

**CONFIGURATION OF CONTENT MATERIALS ON REGIONAL  
REGULATIONS ON REGIONAL RESEARCH**

**KONFIGURASI MATERI MUATAN PERATURAN DAERAH  
TENTANG RISET DI DAERAH**

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**ABSTRACT**

The strengthening of the national research system after the promulgation of Law Number 11 of 2019 concerning the National System of Science and Technology (UU Sisnas Science and Technology) requires that the research and innovation system be strengthened in the regions. Legal instruments in the form of regional regulations have an urgency to ensure the sustainability of the research and innovation ecosystem and are also strengthened in the regions. Therefore, the content of regional regulations on research needs to be well formulated so that the content material is not only a copy of the National Science and Technology Law but can adapt to regional conditions, needs, and ongoing conditions.

**Keywords : Local Government; Regional Regulations; Research**

**ABSTRAK**

*Penguatan sistem riset nasional setelah diundangkannya Undang-Undang Nomor 11 Tahun 2019 tentang Sistem Nasional Ilmu Pengetahuan dan Teknologi (UU Sisnas Iptek) menghendaki agar sistem riset dan inovasi juga menguat di daerah. Instrumen hukum dalam bentuk peraturan daerah dalam menjadi memiliki urgensi untuk menjamin keberlangsungan ekosistem riset dan inovasi juga menguat di daerah. Karenanya, materi muatan peraturan daerah tentang riset perlu dirumuskan dengan baik sehingga materi muatannya tidak sekadar menjadi salinan UU Sisnas Iptek namun dapat menyesuaikan dengan kondisi daerah, kebutuhan, serta kondisi yang sedang berjalan.*

*Menggunakan metode penelitian hukum normatif dengan pendekatan peraturan perundang-undangan, artikel ini berupaya memberikan konfigurasi peraturan daerah tentang riset. Beberapa hal yang dapat dikonfigurasi yakni materi yang telah diberikan kewenangannya oleh UU Sisnas Iptek, pengaturan mengenai bank data hasil riset, kebijakan evidence based policy, pelaksanaan riset darurat, serta pendanaan riset dalam APBD.*

**Kata Kunci : Pemerintah Daerah; Peraturan Daerah; Riset**

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## **I. INTRODUCTION**

Strengthening regional autonomy that has been practiced in Indonesia through the momentum of reform, requires government power that is not centralized. Therefore, local government institutions are encouraged to carry out authorities that previously tended to be co-opted by the central government. Several reasons that emerged in supporting this decentralization include preventing the accumulation of power on one side (in this case the central government), efforts to democratize the people to participate in government, achieve government goals efficiently, pay attention to the specificity of a region, and encourage local government. to do more development. One of the consequences of this decentralized system is the strengthening of space for local governments to form local legal products. This is indicated by the matrix of the division of authority between the central government, provincial government, and district/city government in Law Number 23 of 2014 concerning Regional Government which is made in detail.

Regional legal products that are emphasized and will be discussed in this paper are regional regulations (perda), because of the mention of the nomenclature of Regional Regulations in the hierarchy of laws and regulations. The correlation between the discourse on the formation of regional regulations from Law Number 11 of 2011 concerning the Formation of Legislation and Law Number 23 of 2014 concerning Regional Government lies in the matter of what authorities are possessed by regions which can then be regulated in regional regulations. In practical developments, a model for the formation of regional regulations was found that uses the main reference matrix for the distribution of authority between the central government, provincial regional governments, and district/city regional governments. The content material, which is more specific to a regional regulation, will then be elaborated in accordance with sectoral laws and regulations. <sup>1</sup>

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<sup>1</sup> Rudy, et.al (2018) *Model Social Justice Assement dalam Pembentukan Peraturan di Daerah. Bandar Lampung: AURA Publishing, 27.*

the formation of regional regulations was found that uses the main reference matrix for the distribution of authority between the central government, provincial regional governments, and district/city regional governments. The content material, which is more specific to a regional regulation, will then be elaborated in accordance with sectoral laws and regulations.<sup>2</sup>

This paper will focus on reviewing the configuration of research system regulatory materials into regional regulations. The discussion on the configuration of the research system in regional regulations is interesting to discuss because the research nomenclature itself is not explicitly stated in Law Number 23 of 2014 in the division of authority between governments, but becomes one of the authorities of local governments through Law Number 11 of 2019 on the National System of Science and Technology. This means that in the process of drafting a regional regulation regarding the research system, caution is required and cannot be done only with a template or copy paste of the Law on National Science and Technology Sciences because most of the material contained in the National Science and Technology Law cannot be transplanted into a regional regulation.

## **II. METHOD**

This article was written using a normative legal research method with a statute approach. This paper attempts to describe the configuration of research system settings that can be adopted into local regulations. Materials The data sources used in this paper are primary legal materials and literature review. In the context of an example of a regional regulation on research using Lampung Provincial Regulation Number 6 of 2021 concerning Regional Research and Innovation proposed by the Lampung Provincial Government and discussed in 2020 where the authors are involved in the preparation of the academic manuscript.

## **III. ANALYSIS AND DISCUSSION**

### **a. Research Definition Framework in Legislation**

Before discussing in detail about research arrangements in regional regulations, it is necessary to have a common understanding in the use of research terms as used in this article. If you search the Science and Technology National System Law, you can't find research as a nomenclature in general provisions. The research phrase was only found 3 (three) times to refer to the institutional entity of the national research and innovation agency, with the writing not using capital letters, so it does not become a definition. The National Science and Technology Law itself uses a research nomenclature, as regulated in Article 1 point 6. However, the phrase Research in the Science and Technology National Science Law is mostly in tandem with the phrases Development, Assessment, and Application.

In the context of practice, research and research are often considered the same term. This is understandable because from a language perspective, two synonymous terms are often found. However, in the perspective of the

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<sup>2</sup> Swari, S. W. Y., Mansur, M., & Wijaya, A. A. M. (2019). Pelaksanaan Fungsi Legislasi Dewan Perwakilan Rakyat Daerah (DPRD) Kabupaten Buton Utara Terhadap Pembuatan Peraturan Daerah Tahun 2015-2018. *Kybernan: Jurnal Studi Kepemerintahan*, 4(1), 39-52. <https://doi.org/10.35326/kybernan.v4i1.310>

formation of laws and regulations, the use of a term must be carried out consistently and consistently. To achieve this, it can be done in at least two ways, firstly through searching in so many laws and regulations to obtain benchmarks. Second, if the first method does not work because benchmarks are not found, then the consensus of the legislators in choosing terms and definitions can be carried out, of course with due regard to linguistic rules.

At the time of drafting the Lampung Provincial Regulation on Regional Research and Innovation (medio 2020), the legislation that explicitly defined research was Presidential Regulation Number 38 of 2018 concerning the 2017-2045 National Research Master Plan (Perpres RIRN). Article 1 point 1 of the RIRN Presidential Regulation defines research as research, development, and study of science and technology activities. However, this definition cannot necessarily be used as a reference in defining research into local regulations, because in reality contextual adjustments must be made to the National Science and Technology System Law. The National Science and Technology Law, adds the term application, which is not found in the RIRN Presidential Decree. However, the definition of research as used in the Presidential Regulation on RIRN can be used as a benchmark definition which must then be adjusted to the basic framework of the National Science and Technology Law.

In the preparation of the Lampung Province Regional Regulation Number 6 of 2021 concerning Regional Research and Innovation, the construction of the definition of research was carried out using a mixed model. First, look at the benchmarks in the RIRN Presidential Regulation by adding the phrase implementation into its definition. This is done because if you look at the relationship between research, development, study, and application in the National Science and Technology Law and the construction of the definition of each of the nomenclature,<sup>3</sup> then the phrase research in principle includes all activities of research, development, assessment, and application. It also reached a consensus between the initiator (Lampung Provincial Government), Lampung Provincial DPRD, and the academic drafting team from universities.

The above is then put into practice in Article 1 number 7 of the Lampung Provincial Regulation Number 6 of 2021 concerning Regional Research and Innovation, which defines Research as an activity in the effort to organize science and technology consisting of Research, Development, Assessment, and Application. Through this definitional framework, the term "research" is

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<sup>3</sup> Secara berurutan, definisi penelitian, pengembangan, pengkajian, dan penerapan dalam UU Sisnas Iptek adalah sebagai berikut:

Pasal 1 angka 6: Penelitian adalah kegiatan yang dilakukan menurut metodologi ilmiah untuk memperoleh data dan informasi yang berkaitan dengan pemahaman tentang fenomena alam dan/atau sosial, pembuktian kebenaran atau ketidakbenaran suatu asumsi dan/atau hipotesis, dan penarikan kesimpulan ilmiah.

Pasal 1 angka 7: Pengembangan adalah kegiatan untuk peningkatan manfaat dan daya dukung Ilmu Pengetahuan dan Teknologi yang telah terbukti kebenaran dan keamanannya untuk meningkatkan fungsi dan manfaat Ilmu Pengetahuan dan Teknologi.

Pasal 1 angka 8: Pengkajian adalah kegiatan untuk menilai atau mengetahui kesiapan, kemanfaatan, dampak, dan implikasi sebelum dan/atau sesudah Ilmu Pengetahuan dan Teknologi diterapkan.

Pasal 1 angka 9: Penerapan adalah pemanfaatan hasil Penelitian, Pengembangan, dan/atau Pengkajian Ilmu Pengetahuan dan Teknologi ke dalam kegiatan perkerjasama, inovasi, dan/atau difusi Ilmu Pengetahuan dan Teknologi.

bridged as part of the national system of science and technology. In addition, the use of research terms makes the title more concise without obscuring the substance of the regulation.

**b. Konfigurasi Peraturan Perundang-undangan dan Materi Muatan dalam Peraturan Daerah tentang Riset**

In the preparation of a Draft Regional Regulation on Regional Research and Innovation, there are at least 2 (two) laws that are synchronized, namely, first, Law Number 23 of 2014 concerning Regional Government, and second, Law Number 11 of 2019 concerning the National Science and Technology System, as well as of course the 1945 Constitution of the Republic of Indonesia as its fundamental norm. The explanation of the laws and regulations that form the basis for or at least relate to the said draft regulation is explained in the section below:

- 1) Article 18 paragraph (6) of the 1945 Constitution of the Republic of Indonesia

This article is the basis for the regional government's constitutional authority in terms of forming regional regulations. This constitutional norm in the context of the formation of regional regulations, both provincial and district/municipal, must be included because it is the basis for the highest authority of the regional regulations themselves. Law Number 12 of 2011 concerning the Establishment of Legislation also provides an order for the inclusion of this constitutional norm. However, this constitutional norm will only enter on the basis of weighing, and will not enter into the norm of article by article.

- 2) Law Number 23 of 2014 concerning Regional Government

The Law on Regional Government with all its amendments will be the basis for sweeping the authority between governments, both in the body norms and in the matrix of distribution of authority.

The Regional Government Law gives a portion to Regional Innovation rather than research, namely in Chapter XXI on Regional Innovation Articles 386-390. The content of the Regional Government Law was later revealed to be in Government Regulation Number 38 of 2017 concerning Regional Innovation. The provisions in the Regional Government Law that will be adopted into the regional regulation on the regional research and innovation system include, among others, the objectives/orientation for implementing regional innovations (Article 386); and the proposer/initiator of regional innovation (Article 387).

- 3) Law Number 11 of 2019 concerning the National System of Science and Technology

The Sisnas Law will become a *lex specialis* law, especially in the regulation of the research system. This is due to the fact that the Regional Government Law does not provide a portion or mention of research in its regulation. In addition to being adopted into general provisions, the contents of the National Sisnas Law which will be revealed in the Raperda on the research system, include:

- 1) Dissemination and publication of research (Article 20);
- 2) Intellectual property and protection against it (Article 22);

- 3) Increasing the capacity of human resources in the field of research (Article 50);
- 4) Guidance (Article 79);
- 5) Policy instruments (Article 80).

Dissemination and publication of research in Lampung Provincial Regulation Number 6 of 2021 seeks to present the concept of research-based policy as regulated in the National Science and Technology System Law. Through Articles 13 and 14, local governments have access to research related to regional policies, including in development planning and evaluation of regional development programs.

Apart from the regulations which are derived from the Law on National Science and Technology above, there is also a policy of providing data banks for research results in the regions, and secondly, the establishment of a policy of research endowments in the regions. The provision of research data banks is intended to integrate the results of research conducted by regional officials. Regional apparatuses also carry out research activities, both directly and in collaboration with other parties. However, the results of such research are often not accommodated so that in the preparation of further research, data or findings that have been previously found cannot be referred to.

A simple example of research that is actually often carried out by regional officials is, for example, the preparation of an academic text on a proposed regional regulation draft. This academic paper, in the context of Law Number 12 Year 2011 concerning the Establishment of Legislation Regulations is defined as “the results of research or legal studies and other research results...”. Therefore, academic papers are principally a product of research, regardless of whether the proposed draft regulation is approved or not. The practice that then occurs is that each regional device stores individually or is not integrated, so the possibility of data loss is very large. In addition to academic texts, regional apparatus in their budget ceilings also often have study activities, both general-thematic in nature according to the field of regional apparatus and regional policy studies. The practice that has been carried out so far is the same as the practice of managing academic manuscripts when the academic manuscript is completed.

The development of a documentation database of research results, in addition to being useful as data that can be referred to for further research, in this case will be able to provide certainty for the commitment of regional officials and third parties in carrying out their research activities, avoiding mediocre research and neglecting quality. research results.

The preparation of the Lampung Provincial Regulation Number 6 of 2021 concerning Regional Research and Innovation which was carried out during the Covid-19 pandemic became an insight to include regulations regarding emergency research. Emergency research is important in an emergency. The emergency in question has various forms and various scales, for example Covid-19 as a pandemic/disease outbreak on a national scale. It is possible that in the future there will be an emergency in the form of an epidemic or non-epidemic on a national scale or only in areas that require research to

resolve. Therefore, the regulation on emergency research can be adopted into a regional regulation.<sup>4</sup>

Another important thing to be regulated in a regional regulation on research is funding. In the process of discussing the list of problems in the inventory of Lampung Province Regional Regulation Number 6 of 2021 concerning Regional Research and Innovation, it is proposed to include the arrangement of a "research endowment fund" to ensure sustainable research funding. However, until now there is no regulation in the law that requires research budgeting in regulations that are mandatory/absolute, so that the norming in local regulations ultimately uses standard clauses..<sup>5</sup> Nevertheless, the inclusion of the standard clause is in principle sufficient to ensure that research funding will be included in the APBD.

#### **IV. CONCLUSION**

Research has an important urgency in development, so that policy-making by the Government, including local governments, should ideally be based on or at least consider the results of research. The regulation of the Research system in Regional Regulations is one of the efforts to mainstream research-based policies. The Regional Regulation has a strong foundation, namely Law Number 23 of 2014 concerning Regional Government and Law of the Republic of Indonesia Number 11 of 2019 concerning the National System of Science and Technology.

The configuration settings that need to be raised in the Perda on research are those given the authority in the National Science and Technology Law, including dissemination and publication of research results, intellectual property and protection of it, capacity building of human resources in the field of research, and development. Regulations that can be raised apart from being normative or derived from the National Science and Technology Law, ideally also prioritize regulatory reforms, such as the provision of a data bank for research documentation and the certainty of budgeting research funds in the APBD. In addition to considering the specificity of the region, the regulation of regional regulations can also consider existing conditions so that there is an enrichment of the content of the regulatory content in the regional regulations.

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<sup>4</sup> Pasal 21 Perda Provinsi Lampung Nomor 6 Tahun 2021 tentang Riset dan Inovasi Daerah:

- (1) Dalam keadaan darurat, Pemerintah Daerah melalui Badan dapat melaksanakan Riset darurat.
- (2) Riset dalam keadaan darurat sebagaimana dimaksud pada ayat (1) dilaksanakan dengan tujuan mengatasi keadaan darurat yang terjadi.
- (3) Ketentuan lebih lanjut mengenai Riset darurat diatur dalam Peraturan Gubernur.

<sup>5</sup> Klausula baku pendanaan yang digunakan dalam Perda Provinsi Lampung Nomor 6 Tahun 2021 tentang Riset dan Inovasi Daerah tercantum dalam Pasal 32, yakni:

- (1) Pendanaan Riset dan Inovasi Daerah bersumber dari:
  - a. Anggaran pendapatan dan belanja daerah; dan/atau
  - b. Sumber lain yang sah dan tidak mengikat sesuai dengan ketentuan peraturan perundang-undangan.
- (2) Pemerintah Daerah dan DPRD memperhatikan Rencana Induk Penelitian dan Pengembangan sebagaimana dimaksud dalam Pasal 7 ayat (2) dalam menetapkan anggaran Riset dan Inovasi Daerah dalam APBD.

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