

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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Lei Shi

A red circular graphic with a gradient, appearing as a semi-circle or a partial circle, located to the right of the author's name.

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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

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excludes alternatives challenges the plurality of private laws and entrenches conflicts that pertain not only to form codification de codification recodification but also to dilemmas implicated in determining the substantive orientation of European private law The book investigates the position of the codifiers and their discontents in the shadow of the codification strategy pursued by the European Commission noting a new turn in the struggle over the configuration of private law which has taken place since the Savigny Thibaut dispute of 1814 which this book critically revisits exactly two centuries later This monograph is particularly aimed at readers interested in exploring the complexities and interconnections of the supposedly separate realms of comparative law European law private law legal history constitutional law sociology of law and last but not least legal theory and jurisprudence *The Planners Guide to CommunityViz* Doug Walker, 2017-11-08 What does the future look like Planners wrestle with this question daily as they strive to bring a community s vision of itself to life in all its complexity Here is an authoritative and accessible guide to a tool that combines 3 D visualization data analysis and scenario building to let planners and citizens see the future impacts of a plan or development The Planners Guide to CommunityViz is the first book to explain how to support planning projects with CommunityViz GIS based software that planners around the world are using to help decision makers professionals and the public visualize analyze and communicate about development proposals future growth patterns and the outcome of particular plans or developments It shows the planner which tools and techniques to use and how to use them for maximum effectiveness on planning projects large and small Full of practical examples and case studies the book shows how CommunityViz can enliven the comprehensive planning process from visioning to public participation to values mapping to build out analysis Chapters show how to use CommunityViz to analyze zoning regulations calculate the costs of community services and evaluate development proposals requiring design review In addition it is applicable to transportation planning natural resource planning land development suitability assessment and urban economic development analysis **NBS Special Publication** ,1981 Failures of American Methods of Lawmaking in Historical and Comparative Perspectives James Maxeiner, 2018-03-08 What Americans sought What Americans got deranged laws What Americans can do improve legal methods

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