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The Ideal Format in Petitioning of Judicial Review by the Indonesian Supreme Court

Retno Mawarini Sukmariningsih
Faculty of Law, 17 Agustus 1945 University, Semarang, Pawiyatan Luhur Street, Bendan Duwur, Semarang, Indonesia

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Corresponding Author:
Retno Mawarini Sukmariningsih
Faculty of Law, 17 Agustus 1945 University, Semarang, Pawiyatan Luhur Street, Bendan Duwur, Semarang, Indonesia

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Abstract: This research by the basic idea of the ideal format in petitioning of judicial review by the Mahkamah Agung Republik Indonesia (MARI) or the Supreme Court of the Republic of Indonesiahas a purpose, i.e., to find an ideal model in petitioning of judicial review from legal sources that are analyzed and concluded in answering the problem in accordance with the idea. Moreover, it is clearly to proceed with the recommendation to ISC. The Court is immediately obliged to revise Peraturan Mahkamah Agung (Perma) or Supreme Court Regulation on Regulation of Judicial Review in order to be more aspirational and reflect the principle of justice, legal certainty and utility. It is a normative legal research in which stresses on library research. It also utilizes the study of legisprudence in the perspective of the Indonesian Constitutional Law. The main applied approach is thereforethe normative legal research armed with analytical prescription. This means be expected to what ought to be in finding the idea.

INTRODUCTION

Indonesia has been facing multi-dimensional crisis since 1997 until today. The crisis could not be separated from failure in developing the system of state governance that does not take the principles of good governance into account. The entity of struggle was further to carry out such reformation in all fields and essentially it created the basic changes in the field of governmental management that bring out Act No. 28 of 1999 concerning the state organizer freed from corruption, collusion and Nepotism. This act emphasized the willpower of the nation to organize the government based on the principles of good governance. Such circumstance at that time was really influenced by the implementation of power that administers the state leadership in the Indonesian constitutional life. Article 1 paragraph (3) of the Amended 1945 constitution states that the state of Indonesia is a state based on lawn or the rule of law (rechtsstaat), so that the judicial power has a strategic position. To bring the implementation of judiciary function in to reality, the courts must perform the legal principles namely independence and justice in law enforcement. It is furthermore prescribed by Act No. 48 of 2009 on Judicial Power, referring to Article 1 point 1 it can be inferred that Judicial Power is a independence state power to organize judiciaries in order to enforce law and justice based on Pancasila, basic principles of philoshophy as a principle in the life of nation and state of Republic of Indonesia and the 1945 Constitution, in the interest of the implementation of Rule of Law of the Republic of Indonesia[1]. Hence, the Judiciary shall be accountable and

responsible in each of its decision because this matter may effect predispose the image of the judiciary. Mochtar Kusumaatmadja gives limits regarding the dissatisfaction of society towards the judicial process there are at least six factors, I call them as sociological factors, underlying that dissatisfaction, inter alia dispute settlement system is too slow, impression of judges is less seriously, problem complexity that requires the knowledge of judges, unprofessional lawyers act only for their clients, justice seekers who justify a variety of way to win their case and attempt of bribery that is not easy to prove[2].

For instance, there has occurred dissatisfaction to the judge's decision, consequently the society did anarchy. An incident of blasphemy in Temanggung Regency was to be a worth experience for us in particular for the law enforcer because the judge's decision of Temanggung's District Court (Pengadilan Negeri) as Courts of First Instance did not reflect the justice value because the defendant was sentenced only to one year in prison. Then, the mob burned a church so that the case has been changed to be in chaos of Suku (ethnicity), Agama (religion), Ras (race) and Antar golongan (inter-group relations) commonly abbreviated as SARA.

The decision of the Mahkamah Agung Republik Indonesia (MARI) or the Supreme Court of the Republic of Indonesia (SCRI) refused the case of judicial review against Government Regulation No. 14 of 2005 regarding National Standard Education. The pupils became victim in consequence of it because the standard of the graduation requirement was merely the national exam so that they did not pass that exam eventhough they had achievements at the international level. Not yet, Indonesia geographicallyconsists of 34 provinces which have the same potential in petitioning of judicial review to MARI, bothgroups of people and individual have objection to the enactment of laws or the lower level one.

Many critics are recently directed to judicial institutions so that claims of legal reform to optimalize the role of state agencies are society's agenda in the era of reformation. Under Act No. 17 of 2007 concerning National Long-Term Development Plan2005-2025 is made in line with the development direction of legal substance, legal structure and legal culture. The role of Judiciary such as MARI is the highest judicial power and recentlycriticized by the society because its decisions are assumed not to reflect the principle of justice, legal certainty and utility, even mixed up with political interests.

Based on the fact above, the notion of this paper is the ideal format in petitioning of judicial review by the MARI. To affirm and shorten this research, thus it must be needed to restrict the problem, i.e, petitioning of judicial review by the MARI towards Regency/Municipality Regional Regulationor Peraturan Daerah (Perda).

MATERIALS AND METHODS

This research utilizes the study of jurisprudence concerning judicial review of the study of legisprudence in the perspective of the Indonesian Constitutional Lawapplied in Indonesia. The main approach is therefore the normative legal research armed with analytical prescription. It means that the result is expected to give some recommendation wholly in connection with the notion in particular petitioning of judicial review by the MARI towards Regional Regulation, at the level ofRegency and/or Municipality Law or Peraturan Daerah (Perda), so that, it gives answers the problems.

The research is focused on legal materials, so that the approach is qualitative. It is also underlined statute approach, conceptual approach and historical approach. According to Peter Mahmud Marzuki, the statute approach is performed with analyzing all laws and regulations in connection with the legal issue[3]. It is used to study whether the regulation consistency concerning reasons of judicial review stipulatedare laid down in law as well as in Perma. Peter Mahmud Marzuki states that the conceptual approach is departured form developed views and doctrinesin jurisprudence to find ideas that give concept of law, definition of law as well as legal principles needed to complete this study in order to create justice, legal certainty and effectiveness in the Indonesian developed legal system. The related concept in this study is check and balances". The research is carried out against legal principles in pursuant of the investigation into the principle on two levels, hear both sides (audi et alteram partem)and open to the public.

There are several applied data, inter alia, document is to study legal material in accordance with the studied problems and information is people who can give the data and they know and understand the problems by means of interview with interviewees and stakeholders. The research is also based on the availability of primary, secondary andtertiary data. The primair oneis authoritative legal materials such as laws, Perma, judicial technic and court decisions. The secondary one is legal materials such as treatise, journal and research in law. The tertiary one is legal materials that give kind of information source regarding the primair and secondary data such as dictionary, encyclopedia. Then, the all data are analyzed qualitatively to searchthe ideal format in petitioning of judicial review by the MARI.

In addition, this research also uses analytical methods commonly used in the jurisprudence, inter alia) Reasonable interpretation this interpretation is to give meaning against the law consistently related with the other legal norms) constructive interpretation, this interpretation is to find out the justification in solution of the research problem of the legal practices.

RESULTS AND DISCUSSION

The ideal format in petitioning of judicial review by the MARI: The one of reformation's agenda is to demand all for msall forms of policy and law-making performed in transparent and consistent. The forms of the legal material must certify the legal certainty by the good procedure of law making. It is also based on enacted laws and supported by the growing aspiration in the society.

One of the MARI's function is to examine the laws and regulations under the Acts. The right of examining adhered by the Mari is right and authority to examine all materials in petitioning of judicial review by the MARI. The Chief of MARI propounds several things in the framework to reform the judicial system at the closing of the National Working Meeting of the Supreme Court of the Republic of Indonesia in Balikpapan as follows:

- To encourage in the mindset change of judges to view the independence
- To espouse judges in using independence in accordance with the progressive law for restorative justice
- To promote judges in provinding service fo the justice seeker (justiabelen)
- Making every effort to executelegally binding cases;
- To instruct judges and clerks in resolving every handled case according to the principle of contante justitie[4]

The basic assumptions are presented in this study as follows: the examining of object legislations is only statutory regulations under the law but since the 1945 Constitution there was not a single article that regulates explicitly for this examining. The MARI as judicial power institution has the authority to regulate the procedures for review the laws and regulations under the Acts. This matter is aimed to preserve consistency and harmonization normatively in legal order and certaintywith the result that the legal norms in regulations can mutually explain and sincronize. But, in casu, without technically setting, it would complicate the implementation of the judicial review. The more harmonious operational guidelines and technical instructionsapplied by the goverment in the implementation of the higher regulations will become the better governance particular in judicial review related to to the public interests. It greatly affects the society in fulfilling the needs of law. The more people feel a fulfillment of the legal field, the people will get the legal protection from the state, so that, people get the aegis of the state. This can be realized in terms of application in judicial review, the petitioners do not need to go through a long chain to examine regional regulation such as provincial regulation or municipal/regency regulation. They can file a petition in the administrative court. The file petition can be submitted by on line to the MARI.

Moreover, the authority of judicial review under the law performed by the MARI is to dismiss the interventions or political interests in law-making that normally override the values in the society such as rule of law, justice and utility.

Filing of the petition in the Supreme Court set out in Article 2 paragraph (1) of Perma No. 01 Year 2011 on Right of Judicial Review stated that the objection application filed with the Supreme Court by way of:

- Directly to the supreme court
- Through the district court which oversees the jurisdiction in which the position of the applicant Furthermore, paragraph (2) stipulates that the objection petition filed against the legislation is allegedly contrary to the higher level one

The examination format in the case adheres not only to the principle of checks carried out by the MARIbut also the process in the MARI is an examination at the first and last resort. This will infringe the principle of checks which adheres to the principle of checks on two levels in the judicial process (Act No. 48 of 2009 on Judicial Power) particularly and judicial procedural law generally. The principle of checks in two levels means the two examinations consists of:

- The first level judiciary/the district court (original jurisdiction)
- The second-level judicial or judicial appeal/the high court (appellate jurisdiction)

The judicial proceedings in the district court is the examination process, hear and decide the case while in the second level or also called judicial appeal is re-examination of case that have been decided by the court in the first level. It can be said that the examination of the second level is the same examination as in the court of the first level.

The examination of appeals is an examination of the second and final level. Its proceedings is overall inspection, both in terms of facts and the law. The examination in the first and second level is called judex facti. Court decision in the first level can be appealed to the high court by the parties, unless the law provides otherwise. Furthermore, the examining at the appeal level itself is not an examination in the third because the cassation is merely an examination of the case in terms of the application of the law (judex juris). In other words, it checks the facts or events no longer. Thus, it can be seen

from the reasons of the parties in the appeal based on legal grounds. Further, the examining at the cassation level can be found in article 30 paragraph (1) Act No. 5 of 2004 as amended by Act No. 3 of 2009 on The Supreme Court. This amendment does not lead to the previous law, Act No. 5 of 2004, do not apply anymore. Act No. 3 of 2009 is the second amendment of Act No. 14 of 1985 as amended by Act No. 5 of 2004. The principle of examining at two level inter alia the district court (original jurisdiction) and the high court appellate jurisdictionis not applicable for the petition of objections regarding Rights of Judicial Review because in in Article 2 paragraph (1) of Perma No. 01 of 2011 on Right of Judicial Review.

The principle of fairness in the examining is deemed necessary to allow the legislature to provide answers, opinions and the opportunities in order to defend its law that is being tested. The word "melalui", it means by way of, is merely intermediary because Right of Judicial review belongs to the MARI.

Sometimes the harmonization of three principles among others legal certainty, utility and justice is difficult to bring into reality so that it is needed to compromise between those three principles in order to enforce the law. Otherwise, it is easy practically to strive a proportional compromise of those. The three principles will be described more clearly as follows:

Legal certainty: Suseno outlines the certainty as norm with the result that it can be guidance for the society bound by the rule. The definition of the certainty can be understood that there is clarity and firmness against the valid law in the society. As a result, it emerges many misinterpretations.

The certainty is characteristic that can be separated from the written legal norm. The law without the certainty will be lost meaning because it can no longer be guided in act and behave for everyone. In running their lives, people need certainty in order to become regular and order.

The legal uncertainty leads to people become hesitant in understanding the law that required disclosure of implementing judicial power. In order to realize the legal certainty, it must be initiated from the guarantee of legal compliance in the community and provision of adequate facilities by the state in the implementation of the existing regulations.

Jusitce: One of the basic values of human life is justice, according to the Briton, the lack of conformity in interpreting justice encourages people to formulate and define in accordance with the background their knowledge and experience[5]. Today, the complicated probleems in the society demands justice in a reality.

Most experts agree, that justice is supreme and universal values that should be realized for the welfare of society within a country. It becomes the main condition for creating prosperity. Difficulties began to appear as experts define it what is considered fair by the government is not necessarily fair according to the people.

Utility: According to Radbruch dat law is all useful for the people. As a part of legal frameworks, justice and legal certainty need an another element, i.e., utility[6]. In addition to the element of legal certainty and justice is, of course, utility that must become an element of the legal frameworks. The good law is a law that carry out the utility for the people. The utility of law is a very useful, legal regulatory (regeling). Thus, the people will obey the law without any coercion, if they really feel the utility.

This article will focus on purpose the petition of judicial Review to examine regency and/or municipality law or peraturan daerah (Perda) submitted to MARI and the petitioner must not go to the capital city, i.e., Jakarta where MARI is located. According to Article 9A paragraph (1) of Act No. 51 of 2009 concerning the second amendment of Act No. 5 of 1986 concerning state administrative court (Pengadilan Tata Usaha Negara/PTUN) stipulates that In the jurisdiction of State administration courts, a special courtcan be formed regulated with the law, meanwhile paragraph (2) determines the special court can appoint judges ad hoc to examine, hear and decide the case that needs expertise and experience in a particular field and within a certain period.

Departure form that article that PTUN can form a special court. This court can administerthe petition of judicial review in examining regency and/or municipality law or peraturan daerah (Perda). The petitioner can submit the judicial review and the clerk, administratively, verify the filesthrough hearing by presenting the applicant and the respondent or their proxies. After verifying the files including reasons as basic objections, already complete, PTUN deliver them to MARI to carry out the examining because MA as a high state institution has authority towards judicial review. Perma No. 01 Year 2011 gives a space to the district court by referring to the word, "melalui" means the research of the completed files still belongs to belongs to MARI, in casu submitted to the clerk of MARI. Unfortunately, the frequency of cases in Court is already very much because those cases enters every month so that if the examining of the petition properly can be performed by the District PTUN reviewing Regency/CityLaw and the Appeal/High PTUN reviewing provincial law.

In accordance with Article 6 of Act No. 51 Year 2009, PTUN be located in the capital Regency/City and its jurisdiction is Regency/City while the Appeal/High PTUN be located in Capital of Province and its jurisdiction is province. Futhermore, sciencetifically,

jugdes of PTUN are competent, capable, linear and habitual with administrative legal matters. Philosophically, they understand rules.

Perma No. 01 Year 2011 as amendment of Perma No. 01 Year 2004 does not regulate provisons in which give opportunities to the law maker to convey answers and opinions when regulations have been made as entity of balancing rights of the applicant and the defendant. This is admitted by Kansil[7] that the defendant's answer is ineffective because its response frequently is too late. Supandi points out that the answer is often too late, however it still becomes legal consideration by the judge that it is too late[8].

The judical review under the law by the judicial institutions such as PTUN, naturally is to maintain the coercion of a legal norm by certain powers for their interests, so that, this destroys the normative or legal principles ordered by the constitution. It can be carried out if it is encouraged by the clarityfactor in its regulation by taking into account the democratic system and the principle of check and balances. The procedure of judicial review technically can be applied through PTUN as an effort fulfilling the fast, inexpensive and simple trial and also consistent with the two-level examination.

In 1998, the constitutional system run into the change. This phenomenon described a transition of the society and nationas a result of the change of the drastically power. From the authoritariangovernment system be democracy, the political and social stagnation underwent the development, the impasse of participation and public awareness were very small under de regime of New Era by the second Indonesian President Soehar to. The problem is which way this change is designed by policy makers who have concern for the welfare of society. It is therefore necessary to set regulations.

Indonesia as a big country is having a process of change from the authoritarian regime to democracy. In transition, the condition is still uncertain, so, it is still necessary to drive the change. This change is triggered by the democratic movements which require upholding democratic principles in all aspects.

Not with standing, the change change does not necessarily create a democratic regime. There is an interval of time between the collapse of authoritarian regimeand the formation of a new regime is characterized by a variety of uncertainties called the transition period. Those uncertaintiescould lead to some form of democratic approval, the return of some form of authoritarian rules or the emergence of a revolutionary alternative.

Uncertainty in transition causes uncertainty rules in a variety of life. This occurs not only the rules in that life, working in a situation of continuous change but also the rules are usually fought in the fierce political competition. So, the issue emerges the existence of several legal products that were tested at the regional level by the Supreme court because of the request of the community (applicant) because these regulations are often the result of a political conspiracy and the amount of interest coloring of the regulation, though not all. The right of Judicial review in case there is no legal conflict because the right susbtantifly only explains each legal norms based the hierarchical but the legal products are tested in the beginning of a conflict of interest that could lead to conflict of laws nevertheless remain necessary regulation such as Perma comprehensively.

In the context of transition in Indonesia, the legal work in the midst of drastic changes between political forces with the power of the community. In such situation, it is difficult to obtain the strong authority and legitimatif for the use of law as an instrument of the social change. The government authority deteriorates because of the act giving rise to the law governing authority to be weak and has no legitimacy in the face of society. Neither the executive, legislative and judicial undergo a process of delegitimation in public. This resultes the ineffectiveness of law enforcement in the community and it is often characterized by the occurrence of various political interests, the use of violence and vigilantism in the resolution of social conflicts. The settlement of conflicts in society must be seen in a different perspective, for example, a conflict that intersects with state law, the settlement also performed with the instrument of state law with regard positive law developed in the community.

If in the context this law can not functionate properly as an integrative mechanism and the management of social conflicts in other words, it is necessary to create an instrument that allows the entire conflict between countries with citizens between the state institutions and between citizens through legal mechanisms. The happened changes are controlled bythe mechanism (legal) authority, then the conflict is likely to have an impact on greater social damage. The results of this study will reformat the application for right of Judicial review as opposed to the higher legislation in the course of faster, cheaper, simpler and conducted on-line in the Administrative Court sebagaaimana schematic drawing (Fig. 1 and 2).

Implementation of mechanism application testing judicial review by MARI: The mechanism by the application procedures provides a large response for the public to do the petition as part of the normative control mechanism in a democratic constitutional state. The principle of the rule of law (rechtsstaat) adopted by the Indonesian constitution and laid down in all legal products indicates necessary developed by the mechanisme conflict settlement, both among society as a citizen with the state,between state agencies applied by

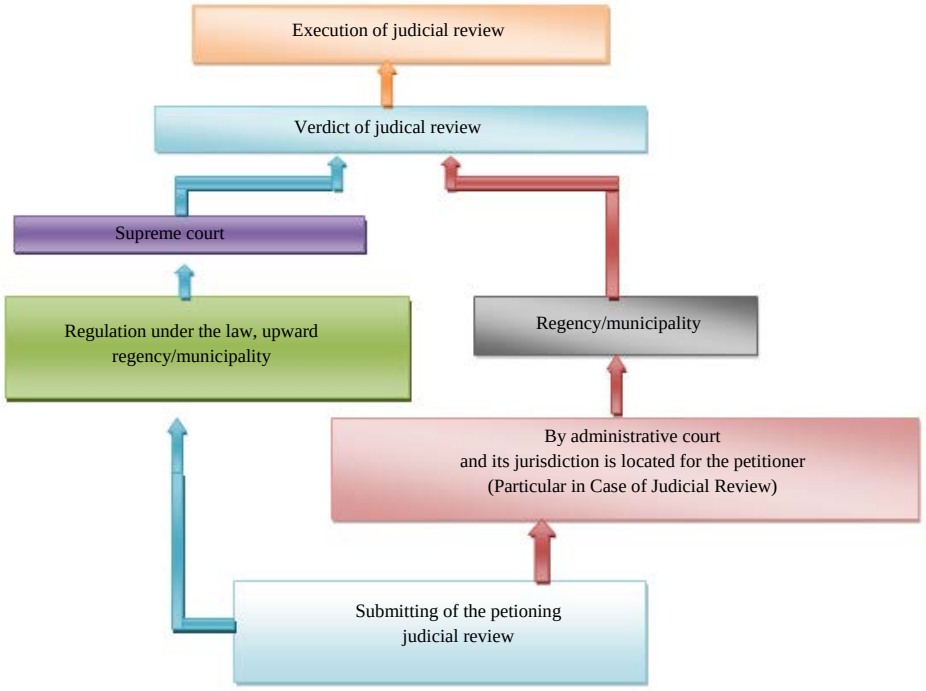

Fig. 1: The schematic figure of the petitioning of judicial review

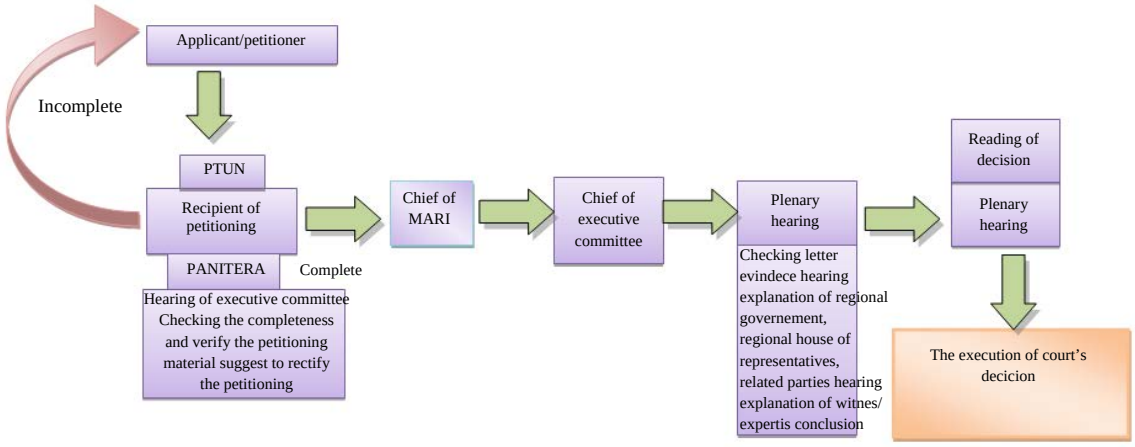

Fig. 2: On Right of judicial review on regional regulation

the constitutional mechanisms and procedures as stipulated in the constitution and various laws. As it has been noted earlier that one of the functions possessed by MARI is the judicial function (juridische functie). This function is performed by MARI which serve to foster uniformity in the application of laws and keep all the laws and legislation in the country applied appropriately and fairly. This is indicated by the authority of MARI under Article 20 (1) of Act 48 of 2009 on Judicial Power to test laws and regulations under the laws of the statute.

The judge's decision must include the reasons in which form the basis for the judge, now a lot of people in Indonesia who no longer have an idealized view with regard to it, many things can cause, among others, abuse of authority and the deviant behavior of judges considered a major cause of declining levels of public confidence in it.

To realise clean and strong government, it embodies one of the principles that must be met the accountability of each administrative powers including judicial power.

Furthermore, the Principles of Good Government can be used as a parameter to measure the quality of good governance, when the entity or state administrative officialrunning the verdict in accordance with the legislation.

Presumably issuing Instruction of MARI No: 5 KMA/015/INST/VI/1998 dated June 1st 1998, gives sugestions to judges in order to strengthen professional quality in the realization of justice with the verdict that contains executable ethos (integrity), pathos (juridical considerations first and foremost), philosophical (cored by sense of justice and truth) and sociological (in accordance with the cultural values prevailing in society) and logos (accepted by common sense). This is undertake for the creating of self-sustainability of the administrators of the judicial power)[9]. The judge's decision must contain the juridical requirements not to reduce its significance means that at least the decision had no legal basis, namely the legal basis either substantive or formal law.

The development thinking towards problem oriented thinking is one way to respond to the progressive law that is by thinking of judges out of the legal system with reference to the issues and interests to the extent not contrary to morality and order. The judicial independence has been regulated in Article 24 of the 1945 Constitution the Republic of Indonesia as constitutional guarantees which are then presented in point 1 of the Law of Judicial Power which later became the basis of freedom of judges perform legal discovery. Moreover, Article 10 paragraph (1) of the Judicial Power is known as the principle of the prohibition of refusing a case(rechtsweigering). Article 5, paragraph (1) of the Judicial Power, judges must dig, follow and understand the living and developed legal values. It is as way of thinking, only based on the system oriented thinking which can not impact on the realization of the judicial creation in the fast, inexpensive and simple way so that its estuary is more in the principles of good government.

Legal considerations of judges in examining regulations under the law by the MARI not only from formal legal aspects but also regulated in Perma No. 01 Year 2011 but it is more expected to the substance of the petition that puts forward the public interest aspect. The true submission of an application for judicial review is an embodiment of the normative supervision by the public through the judiciary, in casu MARI against legal products of the administrative officials as regulation (regeling). Thus, it will lead to the implementation of good governance in addition to realizing the fast, inexpensive and simple justice.

On progress, the existence of the independence of the judicial power has been justified by the provisions of an international characterization. This denotes that the independence is universally recognized such as Universal Declaration of Human Rights 1948 points out clearly that everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of rights and obligations[10].

The above fact, practically, can not be fulfill because there are conspiracies, briberies and interferences from other parties armed with their variousinterests.Based on interview with a judge of MARI, in fact that there were no conspiracies, briberies and interferences[11]. What the interviewee said, it would not be fully taken for granted. It, however, discloses such types of deviationsand violations of the judges who are part of institutions in connection with judicial proceedings namely inter alia in the year of 2008, there were 38 judges like high court judges, chiefs of the district court, district court judges, then in the year of 2009naik drastis menjadi 78 orang hakim and in the year of 2010 there were 76 judges[12]. Yet, in subsequent years, the cases increased a long list of legal enforcer exposed to legal issues such as chief of the Constitutional Court or Mahkamah Konstitusi (MK) as super body agency. Consitutionally, the MK is a state institution that guards the constitution having several authorities such judicial review (to verify law against to the 1945 Constitution of Republic of Indonesia).

In accordance with intervention against the independence of judges in judicial processes, the former and experienced judge namely Judge Sahlan Said has said in a media that when he practiced the task of the judicial process, he had ever been intervened by his chief, because he denied to do the oder, finally he was excommunicated by various allusions in his enviromental court[13]. According to my research, there was no such infringements by judges in MARI but at least it can cause negative image to the Indonesian judiciary.

Here I give such a alternatieve figure on Right of Judicial Review on Regional Regulation that contradict to the higher one by PTUN. It begins from the petitionin of an applicant that comply requirements in this judicial review stipulated in PERMA No. 01 Year 2011 regarding Right of Judicial Review untill the execution of decision. It must be performed by the legislature in accordance with Regional Regulation.

CONCLUSION

The implementation of Right of Judicial Review by MARI is a monitoring to the normative form of the laws (regulations under the law) to maintain consistency and harmonization of the laws vertically.

In order to keep the consistency of the principle of examination by two levels in justice and maintaining the principle of fast, inexpensive and simple examination that is the process of filing an application of Right of Judicial Review should begin to consider the submission of

petitioning on Regional Regulation such as Regency/City from the MARI to the Administrative Court which perhaps originally files at the District Court. Including planning to add several provisions in which regulates concerning right of defendant's answer implementin the principles check and balances. Philosophically, the understanding of regulations should be hearing the legislature.

The revision of PERMA No. 1 Year 2001 on Right of Judicial Review should be added concerning petitioning submitted, originally at the District Court to PTUN (the District Administrative Court, so that the petitioner will gain fast, inexpensive and simple service as well as the principles of hearing. Furthermore, it also add provisions in which concern right of answer from the petitioner in the scope of principles of check and balances. Ultimately, the judicial review at PTUN examining Regional Regulation must socialize through media and meetings with the stakeholders.

REFERENCES

01. Jerome, B.A. and C.T. Dienes, 1986. Constitutional Law. West Academic, Saint Paul, Minnesota,.
02. Henry, J.A., 1975. The Judicial Process: An Introductory of the Court of the United States, England and France. 3rd Edn., Oxford University Press, Oxford, England, Pages: 543.
03. Busroh, A.D., 2001. Ilmu Negara. Bumi Aksara, Jakarta, Indonesia,.
04. Arto, M.A., 2000. [Ideal Conception of the Supreme Court, Definition of the Role and Function of the Supreme Court to Build a New Indonesia]. Pustaka Pelajar, Yogyakarta, Indonesia, (In Indodnesian).
05. Mayo, H.B., 1960. An Introduction to Democratic Theory. Oxford University Press, Oxford, England,.
06. Hari, C., 1994. Modern Jurisprudence. International Law Book Services, Kuala Lumpur, Malaysia, ISBN:9789678906487, Pages: 344.
07. Kansil, C.S.T., 2008. [The Constitutional Law of the Republic of Indonesia: The Notion of Constitutional Law and the Development of Indonesian Rule Since the Proclamation of Independence from 1945 to the Present]. Rineka Cipta, Jakarta, Indonesia, ISBN:9789795189534, Pages: 286 (In Indodnesian).
08. Thalib, D., 2000. [DPR in the Indonesian State System]. Penerbit Liberty, Yogyakarta, Indonesia, (In Indodnesian).
09. Dickerson, R., 1986. The Fundamentals of Legal Drafting. 2nd Edn., Little & Brown, Boston, Massachusetts, ISBN:9780316183970, Pages: 393.
10. Kelsen, H., 2009. [General Theory of Law and State]. Nusa Media, Bandung, Indonesia, (In Indodnesian).
11. Panggabean, H.P., 2005. [The Function of the Supreme Rule Making Power (1966-2003)]. Penerbit Liberty, Yogyakarta, Indodnesia, ISBN: 9789794992494, Pages: 252 (In Indodnesian).
12. Iver, M., 1985. The Web of Government, Terjemah Oleh Laila Hasyim, Yarn-Yarn Pemerintahan, Jilid II. Aksara Baru, Jakarta, Indonesia,.
13. Jeremy, B., 2006. Teori Perundang-Undangan. Nusamedia and Nuansa, Bandung, Indonesia.