of 2020, planning encompasses several components, namely the determination of priorities, the preparation of a preliminary study, technical and administrative aspects, human resource and budgetary support, the determination of the timing and location of activities, and the preparation of a terms of reference.⁸ Of all these components, the determination of priorities is the most crucial element because it determines which laws will be the subject of evaluation. Not all laws can be evaluated simultaneously due to resource constraints; therefore, a rational and measurable indicator-based selection mechanism is required.⁹ No standard set of indicators has been explicitly established as the basis for determining these priorities. In practice, several indicators have emerged and are implicitly used in determining priorities, including: First, the duration of a law's validity (age of regulation). The longer a law has been in effect, the greater the urgency to conduct an evaluation to assess its relevance and alignment with social, economic, and legal developments. This approach aligns with international practices that employ periodic reviews, such as evaluations every five to ten years to ensure regulations remain up-to-date.¹⁰

⁸ Ade Irawan Taufik, "Mekanisme Pemantauan Dan Peninjauan Peraturan Perundang-Undangan (Gagasan Sederhana Dalam Pengaturan Lebih Lanjut Pemantauan Peninjauan)," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 10, no. 2 (2021): 283–301. <http://dx.doi.org/10.33331/rechtsvinding.v10i2.713>.

⁹ M. Jeffri Arlinandes dkk., "Rekonstruksi Tahapan Pembentukan Perundang-Undangan: Urgensi Re-Harmonisasi Dan Evaluasi Sebagai Siklus Pembentukan Undang-Undang Yang Berkualitas," *Jurnal Legislasi Indonesia* 19 (2022): 549–650. <https://doi.org/10.54629/jli.v19i1.790>.

¹⁰ Ade Irawan Taufik, "Mekanisme Pemantauan Dan Peninjauan Peraturan Perundang-Undangan (Gagasan Sederhana Dalam Pengaturan Lebih Lanjut Pemantauan Peninjauan)," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 10, no. 2 (2021): 283–301. <http://dx.doi.org/10.33331/rechtsvinding.v10i2.713>.

Second, current legal issues. Laws that give rise to controversy, conflicts of norms, or implementation barriers in the field should be top priorities. This indicator positions evaluation as a response to social dynamics and the evolving needs of society. Third, public aspirations and stakeholder demands. High levels of public resistance, numerous administrative complaints, or pressure from interest groups indicate problems in the implementation of laws. In this context, public participation is not only relevant during the drafting stage but also serves as the foundation for evaluation.

Fourth, proposals from ministries, agencies, or other state institutions. Agencies responsible for implementing laws hold a strategic position in identifying technical and institutional barriers; therefore, their input serves as a key indicator in determining the urgency of an evaluation. Fifth, court rulings, particularly those of the Constitutional Court of the Republic of Indonesia. Rulings that annul or amend statutory provisions serve as a strong signal of legal issues that must be addressed immediately through legislative evaluation.

3.1.2. Implementation Phase

The provisions of Article 119(3), which detail the workflow for conducting evaluations by the Legislative Body of the House of Representatives of the Republic of Indonesia. Based on these provisions, implementation begins with the Legislative Body—assisted by the Expert Body and experts—presenting the results of the preliminary study during a plenary session. This stage serves to present the initial framework of the evaluation developed during the planning stage, while also serving as the basis for further discussion. Subsequently, the Legislative Body forms a working committee (*panja*) as a technical body responsible for conducting more in-depth monitoring and review activities. This working committee has the authority to carry out a series of activities, including:

- 1) inviting and receiving input from resource persons
- 2) conducting field visits to regions;
- 3) and coordinating with other DPR bodies.

During this process, the working committee also involves the Expert Committee and experts to process and refine the initial study based on input received from various parties, including the public, stakeholders, and relevant institutions. The results of these refinements are then presented again in an internal forum as part of the verification and in-depth substantive review process. The next stage is the preparation of the final study, which is compiled into a report on the results of the monitoring and review of the law. This report is the primary output of the implementation phase, containing the results of the analysis of the implementation of the law under evaluation. Once the final study is prepared, the working committee, with the support of the Expert Panel and experts, submits the report to a plenary meeting of the Legislative Body for decision-making. Thus, the entire series of

activities in the implementation phase culminates in the formal presentation of the evaluation results within the institutional framework.

3.1.3. Follow-up Stage

The follow-up stage is the final part of the series of mechanisms for monitoring and reviewing laws, serving to link the results of the evaluation to the legislative decision-making process.¹¹ The results of the monitoring and review, as compiled by the Legislation Body, are first presented to a plenary session of the House of Representatives. This presentation constitutes an official report to the highest decision-making forum within the House of Representatives. Subsequently, the leadership of the DPR forwards the report to the relevant committees based on the scope of the evaluated legislation. The committees receiving the monitoring and review reports are obligated to take follow-up action in accordance with their duties and authorities as stipulated by law. Normatively, such follow-up actions may take the form of: proposing amendments to laws within the framework of the National Legislation Program (Prolegnas); drafting bills to amend or replace laws deemed problematic; or initiating the formulation of new legislation, including the repeal of laws that are no longer relevant.

In the context of inter-institutional relations, follow-up actions on the results of monitoring and review also involve coordination among the DPR, the DPD, and the Government.¹² This is in line with the provisions of Law No. 17 of 2014 on the MPR, DPR, DPD, and DPRD, which grants the DPR the authority to discuss and follow up on the results of oversight submitted by the DPD regarding the implementation of laws. Furthermore, in government practice, the results of evaluations of laws and regulations conducted by ministries or agencies—including through the National Legal Development Agency—are submitted in the form of recommendations to the relevant agencies. These recommendations can be used as input in the legislative planning process, including in the drafting of the National Legislation Program (Prolegnas). Thus, the follow-up stage, from a normative legal perspective, positions the results of monitoring and review as formal inputs in the subsequent legislative process—whether in the form of amendments, the enactment of new laws, or the repeal of existing laws—carried out through the DPR’s institutional mechanisms and coordination among state institutions.

3.2. Results of Monitoring and Review of the 2019–2024 Prolegnas

Based on official DPR data, the 2019–2024 Medium-Term Prolegnas set a target of 248 draft laws. Of this number, only about 48 laws were successfully

¹¹ Aprilian Sumodiningrat dkk., “Desain lembaga khusus bidang legislasi dan evaluasi peraturan perundang-undangan partisipatif,” *Jurnal Legislasi Indonesia* 19, no. 3 (2022): 380–395, <https://doi.org/10.54629/jli.v19i3.879>.

¹² Garuda Era Ruhpinesthi dan Mochamad Adli Wafi, “Post-legislative scrutiny sebagai fungsi pengawasan Dewan Perwakilan Rakyat: pengaturan, praktik, dan problematika,” *Jurnal Rechtsvinding: Media Pembinaan Hukum Nasional* 13, no. 3 (2024): 461 – 487, <http://dx.doi.org/10.33331/rechtsvinding.v13i3.1925>.

enacted as part of the Prolegnas priority agenda. Meanwhile, the total number of laws enacted during the same period reached 225. This composition indicates that the majority of legislative products stem from the “open cumulative” category, such as the ratification of international treaties, the issuance of government regulations in lieu of laws, and follow-up actions on court rulings. Consequently, the Prolegnas implementation rate stands at only around 19 percent.¹³

In this context, the monitoring and review of laws should serve as a corrective mechanism to assess the extent to which enacted regulations are able to achieve the objectives outlined in the legislative proposals. This mandate has been normatively strengthened through Law No. 13 of 2022, which grants the House of Representatives (DPR) the authority to monitor and review laws. However, in practice, the implementation of this function has not shown significant progress, particularly regarding laws enacted during the 2019–2024 National Legislation Program (Prolegnas) period.

Available data indicates that the laws monitored by the Center for Monitoring the Implementation of Laws (Puspanlak) within the DPR’s Expert Agency are still predominantly from previous periods. Some of the laws that are the focus of monitoring include;

- a. Law No. 35 of 2003 on Narcotics, as partially amended by Law No. 11 of 2020 on Job Creatio;¹⁴
- b. Law No. 4 of 1984 on Infectious Disease Outbreaks
- c. Law No. 29 of 2004 on Medical Practice;
- d. Law No. 27 of 2014 on Trade, as partially amended by Law No. 11 of 2020 on Job Creation;
- e. Law No. 33 of 2014 on Halal Product Assurance, as partially amended by Law No. 11 of 2020 on Job Creatio;
- f. Law No. 37 of 2008 on the Ombudsman.

The fact that laws resulting from the 2019–2024 National Legislation Program (Prolegnas) have not yet been subject to monitoring is attributed to the absence of reports providing such evidence. A number of strategic laws enacted during this period—including those adopted through the omnibus approach—have, in fact, become sources of public controversy, sparking a wave of social backlash. The laws amended by the omnibus law are as follows::

Table 1: Election Monitoring Institutions—List of Laws Amended by Law No. 6 of 2023 on the Enactment of Government Regulation in Lieu of Law (Perppu) No. 1 of 2022 on Job Creation

¹³ Annisa Febiola, “DPR RI Periode 2019–2024 Hanya Sahkan 48 UU Prolegnas,” Tempo.co, 30 September 2024, diakses 8 Mei 2026. <https://www.tempo.co/politik/dpr-ri-periode-2019-2024-hanya-sahkan-48-uu-prolegnas-4240>.

¹⁴ Berdasarkan hasil pemantauan Puspanlak Badan Keahlian DPR RI, Dewan Perwakilan Rakyat Republik Indonesia, *Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika* (Jakarta: DPR RI, 2009), diakses melalui https://repositori.dpr.go.id/eprint/957/1/UU%2035_Narkotika%20ebook.pdf.

No	Law	Year	Cluster
1	Amendments to the Mineral and Coal Law	2020	Energy
2	Organization of the Hajj and Umrah	2019	Social Affairs
3	Sustainable Agricultural Cultivation System	2019	Agriculture
4	Water Resources	2019	Resources
5	National Science and Technology System	2019	Education
6	Architecture	2017	Infrastructure
7	Construction Services	2017	Infrastructure
8	Protection of Indonesian Migrant Workers	2017	Labor
9	Protection of Fishermen & Fish Farmers	2016	Marine Affairs
10	Trademarks and Geographical Indications	2016	Intellectual Property Rights
11	Patents	2016	Intellectual Property Rights
12	Trade	2014	Economy
13	Villages	2014	Government
14	Livestock and Animal Health (Amendment)	2014	Agriculture
15	Plantations	2014	Agriculture
16	Halal Product Certification	2014	Standarization
17	Marine Affairs	2014	Marine Affairs
18	Government Administration	2014	Government
19	Industry	2014	Economy
20	Local Government	2014	Government
21	Geothermal Energy	2014	Energy
22	Coastal Areas and Small Islands (Amendment)	2014	Marine Affairs
23	Farmer Protection	2013	Agriculture
24	Deforestation	2013	Environment
25	Land Acquisition	2012	Agrarian Affairs
26	Food	2012	Agriculture
27	Immigration	2012	Industry
28	Keimigrasian	2011	Administration
29	Geospatial Information	2011	Technology
30	BPJS	2011	Social Affairs
31	Public Housing	2011	Housing
32	Housing and Residential Areas	2011	Housing
33	Horticulture	2010	Agriculture
34	Fisheries (Amendment)	2009	Marine Affairs
35	Hospitals	2009	Health
36	Sustainable Food Cropland	2009	Agriculture

37	Mineral and Coal	2009	Energy
38	Special Economic ZOnes	2009	Economy
39	Postal Services	2009	Infrastructure
40	Health	2009	Health
41	Narkotics	2009	Health
42	Film	2009	Culture
43	Environment	2009	Enviornment
44	Electricity	2009	Energy
45	Local Taxes and Levies	2009	Fiscal
46	Traffic and Road Transportation	2009	Transportation
47	Livestock and Animal Health	2009	Agriculture
48	Tourism	2009	Economy
49	Aviation	2009	Transportation
50	Islamic Banking	2008	Finance
51	MSMEs	2008	Economyi
52	Shipping	2008	Transportation
53	Limited Liability Companies	2007	Economy
54	Coastal Areas and Small Islands	2007	Marine Affairs
55	Spatial Planning	2007	Agrarian Affairs
56	Investment	2007	Economy
57	Railways	2007	Transportation
58	National Social Security System	2004	Social Affairs
59	Roads	2004	Infrastructure
60	Fisheries	2004	Marine Affairs
61	Forestry (Amandment)	2004	Enviornment
62	State-Owned Enterprises	2003	Economy
63	Labor	2003	Labor
64	Broadcasting	2002	Communications
65	Buillding Construction	2002	Infrastructure
66	Police	2002	Government
67	Oil and Nature Gas	2001	Energy
68	Sabang Free Trade Zone	2000	Economy
69	Free Trade Zone	2000	Economy
70	Plant Variety Protection	2000	Agriculture
71	Trade Competition	1999	Economy
72	Forestry	1999	Enviornment
73	Telecommunications	1999	Technology
74	Banking (Amandment)	1998	Finance
75	Psychotropic Substances	1997	Health

76	Nuclear Energy	1997	Energy
77	Banking	1992	Finance
78	Cooperatives	1992	Economy
79	Value-Added Tax	1983	Fiscal
80	Income Tax	1983	Fiscal
81	Tax Administration	1983	Fiscal
82	Legal Metrology	1981	Standardization

Source : *Data Compiled from the BP JDIH Regulations*

PLegislative changes following Law No. 11 of 2020 on Job Creation remain largely limited to sectoral and technocratic adjustments.¹⁵ This is reflected in the amendments to Law No. 66 of 2024 on the Third Amendment to Law No. 17 of 2008 on Shipping, Law No. 65 of 2024 on the Third Amendment to Law No. 13 of 2016 on Patents, Law -Law No. 63 of 2024 on the Third Amendment to Law No. 6 of 2011 on Immigration, and Law No. 3 of 2024 on the Second Amendment to Law No. 6 of 2014 on Villages. These amendments represent an initial stage of policy consolidation that remains limited to specific sectors.

Entering 2025, legislative changes became more intensive and frequent in strategic sectors. This is evident in Law No. 2 of 2025 on the Fourth Amendment to Law No. 4 of 2009 on Mineral and Coal Mining, Law No. 18 of 2025 on the Third Amendment to Law No. 10 of 2009 on Tourism, Law No. 16 of 2025 on the Fourth Amendment to Law No. 19 of 2003 on State-Owned Enterprises, Law No. 14 of 2025 on the Third Amendment to Law No. 8 of 2019 on the Administration of the Hajj and Umrah Pilgrimages, and Law No. 1 of 2025 on the Third Amendment to Law No. 19 of 2003 on State-Owned Enterprises. This pattern reflects a layered revision process that signals increasing regulatory dynamism and complexity

Based on an examination of institutional practices for monitoring laws within the House of Representatives (DPR), no systematic and publicly documented monitoring pattern has been identified for legislative products produced during the 2019–2024 National Legislation Program (Prolegnas) period.¹⁶ This situation indicates a gap between the law-making phase and the evaluation phase, which should form a single, integrated part of the modern legislative cycle.

In the context of regulatory development, the post-2024 phase is actually characterized by increased legislative amendment activity. In 2024, regulatory changes tended to be sector-specific and technocratic, primarily as a consequence of adjustments to previous major policies, including the restructuring of norms through

¹⁵ Deki Satriawan dkk., “Dekonstruksi Asas Kepastian Hukum dalam Regulasi Ketenagakerjaan Indonesia,” *Journal of Legal, Political, and Humanistic Inquiry* 1, no. 3 (2026): 262–271, <https://doi.org/10.65310/5jndj790>.

¹⁶ Maryam Salampessy, dkk., *Demokrasi abad 21 BAB: Dinamika Demokrasi Abad 21*. Padang: Gita Lentera, 2024. hlm. 28.

an omnibus approach.¹⁷ These changes indicate efforts toward policy consolidation, but they remain limited to specific sectors and do not yet reflect a comprehensive evaluation of regulatory impacts. Entering 2025, legislative dynamics show a more intensive pattern.¹⁸ Legislative changes occur repeatedly in strategic sectors such as:

- a. Natural resources,
- b. State-owned enterprises,
- c. tourism,
- d. and religious and public services.

This pattern reflects a “layered amendment” approach, in which a single law undergoes multiple revisions within a relatively short timeframe. Theoretically, this phenomenon reflects two things simultaneously: First, the instability of the initial regulatory design, necessitating repeated corrections in the near term. Second, the failure of the post-legislative scrutiny mechanism to function as an early-detection tool for identifying regulatory weaknesses from the initial stages of implementation.

From a constitutional law perspective, this situation raises serious implications. Regulatory changes made rapidly and repeatedly without being preceded by a comprehensive evaluation have the potential to: weaken legal certainty, increase the complexity of the regulatory system, and create an adaptation burden for the public and business actors.¹⁹

The absence of systematic monitoring of laws resulting from the 2019–2024 National Legislation Program (Prolegnas) indicates that the legislative evaluation function has not yet served as a mechanism for regulating the quality of regulations, but rather remains in a residual position after the enactment of laws is completed. Consequently, the dynamics of legislative changes during the 2024–2025 period cannot be understood as a form of structured policy evaluation, but rather as a partial response to sectoral needs. This simultaneously underscores that the legislative cycle in Indonesia remains dominated by the logic of regulatory production, rather than data-driven regulatory reflection and correction.

3.3. Direct Monitoring Mechanism

To ensure that monitoring is no longer passive, monitoring mechanisms must be concretely institutionalized as an integral part of every stage of the legislative process. Normatively, the basis for strengthening this function has been provided in

¹⁷ Ima Mayasari, “Kebijakan reformasi regulasi melalui implementasi omnibus law di Indonesia,” *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 9, no. 1 (2020): 1-15, <http://dx.doi.org/10.33331/rechtsvinding.v9i1.401>.

¹⁸ Saiful Risky dkk., “Legalisasi Supremasi Eksekutif? Studi Sosio-Legal Terhadap Reformasi Kementerian Di Indonesia,” *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 14, no. 2 (2025): 330–357. 10.24843/JMHU.2025.v14.i02. p03.

¹⁹ Sunny Ummul Firdaus dan Putri Anjelina Nataly Panjaitan, “Reformulasi Hukum untuk Mewujudkan Sistem Perundang-undangan Adaptif dan Responsif,” *Konferensi Nasional Asosiasi Pengajar Hukum Tata Negara dan Hukum Administrasi Negara* 2, no. 1 (2024): 355–382. <https://doi.org/10.55292/2thnr771>.

Law No. 13 of 2022; however, its operationalization needs to be formulated in the form of structured and sustainable technical procedures.

The mechanisms proposed for the restructuring of legislative monitoring and review will be outlined in the following points. These mechanisms are designed to establish an integrated monitoring system throughout the entire legislative drafting cycle, from the planning stage through to post-enactment evaluation.²⁰ Based on the issues identified in the implementation of the 2019–2024 National Legislation Program (Prolegnas), these mechanisms are designed to strengthen the function of post-legislative scrutiny so that it is no longer merely administrative and passive, but rather data-driven, participatory, and capable of serving as a tool for the continuous quality control of legislation. Thus, the monitoring and review of laws serve not only as an evaluation after regulations take effect but also as a means for the systematic correction and refinement of national legal policies.

3.3.1. Planning Stage

The strengthening of mechanisms for monitoring and reviewing laws has not only evolved within Indonesia's constitutional practice but has also become an integral part of legislative systems in various countries. A comparative study is necessary to provide a theoretical foundation for the proposed reconstruction model and to ensure that the designed framework aligns with international best practices.

In the United Kingdom, the post-legislative scrutiny mechanism is carried out through cooperation between the government and Parliament. Within three to five years after a law receives Royal Assent, the responsible ministry is required to prepare a Post-Legislative Memorandum containing information on the law's implementation, the extent to which policy objectives have been achieved, and various issues that have arisen during its implementation. This memorandum is then submitted to the relevant departmental select committee in Parliament as the basis for determining whether further review of the law's effectiveness is necessary. Thus, Parliament serves as the primary evaluator, while the government functions as the provider of data and information on implementation.²¹

Unlike the United Kingdom, which implements a more structured post-legislative scrutiny mechanism through government memoranda to Parliament, the practice in Canada has evolved through the inclusion of statutory review clauses in a number of laws. These clauses require that a parliamentary committee—whether in the House of Commons, the Senate, or a joint committee—conduct an evaluation of the law's implementation within a specified timeframe. This model demonstrates that

²⁰ Rudy dkk., "Pemantauan Dan Peninjauan Undang-Undang Dalam Siklus Pembentukan Peraturan Perundangan-Undangan," *Proceeding APHTN-HAN 2*, no. 1 (2024): 319 - 354, <https://doi.org/10.55292/x0gant41>.

²¹ [UK Government, Guide to Making Legislation](#), bab 40, "Post-Legislative Scrutiny," diakses 20 Juni 2026.

legislative evaluation can be institutionalized normatively through periodic review obligations established directly in the law.²²

The experiences of these two countries show that the effectiveness of post-legislative scrutiny depends on a clear division of authority between the law-making body and the policy-implementing body. Therefore, the restructuring of mechanisms for monitoring and reviewing laws in Indonesia must clarify that the authority for substantive evaluation lies with the House of Representatives (DPR) through its Legislative Body, while the government serves as a provider of data, implementation reports, and administrative support. With such a model, the potential for overlapping authority can be minimized, and the legislative oversight function can operate more effectively.

This division of authority must then be translated into monitoring mechanisms that are integrated throughout the entire legislative cycle. In other words, evaluation should no longer be viewed as an activity conducted after a law takes effect, but rather as a process designed from the planning stage onward. Therefore, the proposed restructuring begins with strengthening the planning aspect within the National Legislation Program (Prolegnas) as the primary foundation for the systematic and sustainable monitoring and review of laws.

At the planning stage within the Prolegnas, every proposed bill must be accompanied by:

- a. measurable regulatory performance indicators (IKR), such as targets for reducing poverty rates, increasing investment, or improving the efficiency of public services;
- b. baseline data reflecting the initial conditions prior to the law's enactment;
- c. an evaluation plan that specifies the timeline, methods, and the agency responsible for monitoring.²³

This document is an integral part of the academic draft, ensuring that the evaluation function is incorporated from the very beginning. At this stage, the DPR RI's Legislation Agency plays a role in ensuring that every bill submitted.

3.3.2. Deliberation Stage (*Embedded Monitoring Clause*)

During the deliberation stage of a bill, the monitoring mechanism is implemented by strengthening evaluation instruments that are directly embedded in the substance of the legislation. This approach aims to ensure that the monitoring function is not carried out separately after the law takes effect, but is instead designed from the outset of the legislative process. This mechanism is implemented through:

²² Department of Justice Canada, Statutory Review Clauses in Federal Legislation, diakses 20 Juni 2026.

²³ Arbain dan Arif Adiputra, *Green Legislation dalam Prolegnas 2020 – 2024*. Jakarta Selatan: Pusat Kajian Parlemen Indonesia (Indonesian Parliamentary Center), 2024. hlm. 53.

- a. the inclusion of an evaluation clause in the body of the law, which explicitly stipulates the obligation to conduct a review within a specified timeframe (e.g., 1–2 years after the law takes effect);
- b. the development of a regulatory risk matrix, which identifies potential disharmony, conflicts of authority, and implementation barriers.

These clauses establish monitoring as a legal obligation, not merely a policy option. Thus, every law possesses an internal corrective mechanism that enables periodic evaluation of the effectiveness of legal norms, the consistency of regulations, and their impact on government administration and societal life.

3.3.3. Enactment and Initial Implementation Phase

After a law is enacted, monitoring is conducted directly through a continuous, data-driven implementation oversight mechanism. This phase is critical because the effectiveness of a law can essentially only be tested once its provisions begin to be applied in the practice of governance and in society. These monitoring mechanisms are carried out through:

- a. the integration of national legal information systems, such as the National Legal Documentation and Information Network, to track the development of implementing regulations, changes in legal norms, and court rulings;
- b. data-driven monitoring dashboards, which include periodic performance indicators (quarterly or semiannual);
- c. as well as periodic implementation reports submitted by the relevant ministries and agencies to the House of Representatives (DPR).

At this stage, monitoring does not wait for years but is conducted from the very beginning of implementation to quickly detect anomalies. With this approach, potential regulatory disharmony, administrative barriers, and ineffective norms can be identified earlier, allowing for corrective measures to be taken before they cause broader impacts on the legal system and society.

3.3.4. Periodic Evaluation Stage

Evaluations are conducted in accordance with the provisions set forth in the law, ensuring that the review process has a clear legal basis and timeline. This evaluation phase is aimed at assessing the extent to which the law has achieved its intended objectives and identifying various issues that arise during implementation. The evaluation mechanism is carried out through:

- a. the collection of empirical data through surveys, statistics, and implementation reports;
- b. multidimensional analysis (legal, sociological, administrative);
- c. and the preparation of a comprehensive evaluation report by the DPR's Expert Committee.

The results of this evaluation are then submitted to the DPR's Legislation Committee to serve as the basis for subsequent legislative decision-making. Through this mechanism, evaluation functions not only as administrative documentation but

also as an instrument of evidence-based legislation capable of supporting the formulation of legal policies that are more adaptive, responsive, and focused on regulatory quality.

3.3.5. Follow-Up Phase

Monitoring results should not end as mere reports; rather, they must be fed back into the legislative system as the basis for improving and refining regulations. The follow-up phase is a crucial step in ensuring that evaluations have tangible consequences for national legal policy, rather than merely becoming part of administrative records. Such follow-up is carried out through;

- a. recommendations for the revision or repeal of laws;
- b. proposals for inclusion in the next priority legislative program
- c. and adjustments to implementing policies by the government.²⁴

This mechanism creates a feedback loop, in which each law is continuously improved based on actual implementation data. Thus, the legislative system is not only oriented toward the creation of new regulations but also toward the ability to continuously correct, harmonize, and refine legal norms in accordance with evolving societal needs and the dynamics of the state.

In the proposed restructuring design, the primary authority for evaluating laws rests with the DPR's Legislative Body, which represents the legislative and oversight functions. The DPR's Expert Committee acts as the technical unit responsible for conducting empirical analyses and preparing evaluation reports. Meanwhile, ministries or government agencies are tasked with providing implementation data, performance indicators, and reports on the enforcement of laws. With this division of responsibilities, the substantive evaluation function remains within the legislative branch, thereby avoiding any overlap of authority with the executive branch, which is fundamentally responsible for implementing laws.

4. Conclusion

Based on the research findings, the mechanisms for monitoring and reviewing laws in Indonesia are still not optimal because monitoring tends to be administrative, ex post, and has not been systematically integrated into the legislative process. In the implementation of the 2019–2024 National Legislation Program (Prolegnas), a gap was identified between the normative design and empirical practice. This is evident in the absence of a structured monitoring framework for laws resulting from Prolegnas, while regulatory changes continue to occur repeatedly across various strategic sectors without comprehensive evaluation. These conditions indicate that the monitoring function has not yet served as an instrument for controlling the quality of legislation based on evidence-based legislation. Therefore, it is necessary to reconstruct the mechanisms for

²⁴ Erlan Suwarlan, *Proses Legislatif di Indonesia*. Purbalingga: Eureka Media Aksara, 2026. hlm. 14.

monitoring and reviewing laws in an integrated manner, from the planning, deliberation, and implementation stages through periodic evaluation to legislative follow-up. This restructuring is carried out through the establishment of regulatory performance indicators, evaluation clauses in laws, data-driven monitoring, and the strengthening of the functions of the DPR's Legislative Body and Expert Body. Thus, the national legislative system is expected to be oriented not only toward the formulation of regulations but also toward the continuous evaluation and improvement of regulations.

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