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# The Regional Supervision and Cancellation Mechanism

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***Abstract:***

*The amendment to Law Number 32 of 2004 to Law Number 23 of 2014 concerning Regional Government further emphasizes the centralized relationship between the central government and regional governments, which during post-independence experienced high dynamics, especially in terms of the concept of domination of power between the two. One of the significant impacts of this change lies in the central government's supervisory authority over regional regulations established by regional governments. This condition further strengthens the position of the central government towards regional governments. On the one hand, it reinforces the concept of a unitary state, but, on the other hand, further limits the authority of local governments in implementing regional autonomy. Both are mandates of the 1945 Constitution. The supervisory authority also has an impact on the authority to cancel regional regulations by the central government. This can not only be seen from the aspect of the relationship between the central and local governments, but also relates to the perspective of legislation. With the cancellation, it is important to look at the available legal remedies if there are those who are not happy with the implementation of the cancellation authority.*

***Keywords:***

*supervision; cancellation; regional regulation; local government*

## I. Introduction

Regional Regulations (Perda) in the era of regional autonomy have a strategic position, considering that basically Regional Regulations have a key function in the context of implementing provincial/district/city regional autonomy and co-administration tasks. Juridically, local regulations (Perda) are regulatory instruments that are legally given to local governments in administering local government (Tutik, 2011). The position and function of Regional Regulations differ from one another in line with the state administration system contained in the 1945 Constitution/Constitution and the Law on Regional Government. This difference also occurs in the arrangement of the content material due to the narrow scope of the existing affairs in the regional government.

In accordance with the provisions of Law Number 23 of 2014 concerning Regional Government, what is meant by regional government is the regional head as an element of regional government organizer who leads the implementation of government affairs which are the authority of the autonomous region.

Draft Regional Regulations can come from the Regional People's Representative Council (DPRD), the Governor or the Regent/Mayor. If in one session the Governor or Regent and DPRD submit a draft Regional Regulation (Perda) with the same material, then what is discussed is the draft Perda submitted by the DPRD, while the draft Perda submitted by the Governor or Regent/Mayor is used as comparison material. . The regional regulation drafting program is carried out in one regional legislation program (Tutik, 2011), so it is hoped that there will be no overlap in the preparation of one regional regulation material.



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Based on this description, in terms of formation, local regulations have other "delegated legislation" characters, for example government regulations (PP) Presidential Regulations (Perpres), because the formation of local regulations involves people's representatives as the character of the law (Sukardi, 2009).

Regional regulations (hereinafter referred to as Regional Regulations) and other regulations to carry out autonomy and assistance tasks stipulated by regional governments may not conflict with the provisions of laws and regulations that are higher in the public interest, and/or morality.

This is confirmed in Article 250 of Law Number 23 of 2014 concerning Regional Government as amended several times, most recently by Law Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government (hereinafter referred to as the Regional Government Law) reads:

(1) Regional Regulations and Regional Regulations as referred to in Article 249 paragraphs (1) and (3) are prohibited from contradicting the provisions of higher laws and regulations, public interest, and/or decency.
(2) Contrary to the public interest as referred to in paragraph (1) includes:
a. disruption of harmony between members of the community;
b. disruption of access to public services;
c. disturbance of peace and public order;
d. disruption of economic activities to improve people's welfare; and/or
e. discrimination against ethnicity, religion and belief, race, between groups, and gender.

Regional regulations that are contrary to the provisions of higher laws and regulations, public interest, and/or morality, are canceled by the Central Government. The cancellation of the Provincial Perda is carried out by the Minister of Home Affairs, while the cancellation of the Regency / City Perda is carried out by the Governor as the Representative of the Central Government. If the governor does not cancel a regional regulation that is contrary to the provisions of higher laws and regulations, the public interest, and/or morality, then the said regional regulation and local regulation will be canceled by the Minister of Home Affairs.

However, after the Decision Number 137/PUU-XIII/2015 stated that Article 251 of Law Number 23 of 2014 concerning Regional Government related to the authority to cancel district/city regulations could no longer be canceled by the Minister of Home Affairs or the governor. Complementing the decision, the Constitutional Court through its Decision Number 56/PUU-XIV/2016 stated that the central government also no longer has the authority to cancel provincial regional regulations. This decision does not necessarily solve the problem related to the authority to cancel regional regulations, this is because the Constitutional Court's decision only applies to district/city regulations. The results of the study indicate that in a unitary state, it is appropriate for the government at a higher level to be given the authority to supervise regulations that are born in the regions. The implementation of this supervision can be done by providing guidance to the regions through strengthening executive preview or testing of a legal norm before it is legally binding in general, this is in line with the spirit of the provisions of Article 24A of the 1945 Constitution of the Republic of Indonesia.

## II. Review of Literatures

### 2.1 Hierarchy of Legislation

#### a. Hierarchy of Legal Norms (stufentheorie Hans Kelsen and Hans Nawiasky)

There is no system in this world that positively regulates the order of legislation. even if there is a regulation that is only limited to the principle which states, for example: "Regional regulations must not conflict with legislation at a higher level" or in the case of the Constitution there is the phrase "the supreme law of the land" In Hans Kelsen's book "General Theory of Law and State" a translation of the general theory of law and the state described by Jimly Assihiddiqie with the title Hans Kelsen's Theory of law, among others, that16 Legal analysis, which reveals the dynamic character of the system of norms and the function of basic norms, also reveals a further peculiarity of law: the law regulates its own formation because a legal norm determines the way to create another legal norm, and also to some degree determine the content of the other norms. This is because one legal norm is valid because it is made in a way determined by another legal norm, and this other legal norm is the basis for the validity of the first-mentioned legal norm. According to Hans Kelsen, norms are tiered in layers in a hierarchical arrangement. That is, the legal norms below apply and originate, and are based on higher norms, and higher norms are also sourced and based on higher norms and so on until they stop at a highest norm called the Basic Norm (Grundnorm) and according to Hans Kelsen belongs to a dynamic norm system. Therefore, the law is always formed and abolished by the institutions that have the authority to form it.

The relationship between the norms that govern the formation of other norms with other norms can be described as the relationship between "Superordination" and "Subordination" which is special according to him, namely (Syamsudi, 2011):

a. The norm that determines the formation of another norm is a higher norm
b. Meanwhile, the norms formed according to this regulation are lower norms.
c. The legal order, especially the legal order personified in the form of the State, is not a system of norms that are only coordinated with each other that stand parallel or on an equal footing, but a sequence of norms from different levels.

The unity of these norms is indicated by the fact that the formation of one norm, i.e. a lower norm is determined by another higher norm, whose formation is determined by another, higher norm, and that this regressus (a series of legal formation processes) is terminated by a the highest basic norm which, because it is the highest basis of the validity of the entire legal order, forms a unified legal order. Norm is a measure that must be obeyed by a person in relationships with others or with the environment.

#### b. Norm Structure and Institutional Structure

In discussing the problem of the structure of norms and the structure of institutions, we are faced with the theory put forward by Benjamin Akzin which is written in his book entitled, Law, state, and International Legal Order. Benjamin Akzin argues that the formation of public legal norms is different from the formation of private legal norms because if we look at the norm structure, then public law is above private law, whereas when viewed from the institutional structure. , then public authorities lie in the population (Sueprapto, 1998).

In terms of the formation of public legal norms, they are formed by state institutions (state authorities, people's representatives) or are called superstructures so that in this case it is clear that the legal norms created by these state institutions have a higher position rather than the legal norms formed by society called Infrastructure (Akzin, 1964).

Because public legal norms are formed by state institutions, in fact their formation must be carried out more carefully, because public legal norms must be able to fulfill the wishes and desires of the community. The norms of private law usually have to be in accordance with the will and wishes of the community, therefore private law is formed by the community concerned with agreements or transactions of a civil nature so that people can feel whether the legal norms are in accordance with the wishes or desires of the community.

### c. Formal Law

This is a group that is under the basic rules of the state, or is called a law in the sense (formal) which is different from the groups above it, then the norms in a law are concrete norms and can apply directly in a society. The legal norm in this law is not only a single norm, but as a legal norm, secondary norms have been attached to it in addition to the primary norm, so that a law can include sanctioned norms, both criminal sanctions and coercive sanctions. And this norm is different from other norms because this norm is formed by the legislature.

### d. Implementing Regulations and Autonomous Regulations

The last legal norm group is implementing regulations (Verordning) and Autonomous regulations (autonomer satzung) which are regulations that are located under the law which functions to carry out the provisions of the law, where implementing regulations come from the authority of the delegation, while autonomy comes from the attribution authority.

The attribution of authority in the formation of laws and regulations is the authority to form laws and regulations that is granted by the constitution or by law to a state/government institution and this authority is continuous and can be carried out on its own initiative at any time required, in accordance with given boundaries (Attamimi, 1991). For example, Article 5 paragraph (1) of the 1945 Constitution gives the President the authority to make laws. And Law No. 5 of 1974.

Giving authority to local governments to form regional regulations with criminal sanctions of at least 6 months in prison and a fine of Rp. 50,000.

Delegation is the authority in the formation of laws and regulations, namely the delegation of authority to form laws and regulations carried out by higher laws and regulations to laws and regulations below them whether the delegation is declared with or not by a different delegation, the attribution of authority is not given but is represented. And also the delegation's authority is temporary in the sense that this authority can be exercised as long as the delegation still exists (Attamimi, 1991). The decision of the People's Consultative Assembly to be formed on the basis of the norms of the Basic Law, philosophically it should not conflict with the basic norms of its formation, namely, the Basic Law.

In Law No. 12 of 2011 as amended from Law No. 10 of 2004 concerning the Establishment of Legislations, the consideration that refers to Articles 20, 21 and 22A of the 1945 Constitution of the Republic of Indonesia states, among other things: that in order to realize Indonesia as a state of law and to fulfill the community's need for good laws and regulations, it is necessary to make regulations regarding the formation of laws and regulations which are carried out in a definite, standard and standard way and method that binds all institutions authorized to form laws and regulations -Invitation.

### 2.2 Definition of Mechanism

The word mechanism comes from the word mecanik which means the way of working used for operation in carrying out something that is needed so that it is smooth in taking its benefits. Mechanism is a process of implementing an activity that is carried out by a person or several people using the order of rules and the existence of a communication flow and division of tasks in accordance with professionalism. The mechanism according to Islam is a process of carrying out money activities carried out by a person or several people by using a rule order in accordance with Islamic Shari'a and provisions.

### 2.3 Definition of Supervision and Cancellation

Supervision is a process of activities to ensure and guarantee that the goals and objectives as well as the tasks of the organization will and have been carried out properly in accordance with the plans, policies, instructions and provisions that have been set. Supervision serves to prevent early the possibility of irregularities, waste, fraud, obstacles, errors and failures in achieving goals and objectives as well as carrying out organizational tasks.

### 2.4 Legal Norm Test

In practice, it is known that there are three legal norms that can be tested or commonly known as the norm control mechanism. All three of them are forms of legal norms as a result of the process of returning legal decisions, namely: normative decisions that contain and are regulatory (regeling), normative decisions containing administrative determinations (Beshikking) and normative decisions containing ordinary judgments called Verdict (Vonis Vellen. 1998).

The three forms of legal norms can be verified through judicial mechanisms (justicial) or non-justicial mechanisms. If the testing is carried out by the judiciary, then the testing process is referred to as (judicial review) or testing by a court institution. The exact designation depends on what institution the authority to examine or toestingsrecht is given.36 Toetsingrecht or the right to test if given to a parliamentary institution as a legislator then such a testing process is more accurately referred to as Legislative review, as well if the right to test is granted by the government then referred to as an executive review, not a judicial review or executive review.

## III. Research Methods

The method of data collection was carried out by library research to obtain various literatures and legislation related to the problems of this study by examining the literature to obtain scientific theoretical materials as the basis for analysis in discussing the problems in this study. The data used in this thesis is secondary data consisting of primary legal materials and secondary legal materials. The primary legal materials studied are legal materials consisting of the 1945 Constitution and other laws and regulations that have been and or are still valid in Indonesia. Other secondary legal materials include books, newspapers, magazines, websites, the Internet, and other reading materials related to the writing of this study.

## IV. Discussion

### 4.1 The Authority for Establishing Regional Regulations by Regional Governments

#### a. Regional autonomy

**1. Definition of Regional Autonomy**

Regional Autonomy is the embodiment of a decentralized system that divides authority from the central government to the regions, or can be interpreted as the implementation of decentralized government (Hasyimzoem, 2017). According to Article 1 point 6 of Law Number

23 of 2014 concerning Regional Government, regional autonomy is the right, authority and obligation of an autonomous region to regulate and manage its own government affairs and the interests of the local community in accordance with statutory regulations.

**2. Objectives and Principles of Regional Autonomy**

With the holding of regional autonomy, the state has its own goals. One of them is the existence of regional autonomy, it is hoped that there will be equity in the region, so that the regions that get regional autonomy will certainly be able to take care of development in their own regions so that they can be more focused and advanced. In addition, the existence of regional autonomy is expected to provide better services to the community. Because as a region that has its own authority, of course, the region will be able to better serve its own people. Then regional autonomy can be a manifestation of the development of a better democracy, because of course with the existence of Regional Autonomy the aspirations of the people can be heard more because they can be directly expressed to the regional government.

**3. Development of Regional Autonomy**

Realization of the mandate of the 1950 UUDS indirectly requires changes to the rules that are the legal basis for implementing local government. After waiting about seven years, the government issued Law Number 1 of 1957 concerning the Principles of Regional Government.

Law Number 1 of 1957 emphasizes the decentralization aspect of implementing regional government, where this Law was issued after the amendment to the Indonesian constitution. As for the consideration of the issuance of this Law, it is to anticipate the development of the state administration by giving authority to the regions which have the right to manage their own household which is adjusted to the concept of a unitary state. With the birth of this law, it revokes other laws governing regional government (Hasyimzoem, 2017).

### b. Regional Government

Government and Government have different meanings. Government means organs, agencies or institutions, state equipment that carry out various activities to achieve state goals. Meanwhile, government is all organized activities that are based on sovereignty and independence, based on the basis of the state, people and population in the region for the realization of state goals (Jimung, 2005). Government is defined as all things in the form of governing both in terms of activities, affairs or so on. Furthermore WYS Purwodarminta (1966) government comes from the word command, which has the following meanings:

1. An order is a word that means to order something to be done.
2. Government is the power to govern a country (country area) or the highest body that governs a country.
3. Government is the act (way, thing, business and so on) to rule.

### c. Local Government Affairs

Government affairs based on Law Number 23 of 2014 concerning Regional Government consist of absolute government affairs, concurrent government affairs, and regional government affairs.

### d. Absolute Government Affairs

Absolute government affairs are government affairs which are fully under the authority of the central government. In carrying out absolute government affairs, the Central Government can carry out itself or delegate authority to Vertical Agencies in the Regions or governors as

representatives of the Central Government based on the principle of Deconcentration. Absolute government affairs include:

1. foreign policy;
2. defense;
3. security;
4. justice;
5. National monetary and fiscal; and
6. Religion

### e. Concurrent Government Affairs

Concurrent government affairs are government affairs that are divided between the central and regional governments of provinces and districts/cities and become the basis for the implementation of regional autonomy and are based on the principles of accountability, efficiency, and externalities, as well as national strategic interests.

## 4.2 Authority to Cancel Regional Legal Products by the Government

### a. Provincial and Regency City Regulations

In order to implement regional autonomy, regional governmenthave the authority and independence in regulating regional government affairs. Each region in carrying out government affairs under its authority has the right to makepolicyboth in the context of improving services and in the context of increasing community participation in regional development. One of the important elements in implementing the process is through the formation oflocal regulation.

### b. Authorized Official in Canceling Regional Regulations

The Constitutional Court (MK) decided that the provincial regulations and those contained in Article 251 Paragraph (7), as well as Article 251 Paragraph (5) of Law Number 23 of 2014 concerning Regional Government, were contrary to the 1945 Constitution and had no binding legal force. This is the Constitutional Court's decision on judicial review Number 56/PUU-XIV/2016 regarding the cancellation of regional regulations by governors and ministers. The Petitioners filed a judicial review of Article 251 Paragraphs (1), (2), (7) and (8) of Law Number 23 of 2014. With the Constitutional Court's decision, the Minister of Home Affairs can no longer revoke provincial regulations. The Constitutional Court in its consideration refers to Decision Number 137/PUU-XIII/2015 which was issued on April 5, 2017.

In Decision Number 137/PUU-XIII/2015 it is stated that Article 251 Paragraphs (2), (3), and (4) Law Number 23 of 2014 concerning Regional Government as long as the district/city regulations are contrary to the 1945 Constitution. In that decision, the Constitutional Court also stated that, for the sake of legal certainty and in accordance with the 1945 Constitution, according to the Court, the judicial review or cancellation of regional regulations is the domain of the Court's constitutional authority. Great. "Because Article 251 Paragraph 1 and Paragraph 4 of Law Number 23 of 2014 regulates the cancellation of provincial regulations through an executive review mechanism, the legal considerations in Decision Number 137/PUU-XIII/2015, dated April 5, 2017 also apply to the petition of the petitioners a quo, so that the Court is of the opinion that Article 251 Paragraphs 1 and 4 of Law 23/2013 as long as the phrase 'Provincial Perda and' contradicts the 1945 Constitution of the Unitary State of the Republic of Indonesia.

## 4.3 Mechanisms for Supervision and Cancellation of Regional Regulations

### a. Process in Supervision of Regional Regulations

The mechanism for supervising regional legal products after the amendment to the 1945 Constitution has undergone significant changes. Changes in the supervision system for regional

legal products have been seen since the birth of the authorities of state institutions, these changes also indicate the concept of separation of powers of state institutions, so that the authority of state institutions is not centralized in one state institution.

It should be understood that the Region has the right to determine regional policies to carry out government affairs which are the authority of the Region. These regional policies include Regional Regulations, Regional Head Regulations (Perkada), and regional head decisions.75 In carrying out government affairs that fall under the authority of the region, regional heads and the Regional People's Representative Council (DPRD) as the organizers of regional government make regional regulations as the legal basis for regions in implement Regional Autonomy in accordance with the conditions and aspirations of the community as well as the peculiarities of the region. A regional regulation made by a region only applies within the jurisdictional boundaries of the region concerned. However, the Regional Regulations stipulated by the Regions may not conflict with the provisions of the higher-level laws and regulations in accordance with the hierarchy of laws and regulations. In addition, regional regulations as part of the system of laws and regulations must not conflict with the public interest as regulated in the rules for drafting regional regulations.

**b. Regional Regulation Cancellation Process**

Provincial regulations and governor regulations that are contrary to the provisions of higher laws and regulations, public interest, and or morality are canceled by the Minister. Regency/Municipal regulations and regulations of regents/mayors that contradict the provisions of higher laws and regulations, public interest, and/or morality are canceled by the governor as the representative of the Central government. In the event that the Governor as the representative of the Central Government does not cancel the Regency/Municipal Regulations and/or Regent/Mayor Regulations that are contrary to the provisions of higher laws and regulations, the public interest and/or morality of the Minister cancels the City Regency/Mayor regulations and/or Regent/Mayor regulations. The cancellation of provincial regulations and governor regulations is stipulated by a ministerial decision and the cancellation of district/mayor regional regulations is determined by the governor as the representative of the central government. No later than 7 days after the decision to cancel, the regional head must stop the implementation of the regional regulation and then the DPRD together with the regional head revoke the said regional regulation. No later than seven days after the decision to cancel the regional head, the regional head must stop the implementation of the regional regulation and then the regional government revokes the said regional regulation. In the event that the administrator of the Provincial Government cannot accept the decision to cancel the Provincial Regulation and the Governor cannot accept the decision to cancel the governor's regulation with reasons that can be justified by the provisions of the legislation, the governor may file an objection to the president no later than 14 days after the decision to cancel the regional regulation or regulation.

Furthermore, the mechanism for revocation/cancellation of regional regulations, regional head regulations, and problematic regional head decisions is regulated in the Minister of Home Affairs Regulation Number 80 of 2015 concerning the formation of regional legal products. The Director General of Regional Autonomy on behalf of the Minister of Home Affairs forms a team to cancel provincial regulations and governor regulations whose members consist of components from the scope of the Ministry of Home Affairs and related ministries as needed. The cancellation team for provincial regulations and governor regulations is determined by a decision of the Minister of Home Affairs. 86 The team for canceling provincial regulations and governor regulations has the task of reviewing provincial regulations and governor regulations

having the task of reviewing provincial regulations and governor regulations as outlined in the official report. The study is carried out no later than 30 days from being received by the team in the event that the results of the study are declared not contrary to higher laws and regulations, public interest, and/or morality, a letter from the director general of regional autonomy on behalf of the Minister of Home Affairs is issued to the governor regarding statements in accordance with. In the results of the study that it is declared contrary to higher laws and regulations, public interest, and/or morality, a decision of the Minister of Home Affairs concerning the cancellation of provincial regulations and governor regulations is stipulated to the governor.

### c. Forms of Regional Regulations that can be Canceled

In Indonesia, it is known that there are three kinds of legal norms that can be tested or commonly referred to as norm control mechanisms. According to Asshiddique (2006), all three are forms of legal norms as a result of the legal decision-making process, namely:

1. normative decisions that contain and are regulatory (regeling),
2. normative decisions that contain and are administrative in nature (beschikking),
3. a normative decision that contains and is judgmental which is commonly called a verdict (Dutch: vonnis).

The term legal norm testing can be divided based on the subject and object of the regulation. Judging from the subject conducting the test, testing can be carried out by judges (toetsingsrecht van de rechter or judicial review), testing carried out by the legislature (legislative review) and testing by the executive body (executive review) (Lailam, 2017). Judicial review is a test of norms carried out by judicial institutions or court institutions or is the supervision of judicial power (Judicial power) over legislative or executive powers.

## V. Conclusion

1. Draft Regional Regulations (raperda) can come from the DPRD or regional heads (governors, regents, or mayors). The Raperda prepared by the Regional Head is submitted to the DPRD. Meanwhile, the Raperda of the DPRD that vomits and the Governor or Regent/Mayor is submitted by the DPRD leadership to the Governor or Regent/Mayor to be ratified as a Regional Regulation, within a period of no later than 7 days from the date of mutual agreement. The Raperda is ratified by the Governor or Regent/Mayor by signing within 30 days of the Raperda being approved by the DPRD and the Governor or Regent/Mayor. If within 30 days since the Raperda is jointly approved, the Governor or Regent/Mayor is not signed, then the Raperda is valid as a Regional Regulation and must be promulgated.
2. The authority to cancel regional regulations orPerda is in the president and the instruments of the presidential regulation. The Constitutional Court (MK) confirmed that after the issuance of the Constitutional Court's decision no. 137/PUU-XIII/2015 which provides interpretations of Article 251 paragraph (2), paragraph (3), paragraph (4) and paragraph (8) of Law no. 23 of 2014 concerning Regional Governments, the Minister of Home Affairs (Mendagri) is still allowed to executive review (cancel) provincial Regional Regulations (Perda). This is because the Constitutional Court only removed the authority of the Minister of Home Affairs to cancel Regency/City Perda.
3. This supervision is still carried out by the government because local governments remain within the corridors of the Unitary State of the Republic of Indonesia, which even though the regions are given the authority and freedom to manage their own government households, regional governments are not necessarily free without limits. The

implementation of blood autonomy by regional governments remains within the corridors of the Unitary State of the Republic of Indonesia and is under the supervision of the central government.

## References


Akzin, Benyamin 1964, Law State and International Legal Order: essays in Honor kelsen, Knoxville the University of Tennesee.

Asshiddiqie, Jimly, 2006, Pengantar Ilmu Hukum Tata Negara, Jakarta: Rineka.

----------, 2006, Teori Hans Kelsen tentang Hukum, Jakarta: Sekertariat Jenderal dan Kepaniteraan Mahkamah Konstitusi Republik Indonesia.

----------, 2006, Hukum Acara Pengujian Undang-Undang, Konstitusi Press, Jakarta.

Astawa, Gde Pantja, 2008, Dinamika Hukum dan Ilmu Perundang-undangan di Indonesia, Bandung; PT. Alumni.

Attamimi, A. Hamid, 1981, UUD 1945-Tap MPR Undang-Undang Kaitan Norma Hukum Ketiganya Jakarta.

----------, 1990, 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, Disertasi untuk memperoleh gelar Doktor dalam Ilmu Hukum pada Fakultas Pascasarjana Universitas Indonesia, Jakarta, hlm.287, lihat juga I Gde Pantja Astawa, 2008, Dinamika Hukum dan Ilmu Perundang-undangan di Indonesia, Bandung: PT. Alumni.

Gadjong, Agussalim Ani, 2007, Pemerintahan Daerah Kajian Politik dan Hukum, Bogor: Ghalia Indonesia.

Fatimah, Siti, 2005, Praktik Judicial Review di Indonesia: Sebuah Pengantar, Pilar Media, Yogyakarta.

Hadjon, Philipus M., 2002, Pengantar Hukum Administrasi Indonesia, Yogyakarta: UGM Press.

Hasyimzoem, Yusnani Hasyimzoem, dkk, 2017, Hukum Pemerintahan Daerah, Rajagrafindo Persada, Jakarta.

----------, 2005, Negara Hukum demokrasi dan judicial Review, Cetakan Pertama, Yogyakarta: UII Press.

Ibrahim, Johny, 2007, Teori dan Metodologi Penelitian Hukum Normatif, Malang: UMM Press.

Indrati, Maria Parida, 1998, Ilmu Perundang-undangan, Disarikan dari Perkuliahan Hamid S. Attamimi, Yogyakarta: Kanisius.

Jimung, Martin, 2005, Politik Lokal dan PEmerintahan Daerah dalam Perspektf Otonomi Daerah, Yogyakarta, Yayasan Pustaka Nusantara.

Kalsen, Hans, 1961, General Theory of law and stat, translated by Andres Wedberg, Russell and Russell, New York.

----------, 2009, teori Umum Tentang Hukum dan Negara Judul.

Aslinya (Theory of Law and State) Diterjemahkan Rasul Muttakin, (Bandung, Cetakan ke IV, Nusa Media, 2010), hlm: 179. Bandingkan Jimly Asshiddiqie, Teori Hans Kelsen Tentang Hukum, Jakarta: Konstitusi Perss.

Lailam, Tanto, 2017, Teori & Hukum Perundang-Undangan, Pustaka Pelajar, Yogyakarta.

MD, Mahfud, 2010, Membangun Politik Hukum, Menegakkan Konstitusi, Rajawali Pers, Jakarta

Manan, Bagir, 1992, Dasar-Dasar Perundang-undangan Indonesia, Jakarta: Ind-Hil Co.

----------, 2001, Menyongsong Fajar Otonomi Daerah, Pusat Studi Hukum FH UII, Jogjakarta.

Marbun, B.N., 2005, Otonomi Daerah 1945-2005 Proses dan Realita, Jakarta: Sinar Harapan.

Misdyanti, RG Karta Saputra, Fungsi Pemerintah Daerah dalam Pembuatan Peraturan Daerah, Radar Jaya, Jakarta.

Natabaya, HAS, 2006, Sistem Peraturan Perundang-Undangan Indonesia, (Mahkamah Konstitusi Republik Indonesia), Jakarta.
Soeprapto Maria Farida Indrati, 1998, Ilmu Perundang-Undangan, Jakarta: Kanisius, 1998
----------, 2007, Penelitian Hukum Normatif, Jakarta: Radjagrafindo.
Syamsuddi, Aziz, 2011, Proses Dan teknik Penyusunan Undang-undang, Cetakan Pertama, Jakarta: Sinar Grafika.
Tutik, Triwulan, Titik, 2011, Hukum Tata Usaha Negara dan Hukum acara Peradilan Tata Usaha Negara, Jakarta: Kencana.
Soemantri, Sri, 1997, Hak Uji Material di Indonesia, alumni Bandung.
Sukardi, 2009, Pembatalan Peraturan Daerah dan Akibat Hukumnya, Disertasi Program Pascasarjana Universitas Airlangga Surabaya.
Sulistyo, Yuri, 2020, dalam jurnal et, al pengawasan pemerintah daerah terhadap produk hukum pemerintah.
Strong, CF., 1960, Modern Political Constitutions, London: Sidwick & Jackson Limited.
Sweet, Ale Stone, 2000, Governing with Jadges: Constitutional politics in Europe, oxford New York.
Yasir, Armen, 2007, HUkum Perundang-undangan, Bandar Lampung, Universitas Lampung.
Yuhana, Abdy, 2009, Sistem Ketatanegaraan Indonesia Pasca Perubahan.
UUD 1945 Sistem Perwakilan di Indonesia dan Masa Depan MPR, Bandung: Fokus Media.
W. Y. S, Purwodarminta, 1996, kamus Umum Bahasa Indonesia, Jakarta: PN, Balai Pustaka.