

Techniques in Drafting Contracts

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ABSTRACT: At this time, it appears that there is a lack of discussion of various basic laws, such as civil law, commercial law, criminal law, constitutional law, contract law, and others. Our contract law still uses the regulations of the Dutch Colonial Government contained in Book III of the Civil Code. Book III of the Civil Code adheres to an open system, meaning that parties are free to enter into contracts with anyone, determine the terms, implementation and form of the contract, whether oral or written. This research aims to find out the principles and Pre-Drafting in contract design and the technical stages in contract design.

The research specifications are descriptive in nature using normative juridical research. The approach method used is a statutory approach. Data obtained through document study and analyzed using qualitative methods.

Based on the research results, the first is related to the principles in designing contracts, namely there are two legal principles that must be considered, namely: *beginnselen der contractsvrijheid* or party autonomy, and *pacta sunt servanda*. *Beginnselen der contractsvrijheid* or party autonomy, namely that the parties are free to agree on what they want, provided that it does not conflict with the law, public order and morality. Regarding pre-preparation of contracts, there are four things that must be considered by the parties, namely: Identity of the parties, initial research on related aspects, creation of an MOU, and negotiations. The second research result is that there must be stages in contract design, contract title, opening, related parties, recital, contents of the contract and closing.

KEYWORDS: Contract Planning.

A. INTRODUCTION

The era of reform is an era of change in the life of the nation and state. The era of reform has begun since 1998. The background of the birth of the reform era is the malfunctioning of the wheel of government in the life of the nation and state, especially in the fields of politics, economics, and law. So with the reform, the state administration wants to make radical changes (fundamental) in all three areas. In the field of law, directed to the establishment of new legislation and law enforcement (*law of enforcement*).

The purpose of the establishment of new legislation is to replace the old regulations which are a product of the Dutch East Indies government replaced with new regulations in accordance with the principles of democracy, a sense of justice, and legal culture of Indonesian society. In this reform era has produced many laws and regulations in accordance with the wishes of the people of Indonesia.

This can be seen in Law No. 22 of 1999 on Local Government, Law No. 25 of 1999 on financial balance between Central and Local Government, Law No. 28 of 1999 on the implementation of a clean and Free State from corruption, collusion, and nepotism, law No. 30 of 1999 on arbitration and out-of-court settlement of disputes, Law No. 41 of 1999 on Forestry, and others. The laws that were formed and made in this reform era, the most dominant laws or laws that are sectoral, while the Basic Law (*basic law*) received less attention.

This is evident from the lack of discussion of various basic laws, such as Civil Law, Commercial Law, Criminal Law, Constitutional Law, contract law, and others. Our contract law still uses the Dutch colonial government regulations contained in Book III of the Civil Code. Book III of the civil code adheres to an open system (*open system*), meaning that the parties are free to enter into contracts with anyone, determine the terms, implementation, and form of contracts, both oral and written.

In addition, it is recommended to conclude contracts that are well known in the Civil Code and outside the Civil Code. Contracts that have been regulated in the Civil Code, such as Sale and purchase, exchange, lease, civil partnership, grants, custody of goods, lending and borrowing, granting power of attorney, debt relief, profit-and-Loss Agreements, and peace. Various new contracts such as leasing, sale and rent, franchise, surrogate mother, production sharing, joint venture, and others. Although the contracts have been alive and thriving in society, but the rules in the form of law does not yet exist. It exists only in the form of ministerial regulations.

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Leone Niglia



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Methods of Comparative Law P. G. Monateri,2012-01-01 Comprising an array of distinguished contributors this pioneering volume of original contributions explores theoretical and empirical issues in comparative law The innovative interpretive approach found here combines explorative scholarship and research with thoughtful qualitative critiques of the field The book promotes a deeper appreciation of classical theories and offers new ways to re orient the study of legal transplants and transnational codes Methods of Comparative Law brings to bear new thinking on topics including the mutual relationship between space and law the plot that structures legal narratives identities and judicial interpretations a strategic approach to legal decision making and the inner potentialities of the comparative law and economics approach to the field Together the contributors reassess the scientific understanding of comparative methodologies in the field of law in order to provide both critical insights into the traditional literature and an original overview of the most recent and purposive trends A welcome addition to the lively field of comparative law Methods of Comparative Law will appeal to students and scholars of law comparative law and economics Judges and practitioners will also find much of interest here **Confronting Failures of Justice** Paul H. Robinson,Jeffrey Seaman,Muhammad Sarahne,2024-08-06 Most murderers and rapists escape justice a horrifying fact that has gone largely unexamined until now This groundbreaking book tours nearly the entire criminal justice system examining the rules and practices that regularly produce failures of justice in serious criminal cases Each chapter outlines the nature and extent of justice failures in present practice describing the interests at stake and providing real world examples Finally each chapter reviews proposed and implemented reforms that could balance the competing interests in a less justice frustrating manner and recommends one sometimes completely original reform to improve the system A systematic study of justice failures is long overdue As this book discusses regular failures of justice in serious criminal cases undermine deterrence and the criminal justice system s credibility with the community as a moral authority The damage caused by unpunished crime is immense and even worse falls primarily on vulnerable minority communities Now for the first

time students researchers policymakers and citizens have a resource that explains why justice failures occur and what can be done about them *Confronting Failures of Justice* is accessible for use by college freshman through graduate students and law students and is designed to be main text for a course on justice failures but it could be used in conjunction with other texts in a broad range of courses touching on criminal justice It presents arguments in a highly organized fashion and provides dozens of case studies many with photographs to gain student interest and to bring the academic discussions to life

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Haack,2019-05-02 Code collaboratively with GitHub Once you ve learned the basics of coding the next step is to start sharing your expertise learning from other coding pros or working as a collaborative member of development teams GitHub is the go to community for facilitating coding collaboration and GitHub For Dummies is the next step on your journey as a developer Written by a GitHub engineer this book is packed with insight on how GitHub works and how you can use it to become a more effective efficient and valuable member of any collaborative programming team Store and share your work online with GitHub Collaborate with others on your team or across the international coding community Embrace open source values and processes Establish yourself as a valuable member of the GitHub community From setting up GitHub on your desktop and launching your first project to cloning repositories finding useful apps on the marketplace and improving workflow GitHub For Dummies covers the essentials the novice programmer needs to enhance collaboration and teamwork with this industry standard tool

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