

**THE POSITION OF THE PROVISIONS OF THE DELIBERATIVE
ASSEMBLY OF THE PEOPLE IN THE LAW NUMBER 12 OF 2011 ON
THE LEGISLATION IN VIEW OF ARTICLE I OF THE ADDITIONAL
RULES OF THE 1945 CONSTITUTION**

Muhammad Irwanto

ABSTRACT

The Amendment Of The 1945 Constitution of the State of Republic Indonesia has implication on the function and position of a number of state institution, one of which is the People's Consultative Asembly. This change also has implications on status of legal products that have been issued by the People's Consultative Assembly. Subject to the Provisions of Article I of the Additional Rules of the 1945 Constitution of State of the Republic of Indonesia result of the amendment, the People's Consultative Assembly shall issue the decree of the People's Consultative Assembly Number I/MPR/2003 which contains a review and review of the legal status of the decree of the People's Consultative Assembly or Consultative Assembly the temporary people of the year 1960 until the years 2002. Based on the review and review of the legal status of the decree of the People's Consultative Asembly, in law number 10 year 2004 regarding the laws and regulations, the decree of the People's Consultative Assembly is not included in the hierarchy of the Laws and Regulation in Indonesia. However, in Law Number 12 Years 2011 concerning the establishment of legislation that replaces the previous law, the decree of the People's Consultative Assembly is again placed in the order of the Legislation Regulations. This led to various polemics related to the position of the People's Consultative Asembly and the juridical implication of indonesian state system. To clarify the status of the MPR decree in the indonesian state administration system it important to conduct in depth study to analyze by using normative legal approach that is by examining the primary legal materials in the form of legislation related to the decree of the People's Consultative Asembly and the secondary law material in the form of thought of legal expert in indonesia. Then the legal materials are made comparative to find answer to the problems on the status and position of the decree of the the People's Consultative Asembly. With the entry of the decree of the the People's Consultative Asembly in the hierarchy of the laws and regulations raises problems in the field of indonesian civics. The problem relates to the inconsistency of the laws and the problem of testing the decree of the People's Consultative Asembly if it is contrary to the constitution of the Republic of Indonesia. This study proposes that the decree of the People's Consultative Assembly should not be included in the Hierarchy of Laws and Regulations in Law Number 12 Years 2011 on the establishment of Laws and Regulation.

Keywords : Provisions, Additional Rules, Amendment



Dokumen ini adalah Arsip Milik :

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