

Academic Manuscript in the Formulation of Nagari Rules

Artha Dini Akmal^{1(*)}, Pratiwi Nurhabibi²

¹Department of Public Administration, Universitas Negeri Padang, Indonesia

²Department of Public Administration, Universitas Negeri Padang, Indonesia

(*)✉ (e-mail) arthadiniakmal@fis.unp.ac.id

Abstract

Based on the research of Artha Dini Akmal, et al in Kenagarian Salimpaung on the model of Nagari regulation formulation in the scope of Nagari Government in 2018, found the fact that there were some difficulties of the Nagari regulators in making the formulation of Nagari regulations, one of which was in formulating Academic Manuscripts. Academic Manuscript is one of the important steps in formulating the Nagari regulations. This happened also in the Salimpaung sub-district, precisely in Nagari Situmbuk and Tabek Patah, this Nagari government often experienced difficulties in formulating Nagari regulations because it did not understand the steps in formulating Nagari regulations in this case related to the formulation of academic texts. This has an impact on the quality and quantity of the Nagari regulations made by the Nagari. With the problems associated with the formulation of the Nagari regulations, we from the service team offered a solution by providing training related to the making of the academic paper. With this training, it is hoped that the Nagari government can increase its capacity in formulating Nagari regulations and the apparatus involved in formulating Nagari regulations can better understand how to make and formulate Nagari regulations properly. This service activity has been carried out beginning with the provision of material related to how to make academic texts, what matters need to be prepared in making academic texts and then to do simulations or direct training with examples of draft regulations that already exist in the village. This activity was attended by all actors involved in the formulation of Nagari regulations namely Walinagari and its staff, BPRN and, KAN.

Keywords: public policy, Nagari regulation, academic paper, Nagari government

Introduction

Nagari is the smallest government in the Province of West Sumatra, Nagari Government in its implementation is the same as the Village Government. Nagari's name was changed from the Village when regional autonomy in Indonesia was strengthened, as a result of the Reformation that took place in Indonesia in 1999. Law Number 22 of 1999 Concerning Regional Government and Law Number 6 of 2014 concerning Villages, has become the basis for change. the smallest Government system in West Sumatra from the Village Government to the Nagari Government (Undang-Undang Nomor 22 Tahun 1999 Tentang Pemerintahan Daerah, 1999), (Undang-Undang Nomor 6 Tahun 2014 tentang Desa, 2014). In its implementation, until now the Nagari Government still refers to the Village Law. The difference is in the administration of Nagari governance there are elements of adat in every aspect of its administration. This background is due to the Minangkabau culture which is very thick in West Sumatra, so the stakeholders want to make the Nagari government system by the customary directives or at least not leave the adat in the administration of government.

West Sumatra Province Regional Regulation No. 2 of 2007 concerning the Nagari Administration regulates how the Nagari Government works. Including the Nagari Government's duty in making policies. Policies issued by the Nagari government are called Nagari Regulations (Peraturan Daerah Provinsi Sumatera Barat Nomor 2 Tahun 2007 Tentang Pokok - Pokok Pemerintahan Nagari, 2007). James A. Anderson defines public policy as "a purposive course of action followed by an actor or set of actors in dealing with a problem or matter of concern"(Anderson, 1970). The making of Nagari

regulations is the same as the way to refract public policy in general. Nagari regulations are also made to overcome the problems that occur in society. Therefore public policy has the objective as "a continuum of government intervention for the benefit of people who are powerless in society so that they can live and participate in government" (Keban, 2004).

In the stages of its implementation, the policy can be divided into 3 major study points, namely formulation, implementation and, evaluation. Dunn (2003) explains the public policy process, there are 3 major stages in making public policy, namely formulation, implementation and, evaluation. Policy formulation is the initial stage in the process of making public policy, this formulation process requires careful attention because the success or failure of a policy is largely determined by the process of formulating this policy. This stage of the formulation is crucial because the problems that must be resolved by the public policy are identified and examined in the formulation process. To prepare the formulation of public policy an academic text is needed.

Academic texts, according to Jimly Asshiddiqie, stated that academic texts are academic draft texts arranged as the results of academic activities by the principles of rational, objective, and impersonal critical science (Asshiddiqie, 2007). Whereas according to Law number 12 of 2011 academic texts are the results of research or legal studies and other research results on a particular problem that can be scientifically justified regarding the regulation of the problem in a draft law.

The making of academic texts is often the obstacle in formulating policy. Moreover, this policy was made by the smallest government administration body, the Nagari government. This academic paper is not required to exist in making policy. But to make good public policy, of course, must pay attention to academic texts. Constraints in making academic texts are increasingly felt by human resources who do not work in the field of public policy making professionally. The policy at the Nagari level was formulated by Bamus as the legislative body of the Nagari government the members of this Bamus were not professionals in making policies.

With so many things that must be considered by the Nagari in making policies, of course, the human resources needed in making policies must also understand by making the policy itself. Based on the results of Artha Dini Akmal's research, et al on the Public Choice Approach in the Public Policy Formulation in Nagari Government(Case Study of Nagari in Salimpaung Subdistrict, Tanah Datar District) found the fact that almost all the Nagari in Nagari regency did not have a Nagari regulation in 2017 and 2018. Nagari regulation is a tool used by the government in accommodating the aspirations of its people. Therefore the existence of Nagari regulations is very important to meet the needs of the local community.

The results of the study also revealed that there were some Nagari who had problems in formulating the Nagari regulations, they said that they were constrained in matching the regulations made with the policies that were above them. According to the Nagari, their Nagari regulation texts are often returned by the sub-district because of this. This happens because the actors in making policies are not yet too well-versed with the stages and processes in formulating policy. Academic texts will help policymakers to formulate policies more practically and by needs, including in determining the legal basis of the regulation. Academic texts are the beginning of formulating policies, therefore here we intend to provide knowledge to the actors of Nagari regulators in formulating the academic manuscripts.

By not understanding the apparatus of the Nagari in making this academic paper, it is very much needed training in making academic manuscripts as the beginning of making a Nagari regulation. Of the problems that occur in the Nagari government, it becomes a very interesting spotlight because the Nagari government is the smallest and has the task of making regulations as well. Nagari government is the government that is closest to the community, therefore the regulations made should be able to help the community and facilitate the community.

It is hoped that the holding of this training will create good human resources in making Nagari regulations. From the research results of Artha Dini Akmal, et al there are 2 Nagari who have tried to formulate the Nagari regulations namely Situmbuk Nagari and Tabek Patah Nagari. Their constraints are the same, namely in the formulation of academic texts. This training on making academic texts will be followed by actors involved in the formulation of the Nagari regulations namely the Nagari government, KAN and, Bamus / BPRN. By providing them with good knowledge, it is hoped that the Nagari regulations that are made will also be good.

Method

The approach method offered to support the realization of the Community Empowerment (PKM) program organized by the Team of Servants from the Department of Administrative Sciences of the State University of Padang is the "participatory training approach method". This method is based on participatory principles by emphasizing the principle of participation of all trainees to achieve the goals and objectives that have been determined. This training phase begins with setting training objectives and then followed by filling in training materials to provide the expected results. However, besides that several techniques are also used in this training, including the following:

Game. Carried out to build an atmosphere that is always fresh in training, overcoming boredom and fostering new awareness of understanding the concepts of making Nagari Rules and Academic Manuscripts. Case study. Conducted to review cases faced by trainees in the field to discuss how to solve the problems they often encounter. Practice and Demonstration. It is a process of one indicator of the procedural ability (skills) of trainees in absorbing the material provided. This practice is carried out for the material for the formulation of Nagari regulations on Nagari Ramag Anak. Brainstorming. It is a process of gathering ideas together and making an inventory of the ideas put forward. Brainstorming is carried out to improve the ability to formulate Nagari Regulations and Academic Manuscripts. Discussion. It is a process undertaken to discuss the problems encountered in formulating Nagari Regulations and Academic Manuscripts. Lecture. Done to provide material relating to the formulation of Nagari Regulations and Academic Manuscripts.

Results and Discussion

Community service is an obligation carried out by a lecturer, whose purpose is to apply knowledge in tertiary institutions to be useful for the general public. These community service activities focus on the development of knowledge mastered in tertiary institutions and taught to the community so that capacity building occurs among the community. This dedication activity takes the theme of making academic texts that are useful for the Nagari government to make Nagari regulations. During this time the village government is difficult to formulate regulations outside of routine rules. Nagari government is constrained when formulating draft regulations. Therefore academic texts are needed to facilitate the village government in formulating village regulations.

This service was carried out in two villages, Tabek Patah and Nagari Situmbuk, Salimpaung Subdistrict, Tanah Datar District. This activity was divided into 2 days in a different village, in Tabek Patah Village which was held on August 30, 2019. This activity presented the village equipment involved in the formulation of village regulations. The activities that have been carried out are attended by 20 Nagari governments consisting of Nagari guardians and Nagari secretaries, Nagari instruments, BPRN members and KAN members and other elemental institutions involved in the formulation of Nagari regulations.

While the activities in Nagari Situmbuk were carried out on September 11, 2019, which was also attended by around 20 people consisting of Walinagari and Nagari secretaries, BPRN members, KAN members and, other elemental institutions. This activity was attended by participants very well and provided new knowledge for participants, so many participants did not know that in making Nagari regulations it was necessary to formulate an academic paper first. Although in making a regulation of

a village it is not always necessary to make an academic paper first, formulating an academic text is very helpful in making a village rule.

The material presented is related to the urgency of why this academic text is needed in making Nagari regulations. Furthermore, in this activity, a simulation of making academic texts is conducted. Participants were given a job sheet about making academic texts. Looking at the conditions while in the field, it was known that the participants had never made an academic paper before. This simulation closes with a joint conclusion conducted.

Academic Manuscripts are Manuscripts that can be scientifically justified regarding the conception that contains the background, the purpose of the preparation, the goals to be realized and the scope, scope, objects or direction of the draft regulations. The contents of the academic manuscript are based on the Academic Manuscript Formulation Guidelines for the Drafting of the Law on the Expertise of the Republic of Indonesia Representative Body namely:

Introduction (Background, Identification of Problems, Purpose and, Use of NA Compilation, NA Compilation Method). The background in the preparation of this academic paper contains the urgency of why the need for the preparation of Academic Manuscripts in making regulations. The contents of this background will later contain the problems faced today, a statement of the need for a legal solution to resolve the issue. Problem identification Identification of the problem in the NA guideline is the same as making a problem statement in general, namely made in the form of questions related to the problem being faced. The purpose and use of the preparation of NA is adjusted to the scope of the problem that will be explained in NA, first, to know the development of theory and empirical practice of the law material; second, evaluating and analyzing laws and regulations related to the substance of the Act; third, formulating the philosophical, sociological, and juridical basis of the Act, and fourth, formulating targets to be realized, the direction and extent of the regulation, and the scope of the contents of the Law. NA preparation method The preparation of NA is done by the method of data collection and data analysis. The data required can be in the form of primary data and secondary data. Primary data is data obtained directly from the first source. Meanwhile, secondary data is data obtained from the results of library research, which consists of primary legal materials, secondary legal materials, and tertiary legal materials. The method of data collection was carried out qualitatively through library/literature studies, workshops, focus group discussions (FGD), panel discussions, seminars, and interviews.

Theoretical study and empirical practice This study contains various theories and conceptual frameworks related to the substance or content that will be regulated in law. The theoretical and conceptual framework will become a benchmark for the new system as outlined in the Act. Theory (expert opinion) and conceptual framework are placed as a source of the new law that will be outlined in the Act. Study of Principles / Principles Relating to Norm Setting This study analyzes the determination of principles by taking into account various aspects of life-related to the Act to be formed. The principles/principles contained and stated in NA are the basic values in the scope of regulation. Also, the principles/principles are universal and relevant to the issues in the Act to be formed. Study of Organizational Practices, Existing Conditions, Problems Faced by Communities, and Comparison with Other Countries Studies of implementation practices, existing conditions, problems faced by the community are a description of empirical facts about the development of problems and needs that occur in society. Empirical facts can be obtained from primary data through field data collection. This study becomes important about the sociological foundation of the formation of the Act. Study of the Implications of Implementing a New System to be Regulated in the Law on the Aspects of Community Life and Its Impact on the State Financial Burden Aspect An assessment of the implications of implementing a new system can be carried out using the Regulatory Impact Assessment instrument to analyze the impact of a regulation and assist policymakers to determine which alternative is best by estimating the costs to be incurred and the benefits obtained (Cost and Benefits Analysis) if a regulation is implemented. In this section mapped positive aspects and negative aspects that may arise

Evaluation and analysis of laws and regulations Evaluation and analysis of related laws and regulations is a part that will determine the juridical arguments for the formation of law. Evaluation and analysis of relevant laws and regulations contribute to the harmonization, stabilization, and rounding up conceptions of the new law with the 1945 Constitution of the Republic of Indonesia (1945 Constitution of the Republic of Indonesia) and other laws. This evaluation and analysis aim to find out the legal conditions or regulations that govern the substance or material to be regulated. Evaluation and analysis of related laws and regulations also aim to avoid that laws and regulations do not conflict and overlap so that the laws and regulations can provide legal certainty.

Evaluation and analysis of laws and regulations are carried out by describing the existing laws and regulations related to the substance of NA. The description starts with the provisions in the body of the 1945 Constitution of the Republic of Indonesia and other laws that are ordered based on the latest enactment year. If the draft law is amendment or amendment law, the amended or replaced law will still be evaluated and analyzed because the amended law will continue to apply and become part of the legislation. If the amendment to the Act to accommodate the Constitutional Court's Decision, the essence of the Constitutional Court's Decision is included in the evaluation and analysis of the Act to be amended or replaced. Evaluation and analysis are carried out by looking for important issues and explaining their relevance to the existing laws and regulations 17. Every evaluation and analysis must have a conclusion (closing statement) regarding the interrelation. The results of the evaluation and analysis of relevant laws and regulations will contribute to the formulation of the philosophical and juridical basis for the formation of the draft law in Chapter IV NA.

Philosophical, sociological and juridical foundations, Philosophical are considerations or reasons that illustrate that the Laws are formed considering the view of life, awareness, and legal ideals which include the atmosphere of mysticism and the philosophy of the Indonesian people which originate from the Pancasila and the Preamble to the 1945 Constitution of the Republic of Indonesia. The philosophical foundation is a combination of the substance of Chapter II and Chapter III, especially the philosophical foundation related to the provisions in the 1945 Constitution of the Republic of Indonesia. The philosophical foundation will be the basis in compiling one of the considerations (philosophical elements) in the established Law.

The Sociological foundation is a consideration or reason that illustrates that the law was formed to meet the needs of the community in various aspects. The real sociological foundation involves empirical facts about the development of problems and the needs of society and the state. The sociological foundation is sourced from the substance which has been described in Chapter II. The sociological foundation will be the basis in compiling one of the considerations (sociological elements) in the established law.

Juridical Basis Juridical foundation is a consideration or reason that illustrates that regulations are formed to overcome legal issues or fill the legal vacuum by considering existing rules, which will be amended, or 33 that will be revoked to ensure legal certainty and a sense of community justice. A Juridical basis involves legal issues related to the substance or material that is regulated so that new legislation needs to be formed. Some of these legal issues include outdated regulations, regulations that are not harmonious or overlapping, types of regulations that are lower than the law so that the force is weak, the rules are already there but inadequate, or the regulations do not yet exist. A juridical foundation comes from the substance of legal analysis and evaluation in Chapter III. The juridical basis will be the basis in compiling one of the considerations (juridical element) in the law that is formed.

The scope, direction and, scope of the material contained in the law. The scope and direction of the NA Arrangement ultimately function to direct the scope of the content of the draft bill to be formed. The hallmark of NA with general scientific documents lies in Chapter IV and Chapter V, namely the chapter on philosophical, sociological and juridical bases as well as Chapter V regarding the scope, direction of regulation, and the scope of the contents of the Law. Chapter I, Chapter II, and Chapter III still have in common with reports on research findings in general. Scope of Law Material Content In

line with the direction of regulation, the draft law contains material content based on the matters described in Chapters I through Chapter IV NA. The description of the scope of material content includes general provisions, material to be regulated, sanctions provisions, and transitional provisions.

After the presentation of the material from the two presenters was completed then a simulation was made related to making academic texts. Specifically, in Nagari, Situmbuk, the Nagari government requested to dissect a draft of the Nagari regulation they had made. They asked whether the draft regulations they made were by the rules of making academic texts or not.

From the results of discussions and simulations related to the dissection of their draft Nagari regulations, several errors were found in their draft Nagari regulations, ranging from typos to formulating considerations that were not quite right. After being given input to the draft Nagari regulations that they made, this activity also ended.

Participants felt greatly helped by the holding of this activity, those who previously made Nagari regulations without good guidelines, now have guidelines in formulating Nagari regulations through the knowledge that the team of devotees shared with participants regarding the making of this academic paper. The participants of this dedication also felt very compelled and grateful for giving them knowledge in making Nagari regulations which later would be very useful for participants in formulating Nagari regulations.

Conclusions

From the activities that have been carried out, it can be concluded that the service activities related to making academic texts are indeed very much needed by the Nagari government in making it easier to make Nagari regulations. Many Nagari governments now collide with Nagari regulation-making, eventually, Nagari governments are unproductive in producing Nagari regulations. There are even Nagari governments that do not routinely issue regulations, but there are many problems in their Nagari that must be resolved by Nagari regulations.

Academic texts can be a guideline in making regulations, although in making Nagari regulations academic texts are not required in Tanah Datar District, these academic texts are very helpful for decision-makers in formulating policy. Academic texts can serve as guidelines and benchmarks so that the rules made are consistent with the problem to be solved.

With the activities that have been running in the two Nagari, the participants were very satisfied and grateful for gaining knowledge about the making of the Nagari regulations, especially for the preparation of this academic paper. Participants also hoped that this activity would become an ongoing activity so that they could always be guarded in making village regulations.

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