

Implementation of Regulation of the Minister of Law and Human Rights Number 2 of 2019 Concerning the Settlement of Disharmony of Legislation Through Mediation Against Testing Legislation in Indonesia

Jeane Neltje Saly¹ Tundjung Herning Sitabuana² Rasji³ Nada Dwi Azhari⁴
Faculty of Law, Universitas Tarumanagara, West Jakarta City, Province of DKI Jakarta,
Indonesia^{1,2,3,4}

jeans@fh.untar.ac.id¹ tundjunghidayat@yahoo.com² rasji@fh.untar.ac.id³
nada.azhari28@gmail.com⁴

Abstract

Disharmony of laws and regulations occurs due to sectoral egoism of ministries/agencies in the process of planning and establishing laws. The hierarchy of laws and regulations aims to determine the degree of each in order to create a harmonious system of laws and regulations. But in fact, conflict between laws and regulations is still one of the legal problems in Indonesia that has not been resolved. Another problem lies in the many dispute resolution laws and regulations, namely the many conflicts of norms in the law itself, it is not uncommon for there to even be arrangements under the law that should originate from the law, but instead have conflicting contents. The Birth of Regulation of the Minister of Law and Human Rights No. 2 of 2019 concerning Settlement of Disharmony in Legislation and Regulations is considered as a form of change in seeking alternative settlements outside the court by means of mediation if there is a conflict of norms between laws and regulations. This mediation emerged as an answer to dissatisfaction with resolving normal conflicts through courts which took a relatively long time, required a lot of money, their ability to handle complex cases and the decisions produced by the courts often caused dissatisfaction with the parties. So that raises the problem, What are the factors that prompted the issuance of Minister of Law and Human Rights Regulation No. 2 of 2019 regarding the settlement of disharmony of laws and regulations through mediation? In accordance with the formulation of the problem, the method used in this study is the method of normative legal research. The results of the study show that as a settlement of statutory disputes using the mediation method, there is new hope for the birth of a new institution that can provide a middle way for resolving statutory disputes in Indonesia. However, the delegation of the Ministerial Regulation should be given clear boundaries to avoid overlapping regulations so as not to cause confusion in its implementation.

Keywords: Disharmonies, Legislation, Mediation



This work is licensed under a [Creative Commons Attribution-NonCommercial 4.0 International License](https://creativecommons.org/licenses/by-nc/4.0/).

INTRODUCTION

Amendments to the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the "1945 Constitution of the Republic of Indonesia") which are quite fundamental and change the paradigm of state administration are contained in Article 1 paragraph (2) and paragraph (3) of the 1945 Constitution of the Republic of Indonesia. In Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia it is stated that: "Sovereignty is in the hands of the people and implemented according to the Constitution". Whereas Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia emphasizes that "The State of Indonesia is a State of Law, this provision is an affirmation of the ideals of the founding fathers, that the state of Indonesia that is aspired to is a state based on law (rechtsstaat) not a state based on mere power (machtsstaat), and shows that the existence of law in the country of Indonesia is important, therefore laws need to be made, enacted, enforced, evaluated, and perfected in accordance with developments in legal requirements.

Even though law enforcement has been carried out on the types of laws and regulations, conflicts between laws and regulations are still a "homework" that until now has overshadowed the government. Every year, there are many laws and regulations promulgated by the Ministry of Law and Human Rights (hereinafter referred to as "Kemenkumham"). According to data from the Ministry of Law and Human Rights in 2016 there were 2,699 laws and regulations promulgated, then 2,723 in 2017, and 2,746 regulations in 2017. In the last 3 years, there have been 8,168 new laws and regulations promulgated. Of these figures, ministerial/non-ministerial government agencies/institutions regulations were the most frequently made regulations, namely 6,258.

The large number of laws and regulations that are promulgated each year have both positive and negative impacts. From the positive side, there is a serious government action to guarantee legal certainty to the community. Meanwhile, on the negative side, this has an impact on increasing the possibility of conflicting norms, both vertically and horizontally. Against norms that are vertically contradictory, there are legal rules governing the review of laws and regulations and institutions authorized to review these laws and regulations, namely Article 24A and Article 24C of the 1945 Constitution of the Republic of Indonesia in conjunction with Law No. 48 of 2009 concerning Judicial Power, Law no. 3 of 2009 concerning the Supreme Court, and Law no. 8 of 2011 concerning the Constitutional Court.

After the amendment, the 1945 Constitution of the Republic of Indonesia provides a separate position for the regulatory review mechanism (regeling). The existence of the Constitutional Court (hereinafter referred to as the "MK") as one of the institutions that exercise judicial power provides fresh air in the course of democratic governance in Indonesia. The negative function of the legislator is able to provide a sense of justice in society, it has been proven that during the 15 years since its establishment, the Constitutional Court was considered to have made a good contribution in maintaining the course of democracy in accordance with the constitutional mandate of the 1945 Constitution of the Republic of Indonesia to regulate the authority to review statutory regulations under statutes against statutes. In contrast to the Constitutional Court, the review of regulations at the Supreme Court (hereinafter referred to as "MA") is still unable to satisfy the public's sense of justice and has many records on its implementation. Supreme Court decisions in the 2017-2018 period, there were 164 (one hundred and sixty four) cases of judicial review with details of 40 (forty) cases being granted; rejected 52 (fifty two) cases; unacceptable 72 (seventy two) cases. This indicates that the government still needs special attention in maintaining the quality of its legal products because there are certainly not a few regulations based on the tested laws.

For all these problems, on 12 February 2019 the Ministry of Law and Human Rights issued Regulation of the Minister of Law and Human Rights No. 2 of 2019 concerning Settlement of Disharmony of Legislation through Mediation. Based on this regulation the Director General of Legislation at the Ministry of Law and Human Rights is given the authority to carry out conflict resolution/disharmony in conflicting laws and regulations both vertically and horizontally. This regulation is seen more as an alternative to the judicial review model in the Supreme Court. This is based on the practice of judicial review trials in the Supreme Court which take a relatively long time, require a lot of money, the ability to handle complex cases and the decisions produced by the court often cause dissatisfaction with the parties. Of course, the nature of settling cases at Kemenkumham which is faster, simpler and less costly will benefit the community more.

The existence of a mechanism for resolving conflicts or regulatory disputes outside the court (non-litigation) by mediation has never been known before in Indonesia. The dispute resolution mechanism outside the court that is known is the dispute resolution mechanism

regulated in Law no. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution. Through this law, several alternative dispute resolution models can be identified, such as arbitration, mediation, reconciliation, consultation, negotiation, and expert judgment. However, it should be noted that alternative dispute resolution as stipulated in Law no. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution are efforts that are better known in the realm of private law whose implementation is rarely known in the realm of public law. There are several examples regarding the dispute resolution model in Indonesia which has been integrated with the authority of state institutions and/or courts, namely mediation regulated in the Supreme Court Regulation (hereinafter referred to as "PERMA") No. 1 of 2016, the diversion regulated in Law no. 11 of 2016, and settlement of land disputes stipulated in the Minister of Agrarian Regulation No. 11 of 2016.

Even though Indonesia is actually familiar with the out-of-court dispute resolution mechanism in the realm of public law, if we look again at the mechanism stipulated in Minister of Law and Human Rights Regulation No. 2 of 2019 concerning Settlement of Disharmony of Legislation through Mediation cannot be fully equated with these dispute resolution mechanisms. Juridically, the authority of the Menkumham in organizing conflict resolution mechanisms of laws and regulations through mediation still raises debates in society, both from various professional circles such as legal experts, advocates, lecturers and law students regarding its existence. This is influenced by the capacity of Menkumham as the founder of Ministerial Regulation No. 2 of 2019 concerning Settlement of Disharmony of Legislation through Mediation as an alternative to dispute resolution is considered as if it mixes executive and judicial authorities.

Based on the legal facts above, a problem can be drawn, namely what are the factors that prompted the issuance of Minister of Law and Human Rights Regulation No. 2 of 2019 regarding the settlement of disharmony of laws and regulations through mediation? And how is the implementation of Regulation of the Minister of Law and Human Rights No. 2 of 2019 regarding the resolution of disharmony of laws and regulations through mediation against testing laws and regulations in Indonesia?

RESEARCH METHODS

The research method used is normative research, because in research the source of research data is in the form of library materials or so-called library research, which is a research method that collects data from several literatures. In addition to primary and secondary legal materials, the author also uses non-legal materials. The approach will be more directed to the statutory approach. With research that is prescriptive, it will be able to provide an overview or formulation of the problem in accordance with the circumstances or facts that exist. The data analysis technique used in this research is data analysis through a deductive method.

RESEARCH RESULTS AND DISCUSSION

Driving Factors for the Issuance of Minister of Law and Human Rights Regulation No. 2 of 2019 concerning Settlement of Disharmony of Legislation through Mediation

Judicial Review at the Supreme Court is said to still not provide adequate access to justice, even though the Judicial Review mechanism in the Supreme Court is a litigation route which, when viewed from the 1945 Constitution of the Republic of Indonesia, can be said to be the main settlement route when there are statutory regulations under conflicting laws. The Supreme Court does not have the authority to resolve conflicting laws and regulations horizontally even though in practice this often happens, as an example is when there are two conflicting Ministerial Regulations. Horizontal conflicting laws and regulations currently have a status in no man's land (*terra in cognita*). When seen in the formulation of Article 1 paragraph

(1) PERMA No. 1 of 2011 concerning the Right to Judicial Review states that "The Right to Judicial Review is the authority of the Supreme Court to assess the material content of statutory regulations under laws against higher level statutory regulations".

The right of judicial review is the nomenclature used in PERMA No. 1 of 2011. The source of this authority is none other than the 1945 Constitution of the Republic of Indonesia, precisely in Article 24A paragraph (1) which regulates the authority of the Supreme Court, namely to review statutory regulations under laws. In addition to the anxiety that arose from the Ministry of Law and Human Rights, in practice the judicial mechanism for the Right to Judicial Review also drew a lot of criticism from the public, including highlighting the cost of cases, the openness of trial procedures, and the enforcement of decisions. Regarding the cost of the case for the right of judicial review, the costs will be borne by the applicant. Article 2 paragraph (4) PERMA No. 1 of 2011 concerning the Right to Judicial Review stipulates that the applicant pays an application fee when registering an application for objection, the amount of which is set separately. The phrase "the amount is determined by yourself" clearly does not provide legal certainty for justice seekers. Because in practice, the court fee charged is IDR 1,000,000.00 (one million rupiah). The Supreme Court reasoned that the high cost was because the Right to Judicial Review was not a case funded by the state, another reason being the need to publish a decision which required money. In view of this, it is necessary to question again the application and potential derogation of the principles of simple, speedy and low-cost justice as stipulated in Law no. 48 of 2009 concerning Judicial Power.

The implementation of Article 24A of the 1945 Constitution of the Republic of Indonesia carried out by the Supreme Court has not yet opened wide access to justice. From the government's perspective, the Minister of Law and Human Rights as the organizer of governance in the field of law has anxiety about the mechanism for reviewing regulations (regeling) in the Supreme Court because this mechanism does not recognize conflicting laws and regulations horizontally. Meanwhile, from the perspective of society, there is criticism in terms of the burden of case costs, procedural law, and the binding power of decisions. Therefore, Regulation of the Minister of Law and Human Rights No. 2 of 2019 concerning Settlement of Disharmony of Legislation through Mediation is an alternative formed by the Menkumham in addition to the mechanism for reviewing laws and regulations in the Supreme Court to provide legal certainty for justice seekers and prevent government stagnation caused by a regulatory vacuum.

Another driving factor was the issuance of Minister of Law and Human Rights Regulation No. 2 of 2019 concerning Settlement of Disharmony of Legislation through Mediation, namely the issuance of Presidential Instruction No. 7 of 2017 concerning Collection, Supervision, Control of Policy Implementation at the Level of State Ministries and Government Agencies. The Presidential Instruction is a manifestation of the President's political will in realizing an easy doing business system and simplification of law. Based on this, an understanding emerges that every Menkumham is responsible for the problems faced and must have initiatives to resolve them, which of course are in accordance with the corridors of their respective government affairs. In the context of the Menkumham, in particular is the problem of the large number of overlapping regulations that disrupt the investment climate so that it hinders the realization of easy doing business. Because of this, Menkumham is one of the parties responsible for the implementation of legal simplifications. With the current number of overlapping regulations, it is still far from simplification of the law. Based on this, in order to address these problems, it is necessary to have initiatives in the form of alternative means so that they can immediately resolve conflicts/disharmonies between laws and regulations.

If viewed from the principle of conformity between the type and content material, you will find nuances of ambiguity in the regulation of the Minister of Law and Human Rights No. 2 of 2019. Regarding the contents of the Ministerial Regulation regulated in Article 8 of the PPUU Law, the authority to resolve conflicts/disharmony as regulated in the Regulation of the Minister of Law and Human Rights No. 2 of 2019 is only given by Ministerial Regulation which means it is at the same level. This makes the content of the Minister of Law and Human Rights Regulation No. 2 of 2019 has the potential not to meet the type of content that further regulates the regulations above it. The position of the Ministry of Law and Human Rights is not higher than other bodies/agencies/commissions/ministry, and there is also no guarantee that it has a position as a neutral institution in resolving a conflict. Then the mechanism of Regulation of the Minister of Law and Human Rights No. 2 of 2019 concerning Settlement of Disharmony of Legislation through Mediation is also prone to injuring the principles of order and legal certainty because the principle of conformity between the type and content material is not fulfilled. In addition, the PPUU Law still leaves many gaps in the regulation regarding the types of institutional/agency/commission regulations that encourage the emergence of sectoral egos. Moreover, the authority of Menkumham in terms of harmonization of regulations is still very limited. It was on this basis that the Minister of Law and Human Rights issued Regulation No. 2 of 2019 concerning Settlement of Disharmony of Legislation through Mediation as a legal breakthrough.

Implementation of Minister of Law and Human Rights Regulation No. 2 of 2019 concerning Settlement of Disharmony of Legislation Through Mediation Against Testing Legislation in Indonesia

The issuance of Regulation of the Minister of Law and Human Rights No. 2 of 2019 is the government's progressive response to the many regulations currently in effect in Indonesia (obese) and not infrequently some of them contain conflicting norms (conflict), for example, problems that have been "busy" reported in the media, namely the KPU Regulation problem. The emergence of such problems is a few examples of the failure of government oversight in terms of efforts to form regulations (regelung). In fact, in matters of drafting regulations (regelung) it will be very vulnerable to being infiltrated by political interests, while on the other hand the formation of regulations must be based on a system. Ironically, the current regulatory system is still far from perfect. There is a gap that encourages sectoral egos in institutions/agencies/commissions in forming regulations, so that the impact on the disharmony of the norms formed. The issuance of Regulation of the Minister of Law and Human Rights No. 2 of 2019 was not without controversy, criticism of this regulation came from various quarters. In this discussion, the researcher will describe the nuances of ambiguity found in the formulation of the norms of the Minister of Law and Human Rights Regulation No. 2 of 2019 concerning Settlement of Disharmony of Legislation Through Mediation which then has an impact on the implementation of the Regulation when viewed from the principles of forming statutory regulations.

Regulation of the Minister of Law and Human Rights No. 2 of 2019 contradicts higher laws and regulations. Ministerial Regulations have the status of other regulations in the PPUU Law. Although not specifically included in the hierarchy in Article 7 paragraph (1) of the PPUU Law, the existence and implementation of Ministerial Regulations are still recognized and regulated in Article 8 paragraph (1) of the PPUU Law. When associated with this research, Regulation of the Minister of Law and Human Rights No. 2 of 2019 authorizes himself to be able to resolve disharmony of laws and regulations through mediation. This is regulated in Article 5 and then the meaning of disharmony of laws and regulations is defined in Article 1 point 2 of Minister of Law and Human Rights Regulation No. 2 of 2019. This means that if we look at the formulation

of the provisions of the norms of Article 5 and Article 1 number 2 of the Regulation of the Minister of Law and Human Rights No. 2 of 2019, grammatically what is meant by disharmony is: Settlement of conflicts/contradictions between legal norms; And Conflicts of authority that arise due to the enactment of laws and regulations.

Regarding the phrase "Resolving conflicts/disputes between legal norms" in Article 1 point 2 of Regulation of the Minister of Law and Human Rights No. 2 of 2019, of course, this article contradicts the provisions of the norms governing the settlement of legislation in the PPUU Law. In Article 9 paragraph (1) and paragraph (2) of the PPUU Law it states: "(1) In the event that a law is suspected of being contradictory to the 1945 Constitution of the Republic of Indonesia, the review shall be carried out by the Constitutional Court. (2) In the event that a statutory regulation under a law is suspected of being contradictory to a law, the review will be carried out by the Supreme Court." This means that the PPUU Law already regulates the mechanism for settling statutory regulations where if there is a norm contained in the Act then it conflicts with the 1945 Constitution of the Republic of Indonesia, then the settlement is through the Constitutional Court. Meanwhile, if there is a conflict with the norms of a statutory regulation under the law (according to the type and hierarchy of Article 7 paragraph (1) and Article 8 paragraph (1) of the PPUU Law) against the law, then the resolution is to the Supreme Court. The researcher also believes that the issuance of Minister of Law and Human Rights Regulation No. 2 of 2019 concerning Settlement of Disharmony of Legislation through Mediation can be said to be redundant and over-reaction, because the institutionalization of the function of reviewing laws and regulations in the sense of the subject who will carry them out, is expressly regulated by the 1945 Constitution of the Republic of Indonesia in Article 24A paragraph (1) which confirms that the Supreme Court has the authority to adjudicate at the cassation level, examine statutory regulations under the Law against Laws, and has other powers granted by Laws and Article 24 C paragraph (1) which confirms that the Constitutional Court has the authority to try at the first and final levels whose decision is final to review the Law against the 1945 Constitution of the Republic of Indonesia. This provision has ended the long debate about the authority to review statutory regulations when it is associated with a judicial approach, then it will relate to the principle of a judicial power that is free/independent and independent. And at least it becomes clear if the realm of reviewing statutory regulations under the Law becomes the authority of the Supreme Court as the holder of judicial power. Because if this authority is placed in the Menkumham, with a position that is not independent and not independent, it will be difficult for the institution to carry out its functions and authority as it should, let alone test the legal products of other state institutions which the 1945 Constitution of the Republic of Indonesia has given considerable authority to.

The authority to review statutory regulations under the law, which is the domain of judicial power, is also strictly regulated in Article 31A paragraph (1) of Law no. 3 of 2009 concerning the Supreme Court, in that article it states that the Supreme Court has the authority to review statutory regulations under the Act against the Act. Therefore, Regulation of the Minister of Law and Human Rights No. 2 of 2019 concerning Settlement of Disharmony of Legislation through Mediation, not only violates the Constitution, but also violates the provisions of the norms regulated in the provisions at the level of the Law. Meanwhile, the authority to examine a law that is contrary to the Constitution is regulated in Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states: "The Constitutional Court has the authority to try at the first and final levels whose decisions are final to review laws against the Constitution, decide disputes over the authority of state institutions whose authority is granted by the Constitution, decide on the dissolution of political parties and decide on disputes over the results of general elections." Then Article 10 paragraph

(1) letter a of Law no. 8 of 2011 concerning the Constitutional Court, states: "The Constitutional Court has the authority to try at the first and last levels whose decision is final to review the Law against the 1945 Constitution of the Republic of Indonesia."; and Article 29 paragraph (1) letter a of Law no. 48 of 2009 concerning Judicial Power, states: "The Constitutional Court has the authority to try at the first and last level whose decision is final to review the Law against the 1945 Constitution of the Republic of Indonesia."

Therefore, the researcher is of the opinion that the authority to resolve disharmony of laws and regulations granted by the Minister of Law and Human Rights through Minister of Law and Human Rights Regulation No. 2 of 2019 contradicts a number of higher laws contained in the hierarchy of laws and regulations, namely Article 24A paragraph (1) and 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia, Article 9 paragraph (1) of the PPUU Law, Article 31A paragraph (1) of Law no. 3 of 2009 concerning the Supreme Court, Article 10 paragraph (1) letter a of Law no. 8 of 2011 concerning the Constitutional Court, and Article 20 paragraph (2) letter b and Article 29 paragraph (1) letter a of Law no. 48 of 2009 concerning Judicial Power. If this is allowed to continue, it will actually cause the hierarchical building or legal pyramid to become porous and even damaged, because it is not in accordance with the principle of conformity between the type and content material because it is contrary to the basic values contained in Pancasila and the 1945 Constitution of the Republic of Indonesia as the highest legal basis, thus causing the rule of law system in Indonesia to fail.

CONCLUSION

The main factor driving the issuance of Minister of Law and Human Rights Regulation No. 2 of 2019 concerning Settlement of Disharmony of Legislation through Mediation is a judicial review in the Supreme Court as a litigation route that has not yet opened wide access to justice for the community and also the government. From the public's point of view, judicial review or judicial review cases at the Supreme Court still reap a lot of criticism regarding the legal proceedings. From the government's point of view, the judicial review in the Supreme Court cannot cover the current problem, namely horizontal conflict of regulations. And the implementation of conflict resolution mechanisms/disharmony of laws and regulations through mediation by the Menkumham in Minister of Law and Human Rights Regulation No. 2 of 2019 concerning Settlement of Disharmony of Legislation through Mediation, procedurally proved to be effective in resolving regulatory conflicts/disharmony, but these Regulations still give a nuance of ambiguity and based on their source of authority, the Menkumham is not authorized to carry out conflict resolution/disharmony of statutory regulations through mediation because Ministerial Regulations can only be formed based on delegated authority, because the Minister as Assistant to the President does not have attribution authority to form statutory regulations. Therefore, a Ministerial Regulation can only be formed if it is ordered from a higher statutory regulation.

BIBLIOGRAPHY

- Al Atok, Rosyid. Konsep Pembentukan Peraturan Perundang-undangan. Malang: Setara Press: 2015.
- Amiruddin, et al. Pengantar Metode Penelitian Hukum. Cetakan ke-1. Jakarta: Rajagrafindo Persada, 2004.
- Ansori, Lutfil. Pengujian Peraturan Perundang-undangan. Malang: Setara Press, 2018.
- Astomo, Putera. Ilmu Perundang-undangan: Teori dan Praktik di Indonesia, Edisi 1 Cetakan 1. Depok: Rajawali Pers, 2018.

- Attamimi, A. Hamid S. "Peranan Keputusan Presiden Republik Indonesia dalam Penyelenggaraan Pemerintahan Negara", Disertasi, Jakarta, Fakultas Pascasarjana Universitas Indonesia, 1990.
- Bayhaqi, Ahda. "PKPU dibatalkan MA, Bawaslu Minta KPU Revisi Aturan Larangan Eks Koruptor Nyaleg,
Departemen Pendidikan dan Kebudayaan RI, Kamus Besar Bahasa Indonesia, Edisi Kedua. Jakarta: Balai Pustaka, 1996.
- Dewansyah, Bilal. "Kedudukan Peraturan Menteri dalam Hierarki Peraturan Perundang-undangan",
Fahmal, H. A. Mui. Peran Asas-Asas Umum Pemerintahan yang Layak dalam Mewujudkan Pemerintahan yang Bersih. Cetakan kedua. Jakarta: Total Media, 2008.
- Feri, Oscar. "Alasan MA Pungut Biaya Perkara Uji Materi Juta",
Hoesein, Zainal Arifin. "Culas Kritis Terhadap Penyelesaian Disharmoni Peraturan Perundang-undangan Melalui Mediasi", disampaikan dalam Seminar sehari yang diselenggarakan oleh Badan Eksekutif Mahasiswa (BEM) Universitas Tarumanagara, di Universitas Tarumanagara.
- Hoesein, Zainal Arifin. Judicial Review Di Mahkamah Agung RI Tiga Dekade Pengujian Peraturan Perundang-undangan. Cetakan kedua. Jakarta: Rajawali Pers, 2013.
- HR, Ridwan. Hukum Administrasi Negara. Jakarta: PT Raja Grafindo Persada, 2013.
- HS, Salim. Penerapan Teori Hukum Pada Penelitian Tesis dan Disertasi. Jakarta: PT Rajagrafindo Persada, 2013.
- Indonesia. Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.
- Indrati S., Maria Farida. Ilmu Perundang-undangan: Jenis, Fungsi, dan Materi Muatan. Yogyakarta: Kanisius, 2007.
- Lailam, Tanto. "Penataan Kelembagaan Pengujian Norma Hukum di Indonesia", Yogyakarta: Fakultas Hukum Universitas Muhammadiyah Yogyakarta, Jurnal Konstitusi Volume 1 Nomor 1, Maret 2018.
- Maiwan, Mohammad. "Kelompok Kepentingan (Interest Group), Kekuasaan Dan Kedudukannya Dalam Sistem Politik", Jurnal Ilmiah Mimbar Demokrasi Vol. 12, No. 2, April 2016, hal. 76.
- Mardatillah, Aida. "2018 MK Hanya Kabulkan 5 Pengujian UU: Sepanjang 2018, mulai ada lima UU yang paling sering diuji; penyelesaian penanganan perkara lebih cepat dibandingkan tahun 2017; hingga sisa perkara sebanyak 37 perkara yang lebih sedikit dibanding tahun 2017 sebanyak 49 perkara",
Marzuki, Peter Mahmud Penelitian Hukum. Cetakan ke-11. Jakarta: Kencana, 2011.
- Nugroho, Susanti Adi. Manfaat Mediasi Sebagai Alternatif Penyelesaian Sengketa. Cetakan pertama. Jakarta: Prenada Media Group, 2019.
- Rasji. "Pengujian Peraturan Kebijakan Di Indonesia (Objek Kajian Surat Edaran Pemerintah)". Jurnal Era Hukum Vol. 16 No. 1, Juni 2016.
- Redi, Ahmad. Hukum Pembentukan Peraturan Perundang-undangan. Cetakan Pertama. Jakarta: Sinar Grafika, 2018.
- Saputra, Andi, Babak Baru Kemenkum Bikin Pengadilan Obesitas Hukum.
Peran Kantor Wilayah Kementerian Hukum dan HAM dalam Pengelolaan dan Pelayanan Database Peraturan Perundang-undangan di Daerah". (Jakarta: Pusat Pengkajian dan Pengembangan Hukum dan Hak Asasi Manusia Kementerian Hukum dan HAM RI) IKH Vol. 12 No. 1 Maret 2018.
- Soekanto, Soerjono, Sosiologi Suatu Pengantar. Jakarta: RajaGrafindo Persada, 2005.

- Sukardi dan E. Prajwalita Widiati. "Pendelegasian Pengaturan Oleh Undang-Undang Kepada Peraturan yang Lebih Rendah dan Akibat Hukumnya". *Jurnal Yuridika* 27(2), 2012.
- Sukmana, Yoga. "MA Usul Biaya Perkara Naik Jadi 5 Juta, Untuk Apa Saja?",
Sunggono, Bambang. *Metode Penelitian Hukum*. Jakarta: PT Raja Grafindo Persada, 2007.
- Susetio, Wasis. "Disharmoni Peraturan Perundang-undangan di Bidang Agraria". *Jurnal Lex Jurnalica* Vol. 10 No. 3, Desember 2013.
- Syarifudin, Ateng. *Menuju Penyelenggaraan Pemerintahan Negara yang Bersih dan Bertanggung Jawab*, *Jurnal Pro Justisia* Edisi IV. Bandung: Universitas Parahyangan, 2000.
- Usman, Nurdin. *Konteks Implementasi Berbasis Kurikulum*. Jakarta: Grasindo, 2002.