Correction of the Hierarchy of Laws in Indonesia

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Submitted: 08/09/2022 Reviewed: 20/03/2023 Accepted: 26/03/2023

Abstract: The hierarchy of laws in Indonesia still has various problems, such as overlapping regulations and some regulations are not contained in the hierarchy of laws but become a reference in the formation of regulations under it. In line with that, this research examines the problem of the hierarchy of laws in Indonesia. This research is normative juridical research using descriptive analysis to answer these problems. This research used primary, secondary, and tertiary legal data. The results of this research show that practices that occur in Indonesia still often overlap with regulations, such as Government Regulation Number 24 of 2008 which overlaps with Law Number 25 of 2007 concerning Investment. Regulations that are beschikking at the central level fall into the hierarchy of norms while at the regional level they do not. In addition, some regulations do not enter the hierarchy of laws but become a reference in the preparation of laws and regulations at the lower level, namely Ministerial Regulations which are always a reference in the formation of Regional Regulations.

Keywords: hierarchy of laws; legislation; theory of the hierarchy of laws

DOI: 10.32801/lamlaj.v8i1.352

INTRODUCTION

Every country in the world has a legal foundation, which is typically comprised of the constitution and law. The regulatory hierarchy in each country differs depending on the form of government. The hierarchy determines each level's authority, power, and scope based on the constitution.¹ Indonesia

¹ M Clegg et al., The Hierarchy of Laws: Understanding and Implementing the Legal Frameworks That Govern
has made changes to its legal hierarchy and changed its composition four times, but it still has several issues. Changes in the hierarchy of laws that occurred both before and after the amendment to the 1945 Indonesian Constitution indicate that the hierarchy is still in the process of leading to an established hierarchical system to realize legal order in Indonesia through the rule of law. The economic, social, and cultural dimensions of the enforcement space, have a strong influence on changes in the hierarchy and are also inextricably linked to the political influence that shaped Indonesia's constitutional system.

According to Adolf Merkel and Hans Kelsen’s hierarchy of laws, every legal rule is an arrangement of rules (stufenbau des recht). The hierarchy, which is a sequence of norms of different levels, coordinates the system of norms with each other. The hierarchies serve as a reminder that a law will be valid if it is formed or compiled by an authorized institution or official based on higher norms, and impose constraints on regulators' capacity to establish regulations in accordance with the authority granted to them by the type and hierarchy normalized until the material or content of its regulations do not deviate from or violate higher norms. Any rule whose position in the hierarchy is clear will make testing its validity easier, and such validity is measured by the procedure for its formation and is sourced to other, higher norms.

Darwance stated that the consistency of compliance with higher regulations has caused problems, there is frequently a content of material that is regulated improperly, asynchronously, and overlapping, because every formation of regulations refers to the laws that are the cornerstone, so it tends to be sectoral for the success of the affairs to which it is authorized. This stems from Article 8 paragraph (2) of Law Number 12 of 2011 which is too free and tends to be indecisive in providing restrictions on the formation of laws and regulations. The over-regulation that

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11 Abdurahman and Prasetianingsih, “Haruskah Hierarki Peraturan Perundang-Undangan Dinormakan?”
12 Majelis Permusyawaratan Rakyat Republik Indonesia, Penataan Ulang Jenis Dan Hierarki Peraturan Perundang-Undangan Di Indonesia.
13 Ibid.
has occurred in Indonesia thus far is related to the minister's authority to make general and abstract regulations (unclear laws) as a result of the norm clauses contained in each legislative product.\(^{14}\) Indonesia currently has 62,000 laws and regulations, which are divided into 3 types: (1) bleidsregel (policy regulations); (2) beschikking (decisions of state administrative officials); and (3) regeling (regulations). Local regulations and ministerial regulations as the highest contributors.\(^{15}\)

Ministerial regulations should be established based on the delegation of authority from higher regulations, but often the minister obtains attribution authority from the law. Factually, there are indeed many models of delegation of authority from one regulation to another at the same level of regulation or even jumping from the hierarchy of laws, for example from laws to ministerial regulations.\(^{16}\)

Theoretically, the limit of attribution authority can only be owned by the President as the head of government, while the minister is limited only to the authority of the delegation. The impact of untidy regulatory arrangements has caused overlapping, contradictory, and counterproductive laws and regulations on public services.\(^{17}\)

The category of types of regulations that can be formed by several state institutions as per Law Number 12 of 2011 is also unclear, the fact that some types of regulations of state institutions are actually not categorized as laws and regulations but are categorized as internal regulations that are binding into, for example, Regulations of the People's Consultative Assembly, Regulations of the House of Representatives, Regulations of the Senate, Supreme Court Rules, Constitutional Court Rules, Judicial Commission Regulations and Financial Audit Board Regulations. The regulations of such institutions should be excluded from the hierarchy of laws.\(^{18}\)

The existence of the Provisions of the People's Consultative Assembly in the hierarchy has also undergone dynamization. The provisions of the People's Consultative Assembly are seen as only determining it, it can only be interpreted as concrete and individual determination (beschikking).\(^{19}\)

The provisions of the People's Consultative Assembly cannot be used as laws or contain matters of a regeling (regulatory) nature.\(^{20}\) Law No. 12 of 2011 restored the People's Consultative Assembly’s position in the hierarchy of laws, which had previously been abolished by Law No. 10 of 2004. The return of the People’s Consultative Assembly provisions in the hierarchy has implications for Indonesia’s positive legal system because the laws and regulations under it must not conflict and must pay attention to the People’s Consultative Assembly provisions as the source of the


\(^{15}\)Majelis Permusyawaratan Rakyat Republik Indonesia, Penataan Ulang Jenis Dan Hierarki Peraturan Perundang-Undangan Di Indonesia.


\(^{17}\)Herman and Muin, “Sistematisasi Jenis Dan Hierarki Peraturan Perundang-Undangan Di Indonesia.”

\(^{18}\)Anggono, “Tertib Jenis, Hierarki, Dan Materi Muatan Peraturan Perundang-Undangan : Permasalahan Dan Solusinya.”


\(^{20}\)Ibid.
material. Constitutionally, the provisions of the People's Consultative Assembly cannot be tested through a judicial review system, either by the Constitutional Court or the Supreme Court, then when there is material content the Provisions of the People's Consultative Assembly contrary to the 1945 Constitution of the Republic of Indonesia or violate the constitutional rights of citizens, either potentially or factually, it will reduce the protection of citizens' constitutional rights, which has implications for the absence of a guarantee of fair legal certainty.

This article attempts to criticize the hierarchy of laws and regulations that are currently in force. The discussion was directed first regarding the correction of the discourse between the Presidential Regulation and the Regional Head Regulation, the inconsistency in the placement of the Presidential Regulation in the hierarchy, while the Regional Head Regulation is not. Furthermore, the discussion on the correction of the placement of the Provisions of the People’s Consultative Assembly into the hierarchy, while the authority of the People’s Consultative Assembly has been changed in the 1945 Constitution. In the end, this article will review corrections to the absence of Ministerial Regulations in the hierarchy, but instead become a reference in the formation of Regional Regulations. The discussion is based on empirical practice in Indonesia, using the hierarchy of norms theory.

METHOD
This research is normative juridical research that used descriptive analysis. This research used primary, secondary, and tertiary legal materials. The information in this research was gathered through a review of the literature. Qualitative analysis is used to examine data in the form of laws and regulations, government decisions, and policies.

ANALYSIS AND DISCUSSION
The Development of the Hierarchy of Laws in Indonesia

The hierarchy of laws in each country is different, but there are general principles that are the key to determining the purpose of each law within the legal framework and ultimately enforcing the authority and validity. The hierarchy of laws was once used in the Soviet Union which classified the composition of laws and regulations that determine the degree of legislation, the hierarchy includes basic-fundamental law, statute, edict, decree, regulation, and decision. The hierarchy of laws is also applied in Ethiopia by placing the constitution at the very top of the hierarchy then followed by legislation then administration enactments. The developments in determining the hierarchy of laws are outlined in Table 1.

22Syuhada, “Rekonstruksi Positivisme Dalam Hierarki Peraturan Perundang-Undangan Di Indonesia.”
24Clegg et al., The Hierarchy of Laws: Understanding and Implementing the Legal Frameworks That Govern Election.
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<td>4. Government Regulations</td>
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<td>5. Presidential Decree</td>
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<td>7. Other Implementing Regulations such as: Ministerial Regulations</td>
<td>8. Ministerial Instructions and Miscellaneous</td>
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Sources: Provisional People’s Consultative Assembly Provisions Number XX/MPRS/1966; People’s Consultative Assembly Provisions Number III/MPR/2000; Law Number 10 of 2004; and Law Number 12 of 2011.

The consequence of the hierarchy of laws is the determination of the strength of law in a statutory regulation in accordance with the hierarchy of laws. Applies *lex superiori derogat legi inferiori* principle which stated that the regulation having the lower position must not conflict with the regulation that has the position above. Furthermore, Ni’matul Huda argued that if there is a conflict between the lower legislation and the higher legislation, then the lower legislation may be filed for cancellation or null and void.27

Prior to the enactment of Provisional People's Consultative Assembly Provisions Number XX/MPRS/1966 concerning the Memorandum of the DPR-Gotong Royong concerning the Source of Legal Order of the Republic of Indonesia and the Order of Laws and Regulations of the Republic of Indonesia, the hierarchy of laws in Indonesia referred to Law Number 1 of 1950. The provision states that the types of regulations of the Central Government are laws and government regulations in lieu of laws, government regulations, and Ministerial regulations.28

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27 Aditya and Winata, “Rekonstruksi Hierarki Peraturan Perundang-Undangan Di Indonesia (Reconstruction Of The Hierarchy Of Legislation In Indonesia).”

This hierarchy of laws is studied from the perspective of the *stufenbau des rechts theorie* initiated by Hans Kelsen, as follows:\textsuperscript{29}

“Each rule of law is an arrangement of rules (*stufenbau des rechts*), culminating in *stufenbau* there are basic rules of a national legal system which is a fundamental rule called *grundnorms*. *Grundnorms* are legal principles that are abstract, general, and hypothetical, then become *generelle* norms (general rules), which are then posited into real norms (concrete norms).”

Maria Farida Indrati explains further that:\textsuperscript{30}

“The norms of the law are tiered and multi-layered in a hierarchy of arrangements, and a lower norm applies, sourced, and based on higher norms. Higher norms apply, are sourced, and are based on even higher norms, and so on to a norm that can no longer be further explored and is hypothetical and fictitious, that is, the basic norm (*grundnorm*).”

Hans Nawiasky developed the theory of *stufenbau* further in his theory called *die Lehre vom dem Stufenaufbau der Rechtsordnung* or *die Stufenordnung der Rechtsnormen*. According to Hans Nawiasky, the legal norms in the state are always tiered, as follows:\textsuperscript{31}

1. Fundamental norms of the state (*staatsfundamentalnorm*);
2. Basic rules of the state/principal rules of the state (*staatsgrundgesetz*);
3. Formal legislation (*formellegesetz*); and
4. Implementing regulations as well as autonomous regulations (*verordnung* and *autonomie satzung*).

Hamid Attamimi further explains Hans Nawiasky's theory:\textsuperscript{32}

"*Staatsfundamentalnorm* is a norm that is the basis for the formation of a constitution or constitution of a country (*staatsverfassung*). *Staatsgrundgesetz* or the basic rules of the state, which are set forth in the basic law. *Formellegesetz* is a more concrete norm, that is, legislation. *Verordnung* and *autonomie satzung* are the implementing rules of autonomy".

Referring to the theory of Hans Kelsen and Hans Nawiasky, Jimly Asshiddiqie’s statement above is very reasonable, based on the norm level theory, the position of the bylaws is at the lowest level, *Verordnung* and *autonomie satzung* (implementing rules or autonomy regulations). Thus, bylaws are not


\textsuperscript{31}Attamimi, “Peranan Keputusan Presiden Republik Indonesia Dalam Penyelenggaraan Pemerintahan Negara: Suatu Studi Analisis Mengenai Keputusan Presiden Yang Berfungsi Pengaturan Dalam Kurun Waktu PELITA I-PELITA IV.”

\textsuperscript{32}Ibid.
included in the group of norms *fomelle gesetz* (legislation). The authority possessed by the Regional People’s Representative Council is not the legislative authority, but the authority to form regional regulations, because the legislative authority has become the authority of the House of Representative. Considering that in the construction of a unitary state, there is only one power that is authorized to make laws that apply to the state is the central legislative institution, while the local government and the Regional House of Representatives only implement or conform to the laws of the central government. Thus, the product of the House of Representatives is a law, while the product of the Regional House of Representatives is a regional regulation that applies locally in a region.

In Indonesia, the development of the hierarchy of laws is still influenced by overlapping laws and regulations. In terms of tourism business investment, for example, overlapping feed occurs in laws and regulations related to the tourism sector in Indonesia.  

**Presidential Regulations and Regional Head Regulations: Why Is Only One of them Included in the Hierarchy of Laws?**

There is a shift in the hierarchy of laws from Presidential Decrees to Presidential Regulations. The Presidential Decree is incorporated into the Indonesian legal system through Provisional People's Consultative Assembly Provisions Number XX/MPRS/1966 and People's Consultative Assembly Provisions Number III/MPR/2000. Meanwhile, Presidential Regulation is incorporated into the Indonesian legal system through Law Number 10 of 2004 and Law Number 12 of 2011.

The enactment of Presidential Regulations that replace Presidential Decrees in the hierarchy of laws has become a debate among state experts. The content of Presidential Regulation can be classified into two types, the attribution authority owned by the President based on Article 4 paragraph (1) of the 1945 Indonesian Constitution and the further regulatory authority of the Law or Government Regulation.

Soeprapto contends that decisions in government administration can be classified into three type: 1) decisions that are solely regulatory in nature, and can be referred to as regulations, 2) a determination is a decree that is only stipulative in nature, and 3) regulating and establishing decisions.

Presidential Regulations are different from Presidential Decrees. Presidential Decrees can be independent while Presidential Regulations must refer to regulations that have a hierarchy of laws. The content of Presidential Regulation can be classified into two types, the attribution authority owned by the President based on Article 4 paragraph (1) of the 1945 Indonesian Constitution and the further regulatory authority of the Law or Government Regulation.

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on them. The problem occurs with the existence of a Presidential Regulation that is independent and has content material that is not specific in scope, so that the President has the potential to abuse power.\textsuperscript{36}

Another issue arises when the Presidential Regulation has included in the hierarchy but not the Regional Head Regulation. The Regional Head Regulation was established to carry out regional autonomy and assistance duties, as mandated by Article 18 paragraph (6) of the 1945 Indonesian Constitution. Furthermore, the Regional Head Regulation is stipulated to implement the Regional Regulation, or the Regional Head may establish the rule by order of the law. It should be the same as the Presidential Regulation; the Regional Head Regulation enters the hierarchy because the two are essentially the same; the only difference is the level of regulation. Both are technical regulations in nature. The inclusion of Regional Head Regulations into the Regional Regulations hierarchy implies that Regional Head Regulations are recognized as technical implementers of Regional Regulations. The existence of this recognition confers legal force on the Regional Head Regulation because the Regional Head Regulation is not recognized in the hierarchy, it is an existing but non-existent regulation.

**Debate on People's Consultative Assembly Provisions in the Hierarchy of Laws**

Prior to the Amendment of the 1945 Indonesian Constitution, the People's Consultative Assembly was the highest institution of the state,\textsuperscript{37} thus the power of the People's Consultative Assembly has a higher position than the decisions of other state institutions.\textsuperscript{38} The provisions of the People's Consultative Assembly by the 1945 Indonesian Constitution are not stated as one of the types of laws.\textsuperscript{39} The People's Consultative Assembly can issue two forms of decisions, namely the People's Consultative Assembly Provisions that are binding outwards and into the assembly (binding in general); and the Decisions of the People's Consultative Assembly which are only binding into the assembly (binding internally).\textsuperscript{40}

The inclusion of People's Consultative Assembly provisions as a regulation in the hierarchy still causes debate until now.\textsuperscript{41} Especially when after the amendment of the 1945 Indonesian Constitution which cut some

\textsuperscript{36}Husen, “Eksistensi Peraturan Presiden Dalam Sistem Peraturan Perundang-Undangan.”


\textsuperscript{38}Jimly Asshiddiqie, *Perihal Undang-Undang Di Indonesia* (Jakarta: Raja Grafindo Persada, 2010).


of the authority of the People's Consultative Assembly, so that only three duties and authorities remained, such as:

a. the authority to amend and enact the 1945 Indonesian Constitution.
b. Appoint a President and/or Vice President.
c. Dismiss the President and/or Vice President during his or her term of office according to the 1945 Indonesian Constitution.

Changes in the People's Consultative Assembly's authority and position have an impact on the legal status of various Provisions of the People's Consultative Assembly. As is well known, not all the 149 Provisions of the Provisional People's Consultative Assembly and People's Consultative Assembly provisions that are still recognized (having binding force) refer to the three main tasks as stipulated in the 1945 Indonesian Constitution. In addition, there is no judicial review of the Provisions of the People's Consultative Assembly.

Changes in the position of the People's Consultative Assembly Provisions caused the Indonesian legal system to no longer recognize the Provisions of the People's Consultative Assembly as regulations (regeling), but only as a determination (beschikking). People's Consultative Assembly Provisions Number 1/MPR/2003 recognizes some of the Provisions of the People's Consultative Assembly which are in force, with the limitation that all the Provisions of the People's Consultative Assembly are recognized as still a source of law as long as it has not been replaced by law. Table 2 shows some of the Provisions of the People's Consultative Assembly that are still in force in accordance with The People's Consultative Assembly Provisions Number 1/MPR/2003.

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\(^{44}\)Sugirman, “Eksistensi Ketetapan Majelis Permusyawaratan Rakyat/Majelis Permusyawaratan Rakyat Sementara Dalam Tata Hukum Indonesia Pasca Amandemen Undang-Undang Dasar Negara Kesatuan Republik Indonesia Tahun 1945.”
### Table 2. Material of People's Consultative Assembly Provisions Number 1/MPR/2003

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<tr>
<th>MPR provisions</th>
<th>Reasons are still valid or not</th>
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<tr>
<td>Provisional People’s Consultative Assembly Provisions Number XXV/MPRS/1966 concerning the Dissolution of the Communist Party of Indonesia, Declaration as a Prohibited Organization in All Regions of the Republic of Indonesia for the Indonesian Communist Party, and Prohibition of Any Activities to Spread or Develop Communist Understanding or Teachings/Marxism-Leninism</td>
<td>It remains in force with the provisions of all provisions in it in the future to be enforced with justice and respect for the law, democratic principles, and human rights</td>
</tr>
<tr>
<td>People’s Consultative Assembly Provisions Number XVI/MPR/1998 concerning Political Economy in the Framework of Economic Democracy</td>
<td>It is still in implication, with the provision that the government is required to encourage political and economic alignment that provides more opportunities for economic support and development, small and medium enterprises, and cooperatives as economic pillars in awakening the implementation of national development in the context of economic democracy, in accordance with the nature of the 1945 Constitution.</td>
</tr>
<tr>
<td>People’s Consultative Assembly Provisions Number V/MPR/1999 concerning Determination of Opinions in East Timor</td>
<td>It remains in effect until the establishment of the law. Until now, there has been no law with the material content as in the provision.</td>
</tr>
<tr>
<td>Provisional People’s Consultative Assembly Provisions Number XXIX/MPRS/1966 concerning the Appointment of Ampera Heroes</td>
<td>Remains valid by honoring the established Hero of Ampera and until the establishment of the law on the granting of titles, merits, and other honorifics</td>
</tr>
<tr>
<td>People’s Consultative Assembly Provisions Number XI/MPR/1998 concerning Clean and Free State Organizers of Corruption, Collusion, and Nepotism</td>
<td>Valid until the implementation of all provisions in the Provisions.</td>
</tr>
<tr>
<td>People’s Consultative Assembly Provisions Number XV/MPR/1998 concerning the Implementation of Regional Autonomy, Regulation, Division, and Equitable Utilization of National Resources, as well as Central and Regional Financial Balance in the Framework of the Unitary State of the Republic of Indonesia</td>
<td>It is no longer valid because it has been replaced by the Law on Local Government.</td>
</tr>
<tr>
<td>People’s Consultative Assembly Provisions Number III/MPR/2000 concerning Sources of Law and Order of Laws and Regulations</td>
<td>It is no longer valid because it has been replaced by the Law on the Establishment of Laws and Regulations</td>
</tr>
<tr>
<td>People’s Consultative Assembly Provisions Number V/MPR/2000 concerning the Strengthening of National Unity and Unity</td>
<td>It remains in effect until the establishment of the law. Until now, there has been no law with the material content as in the provision.</td>
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<tr>
<td>People’s Consultative Assembly Provisions Number VI/MPR/2000 concerning the Separation of the Indonesian National Army and the National Police of the Republic of Indonesia</td>
<td>It is no longer valid because it has been replaced by the Law on the National Police of the Republic of Indonesia and the Law on the Indonesian National Army.</td>
</tr>
<tr>
<td>People’s Consultative Assembly Provisions Number VII/MPR/2000 concerning the Role of the Indonesian National Army and the Role of the National Police of the Republic of Indonesia</td>
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<tr>
<td>People’s Consultative Assembly Provisions Number VI/MPR/2001 concerning Ethics of National Life</td>
<td>It remains in force until now because there is no law that has the same content material as this provision</td>
</tr>
<tr>
<td>People’s Consultative Assembly Provisions Number VII/MPR/2001 concerning Indonesia’s Vision for the Future</td>
<td>It remains in force until now because there is no law that has the same content material as this provision</td>
</tr>
<tr>
<td>People’s Consultative Assembly Provisions Number IX/MPR/2001 concerning Agrarian Renewal and Natural Resources Management</td>
<td>It remains in effect until the implementation of all provisions in the Decree.</td>
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Source: People's Consultative Assembly Provisions Number 1/MPR/2003
Ministerial Regulations Are Not in the Hierarchy but Become the Legal Basis for Regional Regulation Formation

The content of government implementation should no longer be regulated in a Ministerial Regulation but should be thoroughly regulated in a Presidential Regulation. However, in Indonesia, problems arise when Presidential Regulations or Government Regulations that should be delegated by law to regulate matters of a detailed and technical nature are delegated back to the regulations under them on the grounds that the arrangements are technical.

Based on data from the Center for Law and Policy Studies, it is stated that as of November 2019 there have been 14,453 Ministerial Regulations and 42,996 regulations in Indonesia. This shows that Indonesia's regulatory posture has experienced over-regulation which thus hinders the acceleration of development and the economy. Over-regulation will also have an impact on the potential regulatory overlap, which will result in regulatory inefficiency. Based on the regulatory point of view, good regulatory quality and proportional regulatory quantity are the solutions to the problem of inefficiency.

The Law on the Establishment of Laws and Regulations recognizes and classifies Ministerial Regulations as regulations on the condition that they must obtain orders from other laws and regulations. The existence of this recognition makes Ministerial Regulation one of the sources of law in the national legal system that has binding legal force. What would be puzzling is that the Ministerial Regulations do not fall into the hierarchy. Ministerial Regulations are important because they are implementing regulations of Government Regulations and Presidential Regulations.

The characteristics of the Ministerial Regulation are basically almost the same as the Presidential Regulation. The difference is the position of the Ministerial Regulation which is under the Presidential Regulation. Although Ministerial Regulations are not included in the hierarchy of laws, for Regional Regulations both at the Provincial and Regency/City levels, it is important to include Ministerial Regulations in the composition of Regional Regulations.

Based on the facts outlined regarding the Ministerial Regulation, the author argues that the Ministerial Regulation should be incorporated into the hierarchy, by being placed under the Presidential Regulation and above the Regional Regulation. The abolition of Ministerial Regulations is not a wise thing, considering that at the regional level, Ministerial Regulations become a reference in the formation of Regional Regulations. What should be done

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is not the abolition of ministerial regulations, but the structuring of ministerial regulations. The arrangement of ministerial regulations can be done by clarifying the requirements that must be carried out by each ministry. The affirmation of authority can be formulated by the President, by providing limits on the material authority of ministerial regulations issued by each ministry. The existence of this mechanism can reduce overlap and over-regulation.

**CONCLUSION**

The corrections to the hierarchy of laws in Indonesia are 3 (three) things, (1) consistency in the placement of presidential regulations and regional head regulations in the hierarchy of laws; (2) the existence of the People’s Consultative Assembly Provisions; and (3) Ministerial regulations that are not in the hierarchy of laws, but always be a reference to regional regulations. Regional head regulations should be included in the hierarchy of laws. Recognition of the regulations of the regional head makes him have binding legal force. Changes in the authority and position of the People’s Consultative Assembly affect the legal position of the People’s Consultative Assembly. With regard to the material and legal status of the 149 Provisional People’s Consultative Assembly Provisions and the People’s Consultative Assembly Provisions which are declared to be still valid according to the People’s Consultative Assembly Provisions Number 1/MPR/2003, it turns out that not all provisions refer to the three main duties or authorities of the People’s Consultative Assembly as stipulated in the 1945 Indonesian Constitution. Finally, related ministerial regulations should be included in the hierarchy of laws, considering that so far ministerial regulations have become the reference in the formation of regional regulations. The establishment of ministerial regulations needs to be arranged by clarifying the function of each ministry, so that there is a limit to the material authority of ministerial regulations, in order to reduce overlapping and over numbering regulations.

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