

Ideal Posture in Regulating Legal Regulations in Indonesia

Authors : M Jeffri Arlinandes Chandra, Puwaningdyah Murti Wahyuni, Dewi Mutiara M Jeffri Arlinandes Chandra, Puwaningdyah Murti Wahyuni, Dewi Mutiara

Abstract : Indonesia is a state of the law in accordance with article 1 paragraph 3 of the Constitution of the Republic of Indonesia (1945 Constitution), namely, 'the State of Indonesia is a state of law'. The consequences of the rule of law are making the law as the main commanding officer or making the law as a basis for carrying out an action taken by the state. The types of regulations and procedures for the formation of legislation in Indonesia are contained in Law Number 12 of 2011 concerning the Formation of Legislation. Various attempts were made to make quality regulations both in the formal hierarchy and material hierarchy such as synchronization and harmonization in the formation of laws and regulations so that there is no conflict between equal and hierarchical laws, but the fact is that there are still many conflicting regulations found between one another. This can be seen clearly in the many laws and regulations that were sued to judicial institutions such as the Constitutional Court (MK) and the Supreme Court (MA). Therefore, it is necessary to have a formulation regarding the governance of the formation of laws and regulations so as to minimize the occurrence of lawsuits to the court so that positive law can be realized which can be used today and for the future (*ius constituendum*). The research method that will be used in this research is a combination of normative research (library research) supported by empirical data from field research so that it can formulate concepts and answer the challenges being faced. First, the structuring of laws and regulations in Indonesia must start from the inventory of laws and regulations, whether they can be classified based on the type of legislation, what are they set about, the year of manufacture, etc. so that they can be clearly traced to the regulations relating to the formation of laws and regulations. Second, the search and revocation/revocation of laws and regulations that do not exist in the state registration system. Third, the periodic evaluation system is carried out at every level of the hierarchy of laws and regulations. These steps will form an ideal model of laws and regulations in Indonesia both in terms of content and material so that the instructions can be codified and clearly inventoried so that they can be accessed by the wider community as a concrete manifestation of the principle that all people know the law (*presumptio iures de iure*).

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