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Structure and Classification of Legal Norms: Institutional Challenges in Law Making

Nazhif Ali Murtadho[a], Reni Andreyani[a], Ryszhard Ken Sakti[a], Nizar Rahmatullah[a], Yusya Rugaya Salsabilah[a], Suleman Watae[b]

[a] Faculty of Sharia and Law, Universitas Islam Negeri Sunan Ampel Surabaya, Indonesia
[b] Faculty of Law, Princess of Naradhiwas University, Thailand
Corresponding Email: 05040720042@student.uinsby.ac.id

Abstract

This research analyzes how the institutional testing of legal norms in Indonesia, specifically discussing the institutional problems. This research is a normative legal study with the approaches used being the statutory approach and the conceptual approach. The study results indicate that several issues, including the arrangement, structuring, classification of norms, and how to regulate the hierarchy of legal norms, have been identified. Legal norms are fundamentally very close to the values believed by society, but the strength of the law's enforceability has not yet been able to detach itself from institutional power, so law, society, and power are elements of a social order. Therefore, law should not only be understood as a norm that guarantees satisfaction and justice but also must be viewed from the perspective of justice and utility. The conclusion of this research is that legal norms essentially begin with planning, preparation, drafting techniques, formulation, discussion, approval, promulgation, and dissemination.

Keywords: Legal Drafting; Legal Norms; Legislation.

INTRODUCTION

Indonesia, as a state governed by the rule of law, has all judicial and procedural processes regulated by statutes and various other legal frameworks, which serve as the cornerstone of justice. The country's objective is to create order, justice, security, and welfare for the nation and its citizens.[1] Article 27(1) of the 1945 Constitution declares that all citizens are equal before the law and government, and they must uphold the law and government without exception. To achieve a well-functioning government, proper governance is essential, especially in the legislative process.[2]

As a legal state, Indonesia has numerous legislative products that govern societal life. The legal product itself is formed through a process, namely legal

[1] Pratisto Ilham Pranoto and Gayatri Dyah Suprobowati, "Kedudukan Peraturan Menteri Dalam Sistem Perundang- Undangan," *Jurnal Demokrasi dan Ketahanan Nasional* 1 (2022): 391–395.

[2] Hanne Jensen Haricharan, Maria Stuttaford, and Leslie London, "Effective and Meaningful Participation or Limited Participation? A Study of South African Health Committee Legislation," *Primary Health Care Research and Development* 22 (2021).

drafting. The function of legal drafting in the process of making laws and regulations is certainly very important because it will help in the creation of legal products that will be born. Legal drafting is a basic concept regarding the process of drafting laws and regulations which contains academic texts from the results of scientific studies and initial texts of laws and regulations.[3] The process of forming these laws and regulations goes through the planning stage, preparation process, drafting techniques, formulation, discussion, ratification, enactment to the dissemination process.

The hierarchy of legal norms significantly influences a nation's legal system, particularly in a state governed by the rule of law.[4] According to Adolf Merkl, a legal norm derives from higher norms and serves as a source for lower norms. Therefore, if a superior norm is annulled or abolished, the subordinate norm must also be nullified. Hans Kelsen's theory suggests that legal norms are hierarchical, with lower norms deriving from higher ones. This layered structure ensures that norms remain valid and effective within the legal system.[5]

A legal norm has a noble purpose, namely to realize peace in life between individuals. Every legal norm must produce a balance between the values of certainty, justice, and also utility. These legal norms are always present in the legal norm system in each country, although each country has different terms or numbers in each group. The highest legal norm in the hierarchy of legal norms is the staatsfundamentalnorm or the fundamental norm of the state. This norm is not formed by a higher norm but is determined in advance by the community in a country and this norm becomes the basis for norms that are below it.[6]

The legal norm system in Indonesia was formed since Indonesia's independence and the 1945 Constitution was enacted as the constitution of the Republic of Indonesia. In line with the principle of "conformity between type, hierarchy, and content material", the legal force in a law is determined by its hierarchy. Laws and regulations must pay attention to how the content is appropriate and in accordance with the hierarchy. In the hierarchy of laws and regulations, there is also the principle of "lex superiori derogate legi inferior" with this principle indicating that regulations that have a higher position can override regulations that have a lower

[3] Lutfil Ansori, *Legal Drafting: Teori Dan Praktik Penyusunan Peraturan Perundang-Undangan*, ed. Yayat Sri Hayati, Ed. 1. (Depok: Rajawali Pers, 2019).

[4] Dicky Eko Prasetio, "Sejarah Dan Eksistensi Pembentukan Peraturan Daerah," *Sol Justicia* 5, no. 2 (2022): 158–159.

[5] Ni'matul Huda, *UUD 1945 Dan Gagasan Amandemen Ulang* (Jakarta: Rajawali Pers, 2008).

[6] Ahmad Redi, *Hukum Pembentukan Peraturan Perundang-Undangan*, 1st ed. (Jakarta: Sinar Grafika, 2018).

position. Regulations that have a lower position must not conflict with regulations that have a higher position.[7]

Research related to the development of legal norms and legislation in Indonesia has actually been carried out by several previous researchers, such as the research by Firmansyah and Michael which discusses the position of PSSI regulations in the hierarchy of legal norms in Indonesia.[8] Other research was conducted by Situmorang et al. (2023) which discussed the position of Circulars in the hierarchy of legal norms and was related to aspects of legal certainty.[9] Similar research was also conducted by Herdiana and Ekawati (2024) who analyzed the position of the Supreme Court Circular which actually revised and supplemented a statutory regulation.[10] Based on the three previous studies, this study is an original study because the study of legal norms specifically in legislation has not been analyzed critically and comprehensively by the three previous studies above.

RESEARCH METHOD

The type of research used in writing this research is juridical-normative, namely a legal research method carried out by analyzing/researching existing and written legal sources based on literature such as applicable laws, books and journals related to research problems.[11] The nature of the research conducted is descriptive analytical. Research that is descriptive analytical is research that describes, examines, explains, and analyzes a legal regulation.[12] The source of legal material used is secondary data, namely data obtained from previously existing sources (libraries) by collecting data contained in laws and regulations, books, and papers or articles related to the problem being researched.

Primary legal materials, including: the 1945 Constitution and Law Number 12 of 2011 and its amendments. Secondary legal materials are materials that provide explanations related to primary legal materials such as books, journals, theses, and papers. Furthermore, tertiary legal materials are materials that provide explanations

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[7] Radhyca Nanda Pratama Muh. Ali Masnun, "Disharmoni Dalam Pengaturan Kurikulum, Pendidikan Pancasila, Dan Pendidikan Kewarganegaraan Di Perguruan Tinggi," *Jurnal Supremasi* 4, no. 1 (2020): 9–18.

[8] Mochammad Erga Firmansyah and Tomy Michael, "Legal Status of PSSI Statute in Indonesian Legislation," *Innovative: Journal Of Social Science Research* 3, no. 5 (2023): 1731–1742, https://doi.org/10.31004/innovative.v3i5.4780.

[9] Fernando Situmorang, Ramlani Lina, and Sinaulan Mohamad, "Kajian Hukum Tentang Kedudukan SEMA No. 2 Tahun 2022 Atas Undang-Undang Kepailitan Nomor 37 Tahun 2004," *Jurnal Studi Interdisipliner Perspektif* 22, no. 2 (2023): 117–127.

[10] Dadan Herdiana and Dian Ekawati, "Kepastian Hukum Perkawinan Beda Agama Pasca Terbitnya Surat Edaran Mahkamah Agung Nomor 2 Tahun 2023 Dalam Mengadili Perkara Permohonan Pencatatan Perkawinan," *Jurnal Kewarganegaraan* 8, no. 1 (2024): 57–69.

[11] Zainal Asikin Amiruddin, *Pengantar Metode Penelitian Hukum* (Jakarta: Rajawali Press, 2014).

[12] Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: Universitas Indonesia (UI-Press), 2014).

regarding Primary and Secondary Legal Materials, consisting of the Great Dictionary of the Indonesian Language, the internet related to the problem.

The data collection technique in this study was carried out using literature study, which is a record of data collection such as journals, books, scientific works, theses and others. Data collection carried out in normative legal research is a legal research method carried out to examine library and secondary materials. The Data Analysis Technique used in this study is Qualitative Analysis, which is research by producing descriptive data written in literature and document studies. Qualitative analysis is carried out by describing and depicting data and facts generated from the research.

ANALYSIS AND DISCUSSION

A. Legal Drafting and the Law Making of Legislation

Article 1 Paragraph (2) of the 1945 Constitution firmly states that Indonesia is a rule of law, as a country of law, all actions of the government and society must be based on applicable laws. In regulating the lives of society, the legal products that can be produced are national legal products and regional legal products. In the formation of these legal products, they must be in accordance with applicable laws and regulations.[13]

In the process of forming legal regulations (legal drafting) is a term commonly used, where in the Great Dictionary of the Indonesian Language "legal" means in accordance with the provisions of laws or regulations. Meanwhile, according to the English-Indonesian Dictionary, the word "draft" can be interpreted as a form of conceptualization or a design. So if combined, the word legal drafting can be interpreted as a legal concept or a method of drafting in the formation of laws and regulations that are in accordance with the rules, legal theories, legal principles, and rules of laws and regulations that apply in Indonesia.[14]

There are two main things in the formation of legislation according to Burkhardt Krem, namely, the first is the activity of determining the content of the regulation or can be called Inhalt der regeling. The second is the activity concerning the fulfillment of the forms of regulations or Form der regeling. So, according to the theory presented by Krems, the formation of legislation is one of the interdisciplinary activities.

The function of the formation of legislation will be increasingly needed, because in a country based on modern law or Verzorgingsstaat, the main purpose of the

[13] Vincent Suriadinata, "Penyusunan Undang-Undang Di Bidang Investasi: Kajian Pembentukan Omnibus Law Di Indonesia," *Refleksi Hukum: Jurnal Ilmu Hukum* 4, no. 1 (2019): 115–132.

[14] I Nengah Ni Putu Niti Suari Giri. Jimmy Z. Usfunan, I Gede Pasek Pranama, Ni Gusti Ayu Dyah Satyawati, , Made Nurmawati, Ni Luh Gede Astariyani, Istri Ari Atu Dewi, Sunantra, *Buku Ajar Dan Klinik Manual: Klinik Perancangan Produk Hukum Daerah*, ed. Repro, *Udayana University Press*, Cet. Perta. (Denpasar Bali: Udayana University Press, 2015)..

formation of legislation is no longer to create a codification of values and norms in the life of society but also to create a process of modification or renewal or change in the life of society that is increasingly developing along with the development of the era. This theory was conveyed by T. Koopman.[15]

In article 1 number 1 of Law Number 12 of 2011 it is stated that the Formation of Legislation is the process of making legislation that includes several stages, namely, planning, preparation, discussion, ratification, or determination, and the last is promulgation. Legal drafting is a technique for drafting legislation. A legislation will be called valid if it has met the formal requirements and also the material requirements. In the formal requirements, namely the process of making the regulation, there are no legal deficiencies in accordance with the procedures carried out by the authorized body in accordance with the procedures that have been determined.[16]

Here are some definitions of legal registration quoted from legal experts, namely as follows:[17] (i) According to Reed Dickerson, explains lawmaking (a term that includes lawmaking) as "the crystallization and expression in definitive form of legal rights, privileges, functions, duties or status". So he said that this definition briefly recognizes the dual aspects of legislation; the conceptual aspect, where the drafter ascertains and refines the concepts to be used in the text and the literary aspect, where the drafter chooses the best way to express those concepts. (ii) According to the Law Drafting Division of the Department of Justice of Hong Kong, lawmaking is the art of transforming legislative proposals into legally sound and effective laws. While it is important that laws are drafted in a clear and unambiguous manner, lawmaking is not merely literature. Legislation within the framework of every function of society. In addition, it is also explained; Lawmaking is not just about inserting a proposed law into the "legal language" format of the law. (iii) According to AL. Andang L. Binawan, gives the opinion that legislation is a process. The word process itself needs to be emphasized because it is the key to understanding how the logic of legislation works. Legislation has loan words that end in "asi", such as the words liberalization or secularization..

In terms of etymology, the word "norm" comes from Latin while the word "rule" comes from Arabic. Norm comes from the word nomos which means value, and then narrows down to legal standards. While the rules in Arabic come from the word qo'idah which means measure or measure of value.[18] In Indonesia, law and legal norms are a necessity that are made to regulate citizens in carrying out their rights and

[15] Maria Farida Indrati, *Ilmu Perundang-Undangan: Jenis, Fungsi, Dan Materi Muatan*, Revisi. (Sleman: Kanisius, 2020).

[16] Bayu Dwi Anggono and Rofi Wahanisa, "Corruption Prevention in Legislative Drafting in Indonesia," *WSEAS Transactions on Environment and Development* 18 (2022): 172–181.

[17] Erina Pane, *Legal Drafting*, ed. Ronnie Abu Syafiq, Pertama. (Sukarame Bandar Lampung: Harakindo Publishing, 2019).

[18] Jimly Asshiddiqie, "Perihal Undang-Undang," in *Perihal Undang-Undang*, 2004, 411.

obligations, as stated in the 1945 Constitution Article 1 paragraph (3) which states "law is a necessity in the life of the nation and state because the existence of law can create order and justice in society."

According to Jimmly Asshiddiqie, norms or rules are the institutionalization of good and bad values in the form of rules that contain legitimacy, recommendations or obligations. Suggestions and orders can contain positive or negative rules, including standards that encourage doing or suggesting not to do something and standards that dictate doing or not doing something.[19] In terms of objectives, legal norms work towards the ideal of peace in interpersonal life, a state of peace related to external and internal aspects that leads to a balance between order and peace. The goal of peaceful coexistence also includes achieving certainty, justice, and solidarity.

When viewed from the perspective of legal norms, it can be divided into three legal norms: first, legal norms contain imperatives to be implemented or obeyed. Second, laws and regulations contain prohibitions, and third, laws and regulations contain things that are binding only as long as the parties concerned. It can be concluded that the applicable legal norms and laws are made to limit human movement. Not to limit movement in a negative sense, but the law is formed so that humans do not act according to their own will and must comply with the applicable guidelines and order in order to be safe, peaceful, and just.

The hierarchical structure of a country's legal system is such that the constitution is assumed to be the basic norm and is the highest level of National Law. The constitution in the formal sense is a true document as a set of legal norms that can only be changed under special provisions designed to make it difficult to change those norms. The constitution in the material sense consists of the rules that govern the creation of legal norms in general, and the creation of laws in particular. The formal constitution often also contains other norms, norms that are not part of the physical constitution. But precisely in order to maintain the norms that determine the legislative body and its procedures, specific real documents are drawn up and make changing regulations more difficult. This is because the essence of the constitution is in the form of a constitution that must be separated from the common law. In the creation, change and revocation of constitutional law there are certain special procedures.[20]

The constitution in the formal sense, especially the articles that make it more difficult to change the constitution than ordinary laws, is only possible if there is a written constitution. Some countries do not have a written constitution, namely England, which means there is no formal constitution. Therefore, the constitution is

[19] Wahyu Prianto, "Analisis Hierarki Perundang-Undangan Berdasarkan Teori Norma Hukum Oleh Hans Kelsen Dan Hans Nawiasky," *Jurnal Ilmiah Ilmu Sosial dan Pendidikan* 2, no. 1 (2023): 15–16.

[20] Jimly Asshiddiqie dan M. Ali Safa'at, *Teori Hans Kelsen Tentang Hukum*, ed. Budi H. Wibowo Rofiqul-Umam Ahmad, Cet. Perta. (Jakarta: Setjen dan Kepaniteraan MK-RI, 2006).

customary law and there is no difference between the constitution and customary law. The constitution in the material sense can be a written constitution or an unwritten constitution. In his book Hans Kelsen, entitled Hans Kelsen's Theory of Law, which has been widely described by rof. Jimly Assihiddiqie explains a general theory of law and the state including[21] legal analysis, which reveals the dynamic nature of the normative system and the functioning of basic norms, and also reveals further Specificity: Legal norms are formed because legal norms determine how other legal norms are made and to a certain extent also determine the content of other legal norms. Because a legal norm applies because it is formulated in a way determined by another legal norm, and that other legal norm becomes the basis for the validity of the first legal norm.

Norms that regulate the formation of one norm with another norm that have a relationship with each other can also be described as the special "superordination" and "subordination" according to:[22]

a. Higher norms are norms that can determine the formation of other norms.
b. Furthermore, norms that are hierarchically lower are norms that are made or formed from/or according to higher regulations.
c. The legal system, especially the legal system that is manifested in the form of a State, however, is not a system of norms that are only coordinated with each other horizontally or stand parallel or even equal. But rather a system of sequences of norms from different levels

The unity of these norms is manifested in the formation of a norm, a lower norm, determined by another higher norm and the formation of another higher norm is determined by an even higher norm, and until this regressus (the process of forming a series of legal rules) ends with the highest fundamental norm, which forms a unity of the legal order because it is the highest foundation for the validity of the entire legal system or order.Pemaparan tersebut di atas menjelaskan bahwa:

1) Norms form norms and norms that are the basis for the formation of norms are higher than the norms that are formed and so on until the most detailed norms (accessor)
2) In national life starting from:
   a. Constitution (Highest Norm)
   b. Then legal norms that are formed on the basis of the constitution.
   c. Next are substantive or material laws and so on.

Because norms form norms, then norms formed by the basic norms that form them cannot contradict the basic norms that form them. In other words, if legal provisions

[21] Ma'ruf Cahyono, *Penataan Ulang Jenis Dan Hierarki Peraturan Perundang-Undangan Indonesia, Badan Pengkajian MPR RI Bekerjasama Dengan Asosiasi Pengajar Hukum Tata Negara-Hukum Administrasi Negara*, Cet. Perta., vol. 1 (Jakarta: Badan Pengkajian MPR-RI, 2017).

[22] Jimly Asshiddiqie, *Teori Hierarki Norma Hukum*, 1st ed. (Jakarta: Konstitusi Press, 2020).

are formulated by the ruler, subordinate clauses must not contradict superior clauses. In the implementation of national life, several norms are found, including legal norms. These norms can be divided into several groups, namely:[23]

a. General Legal Norms and Individual Norms
   Legal specifications can be distinguished based on the addressee or recipient. General legal norms apply to many people, while individual legal norms apply to one person, several people or many specific people.
b. Abstract Legal Norms and Concrete Legal Norms
   Legal norms can be distinguished into abstract legal norms and specific legal norms according to the things or behaviors that are regulated. Abstract legal norms express abstract behavior, while concrete legal norms express real behavior.
c. Einmahlig Legal Norms and Dauerhaftig Legal Norms
   Legal norms in einmahlig are legal norms that apply once completed, while legal norms in dauerhaftig are legal norms that apply continuously.
d. Single and Paired Legal Norms
   Single legal norms refer to legal norms that stand alone or legal norms that are not followed by other legal norms. The content of the legal norms is only in the form of actions or orders to act (das sollen), while paired legal norms consist of several norms, primary legal norms and secondary legal norms are a set of legal norms when primary legal norms are not enforced.

The thing to note is validity or regarding the power of application and utility. Legal norms are valid or effective if they are made by an authorized body and comply with valid legal norms, and are said to be valid if they are not only legally valid but also observed and obeyed at the same time. According to Hans Nawiasky in Die Theorie von Stufenordnung der Rechtsnormen, a country's legal norms are layered, hierarchical and integrated. Legal norms in the Law are specific, detailed, and directly applicable in society. Hans Kelsen's Stufenbau Theory (stufenbau des rechts theorie) hierarchy of legal norms was inspired by his student Adolf Merkl who argued that legal norms always have two faces (das doppelte rechtsantlitz). According to Adolf Merkl,[24] legal norms are upward in nature, originating from and based on the norms above them, but downward in nature they also become the basis and source of the legal norms below them, so that legal norms have a relative validity period (rechtskraht), because the validity period of legal norms depends on the legal norms above them, so if the legal norms above

[23] Maria Farida Indrati, *Ilmu Perundang-Undangan: Jenis, Fungsi, Dan Materi Muatan*.

[24] Isnawati, "Pelaksanaan Hierarki Peraturan Perundang-Undangan Menurut Undang-Undang Nomor 12 Tahun 2011 Di Indonesia Saat Ini," *Jurnal Hukum Responsif* 7, no. 2 (2019): 68–84.

them are revoked or deleted, the legal norms below them will also be revoked or deleted.

According to Hans Kelsen[25], legal norms are hierarchical in a hierarchy (organization) in the sense that lower norms apply, come from, and are built on higher norms, and higher norms apply, come from, and are based on higher norms and so on. Up to norms that cannot be traced further and are hypothetical and fictitious, namely basic norms (Grundnorm). The basic norms referred to by Adolf Merkl are different from the Grundnorm formulated by Hans Kelsen. The difference is that the basic norms referred to by Merkl are places that depend on the norms below them, and are a framework for thinking about the theory of levels of legal norms, can indeed be changed (such as constitutional amendments as the highest) legal norms and Grundnorm according to Hans Kelsen are something abstract, the assumption is not written and can be applied generally.[26] It forms the basis of all sources of law in the formal sense and is extra-legal in nature.

In discussing the hierarchy or order of legal regulations, it cannot be denied that the theories of Hans Kelsen put forward by Hans Nawiasky which are the basis of the model of order adopted in Indonesia now must be discussed. In that theory it is called die lehre vom dem stufenaufbau der Rechtsordnung or stufenordnung der Rechtsnormen. Hans Nawiasky's theory is known as theorie von sufenufbau der Rechtsordnung. According to this theory, the composition of the specification is:[27]

a. National Basic Norms (Staatsfundamentalnorm)
b. National Basic Rules (Staatsgrundgesetz)
c. Formal Law (Formell Gesetz) and,
d. Implementing regulations and autonomous regulations (Verordnungen autonome satzung)

Staatsfundamentalnorm is a norm that is the basis of a country's Constitution or constitution (Staatsverfassung). The legal status of Staatsfundamentalnorm is a condition for the constitution to be valid. Staatsfundamentalnorm existed before a country's constitution. In Nawiasky's view, Hans Kelsen's highest norm on the basic norms of the state should not be called staatsgrundnorm, but staatsfundamentalnorm, the basic norm of the state. Grundnorm is basically

[25] Nita Ariyani, "Kedudukan Ketetapan Mpr Dalam Teori Dan Praktik Ketatanegaraan Di Indonesia," *Jurnal Justiciabelen* 1, No. 2 (2019): 88–100.

[26] E Fernando M Manullang, "Mempertanyakan Pancasila Sebagai Grundnorm," *Jurnal Hukum & Pembangunan* 50, no. 2 (2020): 284–301.

[27] Bivitri Susanti, "Menyoal Jenis Dan Hierarki Peraturan Perundang-Undangan Di Indonesia," *Jurnal Jentera* 1, no. 2 (2017): 128–143.

unchanging, while the highest norm changes, for example through a coup or revolution.[28]

Another difference is that the word "norm" in the grundnorm referred to by Kelsen refers to norms in the general sense (legal norms, norms of decency, moral norms, social norms, and religious norms), while the word "norm" in "Staatsfundamentalnorm" Nawiasky said means that Nawiasky is a special norm, namely legal norms in the sense of positive law or the hierarchy of statutory regulations. Jimly Ashiddiqie explains from the perspective of the "theory of the rule of law"[29] basic norms are contained in the constitution, general norms are contained in laws, statutes, or legislative acts, and special norms are contained in court decisions and rulings. State administrative officials. Therefore, it is impossible for there to be a law that contains concrete-individual norms (concrete and individual norms) such as those contained in "personal statutes".

Under the basic state norms (Staatsfundamentalnorm), there are basic state regulations (staats grundgesetz), usually stated in the text of the basic law or constitution. Under the staats grundgesetz there are more specific norms, formell gesetz (formal law), and under formell gesetz there are verordnung and autonome satzung (executive regulations or autonomous regulations). A. Hamid S. Attamimi then likened Hans Nawiasky's theory to Hans Kelsen's theory and applied it to the structure of the Indonesian legal system, and proposed the structure of the Indonesian legal system as follows[30]:

a. Pancasila and the Preamble to the 1945 Constitution of the Republic of Indonesia as: Staatsfundamentalnorm
b. The body of the 1945 Constitution of the Republic of Indonesia, the MPR Decree, and the Constitutional Convention as: Staatsgrundgesetz.
c. Laws as: Formell Gesetz.
d. Hierarchically starting from Government Regulations (Executive Regulations) to Regional Regulations at the provincial, district or city level and even the Regent or Mayor's Decree as: Verordnung en Autonome Satzung.

Notonagoro first conveyed the position of Pancasila as staatsfundamentalnorm, Pancasila which is considered as a legal ideal (rechtsidee), is a light of guidance. This position demands that positive law be formed to fulfill

[28] Dahlan Thaib and Ni'matul Huda Hamidi, Jazim, *Teori Dan Hukum Konstitusi* (Jakarta: Yayasan Mutiara Tauhid, 2005).

[29] Isnawati, "Pelaksanaan Hierarki Peraturan Perundang-Undangan Menurut Undang-Undang Nomor 12 Tahun 2011 Di Indonesia Saat Ini."

[30] Maria Farida Indrati, ed., *A. Hamid S. Attamimi: Gesetzgebungwissenschaft Sebagai Salah Satu Upaya Menanggulangi Hutan Belantara Peraturan Perundang-Undangan*, 1st ed. (Jakarta: Badan Penerbit Fakultas Hukum Universitas Indonesia, 2021).

the ideals of Pancasila and can be used to test Positive Law. With the regulation of Pancasila as staatsfundamentalnorm, the opening, implementation, and enforcement of law cannot be separated from the values of Pancasila.

However, by placing Pancasila as Staatsfundamentalnorm means placing it above the Constitution. If so, Pancasila is not included in the definition of the constitution, because it is above the constitution. To discuss this problem, it can be done by tracing back the concept of basic norms and the constitution according to Hans Kelsen and the development made by Nawiasky, and looking at the relationship between Pancasila and the 1945 Constitution.

B. Classification of Norms and Legislation

The development of types and hierarchies of laws and regulations is regulated in Article 7 of Law No. 12 of 2011 concerning the Formation of Laws and Regulations. Hierarchy is the gradation of each type of Laws and Regulations based on the principle that lower Laws and Regulations may not conflict with higher Laws and Regulations. The types and hierarchies of laws and regulations are:

a. The 1945 Constitution of the Republic of Indonesia.
b. Decree of the People's Consultative Assembly.
c. Law/Government Regulation in Lieu of Law.
d. Government Regulation.
e. Presidential Regulation.
f. Provincial Regulation; and
g. Regency/City Regulation

The 1945 Constitution of the Republic of Indonesia is the basic law in the Legislation. The Decree of the People's Consultative Assembly is the Decree of the Provisional People's Consultative Assembly and the Decree of the People's Consultative Assembly that is still in effect as referred to in Article 2 and Article 4 of the Decree of the People's Consultative Assembly of the Republic of Indonesia Number: I/MPR/2003 concerning Review of the Material and Legal Status of the Provisional People's Consultative Assembly Decree and the Decree of the People's Consultative Assembly from 1960 to 2002, dated August 7, 2003. Law is Legislation established by the People's Representative Council with the joint approval of the President.

Government Regulation in Lieu of Law is a Legislation stipulated by the President in urgent matters. Government Regulation is a Legislation stipulated by the President to implement the Law as it should be. Presidential Regulation is a Legislation stipulated by the President to implement the orders of a higher Legislation or in carrying out governmental powers. Provincial Regulation is a

Legislation stipulated by the Provincial People's Representative Council with the joint approval of the Governor.

Included in the Provincial Regulations are Qanuns that apply in Aceh Province and Special Regional Regulations (Perdasus) and Provincial Regulations (Perdasi) that apply in Papua Province and West Papua Province. Regency/City Regulations are Legislation established by the Regency/City Regional People's Representative Council with the joint approval of the Regent/Mayor. Included in the Regency/City Regional Regulations are Qanuns that apply in the Regency/City in Aceh Province. Types of Legislation other than those mentioned above include regulations stipulated by the People's Consultative Assembly, People's Representative Council, Regional Representative Council, Supreme Court, Constitutional Court, Audit Board, Judicial Commission, Bank Indonesia, Ministers, agencies, institutions, or commissions of the same level that are established by Law or the Government on the order of Law, the Provincial People's Representative Council, Governor, Regency/City Regional People's Representative Council, Regent/Mayor, Village Head or the equivalent. The existence of these regulations is recognized and has binding legal force as long as it is ordered by higher Legislation or is established based on the authority.[31]

Legislation is actually the result of an idea or concept that is seen from existing social facts, then the situation is normalized and also has sanctions so that there is harmony in society. An example is the rampant circulation of alcohol that disturbs the community which can damage public health and damage the next generation of the nation. Therefore, the government needs a regulation to regulate the circulation of alcohol in the community. In order for legal products or laws to be accepted by the community, an academic paper should contain 3 things, namely legal, sociological and philosophical foundations. An academic paper is a description of the background of the creation of the law or law which contains legal, sociological and philosophical foundations.

In the formation of a law or statute, several processes of law-making must be considered, namely the initiation stage, namely the stage where the idea of the need for law arises in society. The socio-political stage is where the idea of the need for law is discussed, tested and harmonized by society itself. This stage is the stage of maturation and sharpening. The legal stage, namely the stage of compiling materials into legal formulations and then promulgated and the last stage is the formation of the statutory regulations themselves (Law no. 10 of 2004).

Before Law Number 12 of 2011 concerning the Formation of Legislation, the types and levels of legislation were regulated in Law Number 10 of 2004

[31] Bayu Dwi Anggono, "Tertib Jenis, Hierarki, Dan Materi Muatan Peraturan Perundang-Undangan: Permasalahan Dan Solusinya," *Masalah-Masalah Hukum* 47, no. 1 (2018): 1–2.

concerning the Formation of Legislation. According to Article 7(1) of Law Number 10 of 2004 concerning the Formation of Legislation, the types and levels of legislation are as follows:

a. The 1945 Constitution of the Republic of Indonesia.
b. Law/Government Regulation in Lieu of Law.
c. Government Regulation.
d. Presidential Regulation.
e. Regional Regulation; and
f. Regency/City Regulation

After the enactment of Law Number 12 of 2011 concerning the Formation of Legislation, the types and hierarchy of Legislation are as follows:

a. The 1945 Constitution of the Republic of Indonesia.
b. Decree of the People's Consultative Assembly.
c. Law/Government Regulation in Lieu of Law.
d. Government Regulation.
e. Presidential Regulation.
f. Provincial Regulation; and
g. Regency/City Regulation

The types of Legislation above are also a hierarchy or order of Legislation. This means that a Legislation always applies, originates from and is based on higher Legislation and higher norms.[32]

a. 1945 Constitution

The 1945 Constitution is the written basic law of the Republic of Indonesia which contains the basics and outlines of law in the administration of the state. Based on the previous MPR Decree, namely MPRS Decree no. XX/MPRS/1966 concerning the order of legislation and MPRS Decree No. III/MPR/2000 concerning sources of law and the order of legislation and Law No. 10 of 2004 concerning the Making of Legislation places the 1945 Constitution in the highest order because the 1945 Constitution is the written basic legal source of the Republic of Indonesia which contains the basics and outlines of law in the administration of the state. The same thing also applies to Law Number 12 of 2011 concerning the Formation of Legislation which places the 1945 Constitution of the Republic of Indonesia as the highest legislation.

b. Decree of the People's Consultative Assembly

Previously, Law No. 10 of 2004 concerning the Formation of Legislation revoked the Decree of the People's Consultative Assembly of the Republic of Indonesia which was previously mentioned in Tap MPRS No. III/MPR/2000

[32] Hasanuddin Hasim, "Hierarki Peraturan Perundang-Undangan Negara Republik Indonesia Sebagai Suatu Sistem," *Madani Legal Review* 1, no. 2 (2017): 120–130.

concerning the Source of Law and the Order of Legislation. As an improvement on the previous Law, Law No. 12 of 2011 concerning the Formation of Legislation added new material, one of which was the addition of "Decree of the People's Consultative Assembly" as one type of Legislation whose hierarchy is placed below the 1945 Constitution of the Republic of Indonesia. This is intended to complement the weaknesses contained in Law No. 10 of 2004 concerning the Formation of Legislation, including:

1) The material of Law No. 10 of 2004 concerning the Formation of Legislation often causes confusion or multiple interpretations so that it does not provide legal certainty;
2) Many formulation writing techniques are inconsistent;
3) There is new material that needs to be regulated as a result of the development of legislation or legal needs; and
4) The description of the material is carried out in accordance with that regulated in each chapter in accordance with the systematics

According to the explanation of Article 7 paragraph (1) letter b of Law No. 12 of 2011 concerning the Formation of Legislation, what is meant by MPR Decrees are Temporary MPR Decrees and MPR Decrees that are still in force as stated in Article 2 and Article 4 of MPR RI Decree Number: I/MPR/2003 Concerning Review of Material and Legal Status of Temporary MPR Decrees and MPR Decrees from 1960 to 2002, dated 7 August 2003.

c. Law/Government Regulation in Lieu of Law

According to Law No. 12 of 2011, the 3rd form of legislation is Law (UU). The Legal Basis of the Law is contained in Article 20 paragraph (1) and Article 5 paragraph (1) of the 1945 Constitution which explains that the DPR is an institution that has the power to form Laws, then in Article 1 number 3 of Law No. 12 of 2011 it states: Law is a Law made by the DPR with the joint approval of the President. In other words, in the formation of laws, the legislative institution has a very decisive role in determining the validity and strength of laws that are binding on the public. According to legal experts such as P.J.P.Tak in his book entitled Rechtsvorming in Netherland, the definition of UU is divided into: UU in the material sense (wet materiele zin) and UU in the formal sense (wet formele zin). UU in the formal sense is when the government together with parliament makes a decision, with the intention of making a law in accordance with the procedure. Meanwhile, the law in the material sense is if an institution that has the authority to form legislation issues a decision whose contents are binding on the public in general, meaning that the law in the material sense sees the law in terms of its content, material and substance, while the law in the formal sense is seen in terms of its form and formation.

Meanwhile, the meaning of the Government Regulation in Lieu of Law (Perpu) in number 4 article 1 of Law No. 12 of 2011 is explained that: Government Regulation in Lieu of Law is a Law Regulation stipulated by the President in cases of urgent matters that force. Perpu is stipulated without first requesting joint approval from the DPR and can only be done in cases of urgent matters, Perpu must obtain approval from the DPR at the next session in order to be changed into Law, if not then the Perpu must be revoked.

Basically, the function of Perpu is the same as the function of law, the difference between the two lies in the maker, Law is made by the President together with the DPR in normal circumstances while Perpu is made by the President. Another difference is that Law is made in normal circumstances, while Perpu is made when there is a pressing emergency.

d. Government Regulation (PP)

Article 5 paragraph (2) of the 1945 Constitution which is the legal basis for PP explains: The President stipulates Government Regulations to implement the Law as it should be. The purpose of Government Regulations is Legislation stipulated by the President to implement the Law as it should be (Article 1 number 5) Law No. 12 of 2011. Thus, it can be concluded that there will be no PP if there is no Law as its parent. According to A Hamid S Attamimi, the characteristics of PP are[33]:

1) PP cannot be formed first without a law as its parent;
2) PP cannot include criminal sanctions if the relevant law does not include criminal sanctions;
3) PP provisions cannot add to or reduce the provisions of the relevant law;
4) PP can be formed even though the relevant law does not explicitly request it;
5) PP provisions contain regulations or a combination of regulations and stipulations, PP does not contain stipulations solely

Article 5 paragraph (2) of the 1945 Constitution stipulates: The President stipulates Government Regulations to implement laws properly, this article emphasizes that PP can only be stipulated by the President if there is a parent Law. The President's authority to stipulate PP is a manifestation of the President's function as head of government, namely the head of state administrative power, so that in the context of implementing the Law, the President has the power to stipulate PP.

[33] Maria Farida Indrati, *A. Hamid S. Attamimi: Gesetzgebungwissenschaft Sebagai Salah Satu Upaya Menanggulangi Hutan Belantara Peraturan Perundang-Undangan*.

Article 12 of Law No. 12 of 2011 also regulates the same thing, which stipulates that the substance of Government Regulations contains material needed for the implementation of the Law properly, therefore PP contains further regulations from the Law. Regarding material containing criminal or coercive sanctions, if the Law does not include it, then the PP may not include criminal sanctions or coercive sanctions.

e. Presidential Regulation

Presidential Regulation is a Legislation established by the President based on Article 4 of the 1945 Constitution. Before the issuance of Law No. 12 of 2011 concerning the Establishment of Legislation and Law No. 10 of 2004 concerning the Establishment of Legislation, Presidential Regulation was called Presidential Decree, because at that time Presidential Decree had two characteristics, namely First, Presidential Decree which is regulatory in nature (regels) is always general, abstract, and applies continuously (dauerhaftig). Second, Presidential Decree which is stipulating in nature (beschikking) this decision is always individual, concrete and applies once completed (enmahlig). Presidential Decree is a legal norm that is concrete, individual, and once completed (example: Presidential Decree No. 6 of 2000 concerning the Appointment of Ir. Cacuk Sudarijanto as Chairman of the Indonesian Bank Restructuring Agency). While Presidential Regulation is a legal norm that is abstract, general, and continuous. (example: Presidential Decree No. 64 of 2012 concerning Provision, Determination of Gas Fuel Prices for Road Transportation).

Then Law No. 10 of 2004 was issued which was similar after the enactment of UH No. 12 of 2011 concerning the Formation of Legislation which refers to the provisions of Article 1 number 6 of the Law, Presidential Regulation is a Legislation stipulated by the President to carry out the orders of higher Legislation or in carrying out governmental powers.[34]

f. Regional Regulations

Regional Regulations are Legislation established by the Regional People's Representative Council of the Province with the joint approval of the Regional Head (governor or regent/mayor) as outlined in Law No. 15 of the provincial, district or city regions, regional regulations (perda) are stipulated by the region after receiving approval from the DPRD.[35] Regional Regulations are formed to organize regional autonomy of provinces, districts, or cities. Regional

[34] Ahmad Husen, "Eksistensi Peraturan Presiden Dalam Sistem Peraturan Perundang-Undangan," *Lex Scientia Law Review* 3, no. 1 (n.d.): 69–78., 74.

[35] Suparto Suparto, "Problematika Pembentukan Peraturan Daerah (Perda) Tentang Rencana Tata Ruang Wilayah Provinsi Riau," *Bina Hukum Lingkungan* 4, no. 1 (2019): 79.

Regulations consist of Provincial Regional Regulations formed by the Provincial DPRD with the joint approval of the Governor, and Regency/City Regional Regulations, which apply in the district/city formed by the Regency/City DPRD with the joint approval of the Regent/Mayor.

Regional regulations have a strategic position, because they are based on the constitution as regulated in Article 18 paragraph 6 of the 1945 Constitution. In addition to being an elaboration of higher laws and regulations, regional regulations are legal instruments made by regional governments, this aims to exercise authority in realizing the autonomy they have, therefore the material (substance) of Regional Regulations should not conflict with higher Laws and Regulations. Meanwhile, for Regional Regulations in the context of implementing Autonomy, the substance of the Regional Regulations does not have to be based on higher Laws and Regulations, but must adjust to the conditions of Autonomy (capabilities) of each region. In the field of autonomy, PERDA can regulate all government affairs and community interests that are not regulated by the Central Government.

The hierarchy or order of laws and regulations in Indonesia refers to Article 7 paragraph (1) of Law Number 12 of 2011 concerning the Formation of Laws and Regulations Law 12 of 2011 which has been amended to Law Number 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning the Formation of Laws and Regulations Law No. 15 of 2019 which reads: "The types and hierarchy of laws and regulations consist of: The 1945 Constitution of the Republic of Indonesia; Decrees of the People's Consultative Assembly; Laws/Government Regulations in Lieu of Laws; Government Regulations; Presidential Regulations; Provincial Regulations; and Regency/City Regulations. The legal force of the above laws and regulations is in accordance with the hierarchy and lower laws and regulations may not conflict with higher laws and regulations." Types of laws and regulations other than those referred to above include regulations stipulated by: People's Consultative Assembly (MPR), People's Representative Council (DPR), Regional Representative Council (DPD), Supreme Court (MA), Constitutional Court (MK), Audit Board; Judicial Commission; Bank Indonesia; Minister; Agencies, institutions, or commissions of the same level established by Law (UU) or the government on the order of Law, Provincial People's Representative Council (DPRD) and Regency/City DPRD, Governor, Regent/Mayor, Village Head or equivalent.

The above laws and regulations are recognized as existing and have binding legal force as long as they are ordered by higher laws and regulations. From the provisions above, there are two conditions for the regulations as referred to in

Article 8 paragraph (1) of Law No. 12 of 2011 to have binding force as laws and regulations, namely: 1) ordered by higher laws and regulations; 2) formed based on authority.

CONCLUSION

Legal norms are the institutionalization of good and bad values that are made in the form of rules that are mandatory and are made to regulate citizens in exercising their rights and obligations. Legal norms are formed so that humans do not act as they please because in the life of the nation and state, the existence of law is expected to create order and justice in society. In the process of its formation, legal norms determine how other legal norms are made. This is in line with what was put forward by Adolf Merkl, where he argued that legal norms have 2 (two) faces: legal norms are upward in nature, meaning they originate from and are based on the norms above them, and legal norms are downward in nature, meaning that these norms are also the source and basis for the norms below them.

As for the types and hierarchies of Legislation, they are regulated in Article 7 of Law No. 12 of 2011 concerning the Formation of Legislation. The hierarchy itself is the hierarchy of each type of Legislation based on the principle that lower regulations must not conflict with higher regulations, in the following order: The 1945 Constitution of the Republic of Indonesia; Decree of the People's Consultative Assembly; Law/Government Regulation in Lieu of Law; Government Regulation; Presidential Regulation; Provincial Regulation; and Regency/City Regulation. This type of Legislation is also a sequence or hierarchy of Legislation, meaning that a Legislation always originates and is based on higher Legislation and norms. The recommendation from this study is the need for an in-depth study related to legal norms, especially when viewed from various perspectives.

REFERENCES

Akbar, Muhammad, Maisa, Mohamad Didi Permana, and Hazmi Rusli. "The Progressive Legal Perspective of Legal Justice in Customary Dispute Resolution Related To Natural Resources." *Jurnal IUS Kajian Hukum dan Keadilan* 11, no. 2 (2023): 225–236.

Amiruddin, Zainal Asikin. *Pengantar Metode Penelitian Hukum*. Jakarta: Rajawali Press, 2014.

Anggono, Bayu Dwi. "Tertib Jenis, Hierarki, Dan Materi Muatan Peraturan Perundang-Undangan: Permasalahan Dan Solusinya." *Masalah-Masalah Hukum* 47, no. 1 (2018): 1–2.

Anggono, Bayu Dwi, and Rofi Wahanisa. "Corruption Prevention in Legislative Drafting in Indonesia." *WSEAS Transactions on Environment and Development* 18 (2022): 172–181.

Ansori, Lutfil. *Legal Drafting: Teori Dan Praktik Penyusunan Peraturan Perundang-Undangan*. Edited by Yayat Sri Hayati. Ed. 1. Depok: Rajawali Pers, 2019.

Asshiddiqie, Jimly. "Perihal Undang-Undang." In *Perihal Undang-Undang*, 411, 2004.

———. *Teori Hierarki Norma Hukum*. 1st ed. Jakarta: Konstitusi Press, 2020.

Cahyono, Ma'ruf. *Penataan Ulang Jenis Dan Hierarki Peraturan Perundang-Undangan Indonesia. Badan Pengkajian MPR RI Bekerjasama Dengan Asosiasi Pengajar Hukum Tata Negara-Hukum Administrasi Negara*. Cet. Perta. Vol. 1. Jakarta: Badan Pengkajian MPR-RI, 2017.

Dyah Ochtorina Susanti, A'an Efendi. "Pancasila Dalam Teori Jenjang Norma Hukum Hans Kelsen." *Legislasi Indonesia* 18, no. 4 (2021): 518.

Firmansyah, Mochammad Erga, and Tomy Michael. "Legal Status of PSSI Statute in Indonesian Legislation." *Innovative: Journal Of Social Science Research* 3, no. 5 (2023): 1731–1742. https://doi.org/10.31004/innovative.v3i5.4780.

Haricharan, Hanne Jensen, Maria Stuttaford, and Leslie London. "Effective and Meaningful Participation or Limited Participation? A Study of South African Health Committee Legislation." *Primary Health Care Research and Development* 22 (2021).

Hasim, Hasanuddin. "Hierarki Peraturan Perundang-Undangan Negara Republik Indonesia Sebagai Suatu Sistem." *Madani Legal Review* 1, no. 2 (2017): 120–130.

Herdiana, Dadan, and Dian Ekawati. "Kepastian Hukum Perkawinan Beda Agama Pasca Terbitnya Surat Edaran Mahkamah Agung Nomor 2 Tahun 2023 Dalam Mengadili Perkara Permohonan Pencatatan Perkawinan." *Jurnal Kewarganegaraan* 8, no. 1 (2024): 57–69.

Huda, Ni'matul. *UUD 1945 Dan Gagasan Amandemen Ulang*. Jakarta: Rajawali Pers, 2008.

Husen, Ahmad. "Eksistensi Peraturan Presiden Dalam Sistem Peraturan Perundang-

Undangan." *Lex Scientia Law Review* 3, no. 1 (n.d.): 69–78.

Isnawati. "Pelaksanaan Hierarki Peraturan Perundang-Undangan Menurut Undang-Undang Nomor 12 Tahun 2011 Di Indonesia Saat Ini." *Jurnal Hukum Responsif* 7, no. 2 (2019): 68–84.

Jimly Asshiddiqie dan M. Ali Safa'at. *Teori Hans Kelsen Tentang Hukum*. Edited by Budi H. Wibowo Rofiqul-Umam Ahmad. Cet. Perta. Jakarta: Setjen dan Kepaniteraan MK-RI, 2006.

Manullang, E Fernando M. "Mempertanyakan Pancasila Sebagai Grundnorm." *Jurnal Hukum & Pembangunan* 50, no. 2 (2020): 284–301.

Maria Farida Indrati, ed. *A. Hamid S. Attamimi: Gesetzgebungwissenschaft Sebagai Salah Satu Upaya Menanggulangi Hutan Belantara Peraturan Perundang-Undangan*. 1st ed. Jakarta: Badan Penerbit Fakultas Hukum Universitas Indonesia, 2021.

———. *Ilmu Perundang-Undangan: Jenis, Fungsi, Dan Materi Muatan*. Revisi. Sleman: Kanisius, 2020.

Muh. Ali Masnun, Radhyca Nanda Pratama. "Disharmoni Dalam Pengaturan Kurikulum, Pendidikan Pancasila, Dan Pendidikan Kewarganegaraan Di Perguruan Tinggi." *Jurnal Supremasi* 4, no. 1 (2020): 9–18.

Ni Putu Niti Suari Giri. Jimmy Z. Usfunan, I Gede Pasek Pranama, Ni Gusti Ayu Dyah Satyawati, , Made Nurmawati, Ni Luh Gede Astariyani, Istri Ari Atu Dewi, Sunantra, I Nengah. *Buku Ajar Dan Klinik Manual: Klinik Perancangan Produk Hukum Daerah*. Edited by Repro. *Udayana University Press*. Cet. Perta. Denpasar Bali: Udayana University Press, 2015.

Nita Ariyani. "Kedudukan Ketetapan Mpr Dalam Teori Dan Praktik Ketatanegaraan Di Indonesia." *Jurnal Justiciabelen* 1, no. 2 (2019): 88–100.

Pane, Erina. *Legal Drafting*. Edited by Ronnie Abu Syafiq. Pertama. Sukarame Bandar Lampung: Harakindo Publishing, 2019.

Pranoto, Pratisto Ilham, and Gayatri Dyah Suprobowati. "Kedudukan Peraturan Menteri Dalam Sistem Perundang- Undangan." *Jurnal Demokrasi dan Ketahanan Nasional* 1 (2022): 391–395.

Prasetio, Dicky Eko. "Sejarah Dan Eksistensi Pembentukan Peraturan Daerah." *Sol Justicia* 5, no. 2 (2022): 158–159.

Prianto, Wahyu. "Analisis Hierarki Perundang-Undangan Berdasarkan Teori Norma Hukum Oleh Hans Kelsen Dan Hans Nawiasky." *Jurnal Ilmiah Ilmu Sosial dan Pendidikan* 2, no. 1 (2023): 15–16.

Redi, Ahmad. *Hukum Pembentukan Peraturan Perundang-Undangan*. 1st ed. Jakarta: Sinar Grafika, 2018.

Situmorang, Fernando, Ramlani Lina, and Sinaulan Mohamad. "Kajian Hukum Tentang Kedudukan SEMA No. 2 Tahun 2022 Atas Undang-Undang Kepailitan Nomor 37 Tahun 2004." *Jurnal Studi Interdisipliner Perspektif* 22, no. 2 (2023): 117–127.

Soekanto, Soerjono. *Pengantar Penelitian Hukum*. Jakarta: Universitas Indonesia (UI-Press), 2014.

Suparto, Suparto. "Problematika Pembentukan Peraturan Daerah (Perda) Tentang Rencana Tata Ruang Wilayah Provinsi Riau." *Bina Hukum Lingkungan* 4, no. 1 (2019): 79.

Suriadinata, Vincent. "Penyusunan Undang-Undang Di Bidang Investasi: Kajian Pembentukan Omnibus Law Di Indonesia." *Refleksi Hukum: Jurnal Ilmu Hukum* 4, no. 1 (2019): 115–132.

Susanti, Bivitri. "Menyoal Jenis Dan Hierarki Peraturan Perundang-Undangan Di Indonesia." *Jurnal Jentera* 1, no. 2 (2017): 128–143.

Thaib, Dahlan, and Ni'matul Huda Hamidi, Jazim. *Teori Dan Hukum Konstitusi*. Jakarta: Yayasan Mutiara Tauhid, 2005.