

Misperceptions of the Government's Authority to Provide Legal Aid in Review of Hierarch Legislation

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Abstract

The misperception of authority within the Metro City Regional Government has led to inconsistencies between Law Number 16 of 2011 and Metro City Regional Regulation Number 16 of 2013 regarding the implementation of legal aid. This misperception has also created a legal vacuum, as the Ministry of Home Affairs Regulation mandates the mandatory authority of the Regional Government, which is ignored in providing legal aid to the Minister, Regional Head/Deputy Regional Head, CPNS/PNS, while the Regional Government focuses more on regulations regarding legal aid for the poor. This research uses a qualitative approach to gain a deeper understanding of the law and regulation formation process. The data sources were obtained directly from the Metro City Regional Government, specifically from the Legal Section handling legal aid, as well as through social media, news websites, and government websites related to the archives of the formation of Regional Regulation Number 6 of 2013. The data analysis adopts Hans Kelsen's theory in *General Theory of Law and State* and the theory of the hierarchy of laws and regulations. Given the misperception that causes inconsistencies and a legal vacuum, a review of the existing regulatory hierarchy system is needed. To address this, it is necessary to review the local regulation to align it with Law Number 16 of 2011, through mechanisms such as judicial review or revisions by the local legislative body, although until now, there has been no follow-up from the Metro City Regional Government or the Provincial Government.

Keywords: Hierarchy of Legislation, Local Government Authority, Misconceptions.



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INTRODUCTION

The authority of the central and regional governments in the Indonesian state has the widest possible autonomy based on the 1945 Constitution, that the Republic of Indonesia as a legal state based on a constitutional system, so that in every legal action regarding the concept of authority relations between the center and the regions must be built through legislation (Guntoro 2021). Juridically, authority is the right and power of the government that is valid according to the law, so in the concept of a state of law (*rechstaat*) the form of government action that comes from its authority must be based on the principle of legality (Rokhim 2013). Therefore, authority is a form of power that has legitimacy (validity), which later on the relationship of authority has *legitimate power*. In the laws and regulations regarding the division of authority between the Central and Regional Governments as stipulated in Law No. 23 of 2014 concerning Regional Governments, it clearly does not reflect broad autonomy (Rosika et

al., 2023). One of the principles of good governance is the principle of accountability which requires the Regional Government to be accountable for its actions in organizing the government. The accountability consists of political, legal and economic accountability (Alent R. Tumengkol, 2015).. The Central Government as a basis for evaluation and material for further guidance of the Regional Government regarding the accountability report on governance to the DPRD and informing the administration of government to the public (Martua 2019). Legal accountability is responsibility for the actions of the Regional Government that harm the community or other parties (Bratakusumah & Solihin, 2017).

Article 18A of the 1945 Constitution states that the relationship of authority between the central government and the provincial, district and city governments or between provinces and districts / cities, is regulated by law by looking at each region's specificity and diversity (Hidayat & Niagara, 2022). Based on this, it can be understood and known in the ways and processes of how the relationship between the central and regional governments can be implemented even though it is not explained in more detail about the two relationships. The provincial government has a role as a liaison between the central government and district / city governments. Regarding the handling of matters involving more than one district or city, as well as issues that have a broader effect throughout the province (Ramli 2020). Meanwhile, district/city governments handle affairs that are more specific and directly related to the needs of the people in the area. These affairs tend to be more micro in nature and focus on direct services in the areas they manage, services in the community including legal protection (Moskal 2023). In the explanation of international instruments, regarding guarantees and legal protection and legal aid are regulated in the Universal Declaration of Human Rights in 1948 which recognizes the right of every person to be recognized before the law wherever he is and guarantees that everyone is equal before the law and has the right to equal protection of the law without discrimination (Nadilla 2019). Authority in the implementation of legal aid is a problem in the implementation in the Metro city local government (Yardim 2023). Where local regulations do not apply the *stufenbau* theory and the theory of authority in governance.

The misperception that occurs in the Metro City Regional Regulation No. 6 of 2013 is related to the authority in organizing legal aid received by the poor. The authority has become a mandatory provision implemented by the Provincial Government with the Minister of Home Affairs, but the Metro City Regional Regulation states that legal aid is the task of implementation by the Regional Government. The authority of the Regional Government as a facilitation and organizer of legal aid should be within the scope of ASN within the government as stated in the Regulation of the Minister of Home Affairs Number 12 of 2014 Guidelines for Handling Cases within the Ministry of Home Affairs and Regional Governments in article 10 which explains litigation and non-litigation cases (Khoirotul Hijriah & Syam, 2024). The existence of misperceptions makes a legal vacuum against the authority of the Regional Government to organize ASN legal aid. The lack of understanding by regional regulation-forming institutions regarding the interpretation of Law No. 16/2011 on legal aid causes inconsistencies in the authority of regional governments in the hierarchy of laws and regulations. The solution provided by the provincial government regarding the inconsistencies that occur at this time is only limited to the revision of regulations that have not been carried out at all.

The formation of regional regulations is subject to supervision to prevent abuse of authority that can lead to conflicts in the hierarchy of legislation, which is not in accordance with the application of Law Number 12 of 2011 concerning the formation of laws and regulations Article 7 which states that the hierarchical order of laws and regulations is the 1945 Constitution, MPR Decrees, Laws / Government Regulations in Lieu of Laws, Government Regulations, Presidential Regulations, Provincial / City Regional Regulations, Regional Regulations. Every supervision is carried out by the central government in the form of preventive supervision and repressive supervision (Novandra 2019). Preventive supervision is supervision carried out before the promulgation of a draft regional regulation, if there is a discrepancy, the central government has the authority not to ratify the draft regional regulation (Muhammad Iqbal N et al., 2022). Meanwhile, repressive supervision is supervision carried out after the regional regulation is enacted, if the regulation is deemed contrary to higher laws and regulations, it will be canceled (Putra Laksana 2019).

Previous research on misperceptions related to local regulations that are not in accordance with the layers of rules above them (Al Habib and Ar Razak 2022). In addition, the incompatibility has a causal factor of negligence regarding the supervision of the draft law (Pattuju 2020). Many studies have focused on this misperception related to the clash between the authority of each government agency due to the division of authority that is not systematic and clear, causing inconsistencies in the local regulations passed (Arifin and Satria 2020). It should be noted that in Indonesia, there are still many conflicting / disharmonious laws and regulations (Hafizh Izzulhaq 2023). Of the many factors that result in disharmonious regulations as mentioned, the most dominant factor causing the inconsistency of laws and regulations is the factor that many regulations / regulations have been passed but do not look at what is discussed in the regulation (Permatasari, Liany, and Mahmud 2020). So that the simplification of laws through the omnibuslaw method needs to be realized, in order to minimize the occurrence of over regulation which results in overlapping laws and regulations in Indonesia (Aditya and Winata 2018). Therefore, this research is more comprehensive in complementing and dissecting shortcomings in perspective to understand the phenomenon of inconsistency in laws and regulations.

The purpose of the author of this article is to complement previous writing that discusses the authority of the Government. Strengthen previous research related to the authority of local governments, especially in providing legal aid. In writing this article, efforts in analyzing conflicting articles are focused on seeing the misperceptions that occur in the metro city government related to authority. How does the Metro City local government deal with the consequences of misperceptions that cause several problems of regulatory inconsistencies, cracking regulations that have been passed, legal vacuum of legal aid for ASN in the Metro city local government. The existence of the authority of the local government will be related to the implementation of the provision of legal aid. The author will systematically analyze with the stufenbau theory method to answer the misperceptions of local government authority.

The provision of legal aid to underprivileged communities through several legal requirements is an effort to realize constitutional rights and at the same time as the implementation of the rule of law recognizes and protects and guarantees citizens' rights to the need for access to justice and equality before the law (Angga and Arifin 2019). The lack of a

legal umbrella for legal aid issues, Factors from the culture of the Indonesian people themselves are related to the lack of literacy and socialization so that public knowledge about legal aid and is still in a state of lack of knowledge (Yardim 2023). Especially the public perception that applying for legal aid if you have a case still uses money so that it becomes lazy for people to report to the Legal Aid Institute (Nasril 2023). In addition to the community factor, misperceptions regarding the authority of legal aid organizers are debated between the provincial government and local governments (Hidayat & Niagara, 2022).. This factor arises because of the inconsistency of Metro City Regional Regulation Number 6 of 2013 concerning the implementation of legal aid which violates Law Number 16 of 2011 concerning Legal Aid (Lobubun et al., 2022). It does not apply the theory of hierarchical legislation, which should be in accordance with and not contradictory to the regulations above it (Pramesti 2022).

RESEARCH METHODS

In this research, the author uses a qualitative approach to gain an in-depth understanding of the process of forming laws and regulations (Murdiyanto 2020). In this case, the qualitative method makes it easier for the author to dissect texts related to the horizontal harmony of Law Number 26 of 2011 with Metro City Regional Regulation Number 6 of 2013 (Fadli 2021). This approach is very important because it allows the author to capture the findings of the misalignment of the regulations that have been passed as a result of misperceptions in the formation of these regulations. The author conducted direct research at the Metro City local government to obtain data and information on how the Metro City Government handled the consequences of the misperception of the authority of the Metro City Local Government.

This research, in addition to adopting an empirical juridical approach (Roy Harman, Asa'ari, and Afridawati 2020). The source of data that we get directly from the Metro City Regional Government in the Legal Section directly the employee concerned handles legal aid for the validity of the data we get. In addition to direct data sources also through social media, news websites, and government websites regarding archives in the formation of local regulations Number 6 of 2013. The use of online data made it easier for us to obtain comprehensive data about the implementation of Metro City Regional Regulation No. 6/2013. The data analysis carried out also adopts the theory launched by Hans Kelsen in the General Theory of Law and States which the author cites from the journal Legal Science (Prianto et al. 2024). Hans Kelsen in his theory says that legal norms are tiered and layered in a hierarchy (order). In the theory of the formation of laws and regulations Number 12 of 2011 which explains the hierarchy of laws and regulations. In this case, the theory of hierarchy is applied in this research in analyzing the hierarchy in Law Number 16 of 2011 concerning Legal Aid with Metro City Regional Regulation Number 6 of 2013 concerning Legal Aid.

RESULTS AND DISCUSSION

Metro City Government's Perception of the Government's Authority on Legal Aid

In the regulatory hierarchy, the first rules regarding legal aid are contained in Law Number 16 of 2011 (Afifah 2020). Article 1 paragraph 1 of the law reads "Legal Aid is a legal

service provided by Legal Aid Providers free of charge to Legal Aid Recipients" explaining that legal aid is provided free of charge to the poor through procedures that need to be fulfilled. Therefore, the local government immediately made a derivative regulation from the Law, namely Regional Regulation Number 6 of 2013 concerning legal aid. With the enactment of the regional regulation, there has been a conflict of issues regarding the implementation of legal aid. Perceptions and studies that are less mature cause the clash between the law and the regional regulation (Alizamar and Couto 2016). As seen in the local government's efforts to deal with this issue. In an interview with the executor of the legal section of the Regional Government who has the task of legal assistance explained "the existence of legal aid so far in the rules is only limited to employees of the Regional Head / Deputy Regional Head, CPNS / PNS, not within the scope of the general public and even in PTUN and Civil cases" (Wahyunto, PNS, Legal Section, March 2024).

The government's awareness in terms of efforts to resolve the problems of underprivileged communities facing cases is the passing of regional regulation number 6 of 2013 concerning legal aid. This effort is the government's first step in resolving cases involving underprivileged communities (Fajriando 2020). The reality of local government has shown how freedom to make various good breakthroughs in improving the public service system for the community and managing the basic elements of local government. In its implementation, not everything goes accordingly. Inadequate academic studies were the initial factor in the misperception of local government authority in handling legal aid cases as stipulated in Metro City Regional Regulation No. 6/2013 (Nurhandono, Perkasa, and Yulianto 2020). This became the emergence of existing problems, starting from the ineffectiveness of the regional regulation due to inconsistencies, the legal vacuum of legal aid for Regional Heads / Deputy Regional Heads, CPNS / PNS within the Metro City local government. The efforts of the local government of Metro City to mediate regarding the Legal Aid Regulation with the provincial government in his statement stated "the provincial government has been indifferent to the complaints we have made, the answer from them is that the task of protecting legal rights has become the duty of the provincial government and not the right of the local government" (Wahyunto, PNS, Legal Section, March 2024). This is an obstacle for the local government in implementing this legal aid regulation.

Supervision and guidance are needed in the formation of local regulations, requiring certainty of authority from the head of the governor's provincial government in its implementation (Herdiana 2020). Based on existing facts, the misperception problem shows that the misperception of authority both in the provisions of the law and in the implementation is caused by several factors, first, the unclear division of affairs and sectoral authority. Second, policy-making that tends to be inconsistent then causes conflicts in the hierarchy of laws and regulations (Nuradhawati 2019). Third, there is no clarity in the granting of authority in the form of optional or mandatory tasks. In this case, it causes legal uncertainty in the implementation of government authority. The misperceptions that occur in the formation of regional regulations raise several issues regarding the duties of local government functions. The overlapping of legal aid authority has stalled the implementation of local regulation number 6 of 2013. Sectoral selfishness of ministries or institutions in the process of planning and forming regulations that do not have mature academic studies causes a legal vacuum.

The Practice of Providing Legal Aid to ASN After Perda No. 6/2013 on Legal Aid

Constitutionally, two main things interpret the concept of state law based on the constitution, namely with regard to how the state is authorized to control the earth and human resources (HR) and how the objectives of the control of human resources by the state (Marzuki 2016). The challenge in managing human resources is how to achieve the goal. As a tool in achieving this goal, all provisions of the law concerning human resources must consistently and clearly outline the problems (Alamsyah 2024). However, the main issue in HR regulations is whether they provide maximum prosperity upon implementation; if not, then the regulations do not reflect the objectives contextually at all.

The misinterpretation in the formation of the regional regulation has the impact of a legal vacuum regarding legal aid that should be owned by the Minister, Regional Head / Deputy Regional Head, CPNS / PNS within the Regional Government (Kossay 2022). Local governments have the authority mentioned in Permendagri Number 12 of 2014 concerning guidelines for handling cases within the Ministry of Home Affairs and local governments in Article 10 which states "Civil cases as referred to in Article 4 letter c carried out by: a. Minister; b. Regional Head and / or Deputy Regional Head; and c. CPNS / PNS Ministry of Home Affairs, Province and Regency / City" handling legal cases in the district / city environment is carried out by the district / city legal department in its area both in litigation and non-litigation cases. (Berliansyah Putra, Wahyuhening Fibriany, and Aryadi 2022). However, the local government does not have special rules in handling these cases, even though it is the authority of the local government to protect the Regional Head / Deputy Regional Head CPNS / PNS within the Metro City Regional Government itself.

Various strategic authorities were raised as fillers of the legal vacuum that occurred. The local government steps in covering with cooperation with some legal aid institutions to protect the constitutional rights of CPNS / PNS communities in the Metro City Regional Government.



Source: <https://jdih.metrokota.go.id/>. accessed on August 5, 2024

The agreement explains that the second party (Metro District Attorney's Office) has an obligation to provide legal assistance to the first party (Local Government). It is stated that the Metro District Attorney's Office has full responsibility for PTUN and civil cases, which if a member of the local government has a case concerning this matter, the district attorney's office

is obliged to provide legal assistance. In practice, the local government of Metro City has no obstacles at all, especially in regulations and clearly the regulations that should run have inconsistencies. Regulations that should have been made and made have absolutely no bright spots, which are only covered with cooperation to fulfill the constitutional rights of the Regional Head / Deputy Regional Head, CPNS / PNS within the Metro City Regional Government.

Interpreting the Existence of Legal Aid Regulations Based on the Theory of Hierarchy of Legislation.

There is a discrepancy between Law No. 16/2011 on Legal Aid and Local Regulation No. 6/2013 of Metro City. Law No. 16/2011 establishes a national framework for the provision of legal aid for the underprivileged, ensuring access to justice and equality before the law (Astuti 2020). In Metro City Regional Regulation number 6 of 2013 also stipulates how the provision of legal aid for the people of metro city, but in essence the implementation of legal aid has been explained in Law Number 16 of 2016 in article 6 that the organizing of legal aid is the authority of the Minister of Home Affairs in collaboration with legal aid institutions which are specifically explained in the terms and conditions of the Law. Local Regulation No. 6/2013 of Metro City contains provisions that contradict or are not in accordance with the principles and rules set out in the law. This incoherence results in legal uncertainty and has the potential to cause injustice in the provision of legal aid in Metro City (Lobubun, Raharusun, and Anwar 2022). To overcome this, it is necessary to review the local regulation to make it in line with Law No. 16/2011, through mechanisms such as judicial review or revision by the local legislative body.

In theory, there are differences in the mention of words in the article regarding the authority of local governments over legal aid (Asnawi 2024). In Chapter III article 6 of Law Number 16 of 2011 explains that legal aid is organized by the Minister and implemented by legal aid institutions. then proceeds to explain the duties and authorities of the Minister which are mentioned as policy makers, principles, budget management, and compiling the implementation of legal aid. Then in Chapter IV article 7 of Metro City Regional Regulation Number 6 of 2013 explains that the implementation of legal aid is the authority of the local government which is organized by the section in charge. Similar to the duties of the Minister, the article also explains the same duties and authorities as the Minister in terms of organizing legal aid (Nawawi 2022) (Asnawi 2022). This is not in line with Law No. 12/2011 on the Establishment of Legislation, which was established based on several main reasons that reflect the urgent need to improve and strengthen the legislative system in Indonesia. Explicitly, there is no rule that prohibits local governments from organizing legal aid, but the misperception has created a legal vacuum. Particularly in Permendagri Number 12 of 2014 concerning Guidelines for Handling Cases within the Ministry of Home Affairs and Regional Governments states in article 10 "Civil cases as referred to in Article 4 letter c conducted by: a. Minister; b. Regional Head and / or Deputy Regional Head; and c. CPNS / PNS Ministry of Home Affairs, Province and Regency / City ". The neglect of this article has become a legal vacuum in the Metro City Regional Government, because instead there is a local regulation regarding legal assistance to the general public which in the rules is not the authority of the Metro City Regional Government. Authorities that should be exercised but are ignored and authorities that have no urgency are still made regulations.

Thus, the central government ensures that a local regulation must not conflict with higher laws and regulations. In metro city regional regulation number 6 of 2023, it is not in line with the theory of hierarchy (*stufenbau theorie*) Hans Kelsen argues that norms are tiered and layered in a hierarchy (order) (Sumarsih 2022). Lower regulations must be sourced with higher regulations, and so on until the norm that cannot be traced further which is hypothetical and fictitious, namely the basic norm (*grundnorm*). In addition to not being in accordance with Hans Kelsen's theory of hierarchy in the application of Metro City Regional Regulation No. 6 of 2013, it is also not in accordance with the principle of "*lex Superior Derogat Legi Inferiori*" (Wolkenstein 2023). The principle of "*lex superior derogat legi inferiori*" (Wolkenstein, 2023), which means that a legislative regulation must be based on and must not contradict the legislation that has a higher position (Nurfaqih Irfani 2020). Regional regulations as one of the laws and regulations that have an important function in the establishment of law enforcement and the implementation of the regional government system, it is certain that it must not conflict with the regulations above it.

In general, the factors that cause misperceptions in laws and regulations are not only the result of the negligence of the Establishment in analyzing academic studies that are less mature (M. Kapul et al., 2023). However, it also occurs due to factors in the formation of regulations that are in different periods of time, officials authorized to form change because they are limited by term of office, transfer of duties, or replacement, the sectoral approach in the formation of laws and regulations is stronger than the system approach, weak coordination in the process of forming laws and regulations, limited public access to participate in the formation process, and not yet established ways and methods that are definitely standard and standard. This has resulted in inconsistencies and disharmonization within the scope of legislation.

CONCLUSION

Based on the results of the research conducted, it was found that the factors for the occurrence of misconceptions in metro city regional regulation number 6 of 2013 were the lack of academic studies in the making of regional legal products. Misconceptions that occur in the formation of local regulations cause several problems regarding the duties of local government functions. The overlapping of legal aid authority has stalled the implementation of local regulation number 6 of 2013. The existence of a legal vacuum due to misconceptions in the metro city local government, regulates the duties of the local government in organizing legal assistance to ASN within the local government but there are rules regarding legal assistance to the general public. Filling the legal vacuum, the local government collaborated with the metro district attorney's office to realize legal assistance to ASN.

In general, the factors that cause misconceptions in laws and regulations are not only the result of the negligence of the forming institution in analyzing less mature academic studies. However, it also occurs due to the factor of forming regulations that in different periods of time, the official authorized to form changes. This causes inconsistencies in metro city local regulations number 6 of 2013. in accordance with the principle of "*lex Superior Derogat Legi Inferiori*", which means that a legislative regulation must be based on and must not conflict with legislation of a higher position. The metro city regional regulation has contradicted the

article regarding the interpretation of the duties of legal aid organizers which are not the duties of the metro city regional government.

Therefore, with these misperceptions causing inconsistencies and legal vacuum, it is necessary to review the existing regulatory hierarchy system. To overcome this, it is necessary to review the local regulations to be in line with Law No. 16/2011, through mechanisms such as judicial review or revision by the local legislative body. Although until now there has been no follow-up by the Metro City Regional Government or the Provincial Government.

REFERENCES

- Aditya, Zaka Firma, and Muhammad Reza Winata. 2018. "Rekonstruksi Hierarki Peraturan Perundang-Undangan Di Indonesia (Reconstruction Of The Hierarchy Of Legislation In Indonesia)." *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan* 9, no. 1 (June). <https://doi.org/10.22212/jnh.v9i1.976>.
- Afifah, Wiwik. 2020. "Bantuan Hukum Kelompok Rentan." *DiH: Jurnal Ilmu Hukum*. <https://doi.org/10.30996/dih.v16i1.3045>.
- Alamsyah, M. Nurdin Zuhdi. 2024. "Reactualisation of Stories of Women's Glory in the Qur'an as a Method of Husband and Wife Relationships in the Family." *Journal of Islamic Mubadalah* 1, no. 1. <https://doi.org/10.70992/rfqzha59>.
- Alent R.Tumengkol. 2015. "Kebijakan Pemerintah Dan Pertanggungjawabannya Dalam Rangka Good Governance." *Lex Administratum*.
- Alizamar, and Nasbahry Couto. 2016. "Psikologi Persepsi Dan Desain Informasi; Sebuah Kajian Psikologi Persepsi Dan Prinsip Kognitif Untuk Kependidikan." *Journal of Chemical Information and Modeling*.
- Angga, Angga, and Ridwan Arifin. 2019. "Penerapan Bantuan Hukum Bagi Masyarakat Kurang Mampu Di Indonesia." *DIVERSI: Jurnal Hukum*. <https://doi.org/10.32503/diversi.v4i2.374>.
- Arifin, Zaenal, and Adhi Putra Satria. 2020. "Disharmonisasi Peraturan Perundang-Undangan Di Indonesia: Antara Bentuk, Penyebab Dan Solus." *Jurnal Pro Hukum: Jurnal Penelitian Bidang Hukum Universitas Gresik*. <https://doi.org/10.55129/jph.v9i1.1016>.
- Asnawi, Habib Shulton. 2022. *Dinamika Hukum Perkawinan Di Indonesia Tinjauan Hukum Keluarga Islam Terhadap Legalitas Perkawinan Kepercayaan Penghayat*. Yogyakarta: CV. Bildung Nusantara. <https://balaiyanpus.jogjaprovo.go.id/opac/detail-opac?id=346958>.
- . 2024. "Sejarah, Urgensi Dan Tipologi Pencatatan Perkawinan Dalam Undang-Undang Keluarga Islam Di Negara Muslim." *Bulletin of Community Engagement* 4, no. 2. <https://attractivejournal.com/index.php/bce/article/view/1468>.
- Astuti, L S. 2020. "Tanggung Jawab Negara Dalam Pemberian Bantuan Hukum Ditinjau Dari Aspek Hukum Tata Negara." *Jurnal Education and Development - Institut Pendidikan Tapanuli Selatan*.
- Berliansyah Putra, Dian, Firstianty Wahyuhening Fibriany, and Heri Aryadi. 2022. "Pelaksanaan Dekonsentrasi Dan Tugas Pembantuan Dalam Penyelenggaraan Pemerintahan Di Indonesia." *Jurnal Indonesia Sosial Sains*. <https://doi.org/10.36418/jiss.v3i1.516>.
- Bratakusumah, Deddy Suoruary, and Dadang Solihin. 2017. "Otonomi Penyelenggaraan Pemerintah Daerah." *Jurnal Ekonomi Dan Bisnis*.

- Fadli, Muhammad Rijal. 2021. "Memahami Desain Metode Penelitian Kualitatif." *HUMANIKA*. <https://doi.org/10.21831/hum.v21i1.38075>.
- Fajriando, Hakki. 2020. "Revisi UU Bantuan Hukum Demi Meningkatkan Pemenuhan Hak Korban Untuk Mendapatkan Bantuan Hukum." *Jurnal HAM*. <https://doi.org/10.30641/ham.2020.11.467-486>.
- Guntoro, Mohamad. 2021. "Desentralisasi Dan Otonomi Daerah." *Cendekia Jaya*. <https://doi.org/10.47685/cendekia-jaya.v3i2.184>.
- Habib, Aris Darmawan Al, and Aris Nur Qadar Ar Razak. 2022. "Analisis Penyelesaian Disharmonisasi Norma Antara UU Nomor 14 Tahun 2007 Tentang Pembentukan Kab.Buton Utara Dengan Perda Nomor 51 Tahun 2012 Tentang Rencana Tata Ruang Wilayah Kab. Buton Utara Tahun 2012-2032." *Datuk Sulaiman Law Review (DaLRev)*. <https://doi.org/10.24256/dalrev.v3i1.2578>.
- Hafizh Izzulhaq, Muhammad. 2023. "Hak Upah Pekerja Atas Perusahaan Pailit: Disharmonisasi Peraturan Undang-Undang Pasca Undang-Undang Cipta Kerja." *Jurnal Kertha Semaya*.
- Herdiana, Dian. 2020. "Pengawasan Kolaboratif Dalam Pelaksanaan Kebijakan Bantuan Sosial Terdampak Covid-19." *Jdp (Jurnal Dinamika Pemerintahan)*. <https://doi.org/10.36341/jdp.v3i2.1323>.
- Hidayat, Candra Nur, and Serena Ghean Niagara. 2022. "Hubungan Wewenang Antara Pemerintah Pusat Dengan Wewenang Pemerintah Daerah Di Tinjau Dari Undang-Undang Nomor 23 Tahun 2014 Berdasarkan Sistem Negara Kesatuan Republik Indonesia." *Rechtsregel : Jurnal Ilmu Hukum*. <https://doi.org/10.32493/rjih.v5i2.27608>.
- Khoirotul Hijriah, Nurul, and Fauzi Syam. 2024. "Dampak Omnibus Law Terhadap Kewenangan Pemerintah Daerah Dalam Pengelolaan Lingkungan Hidup Di Indonesia." *Mendapo: Journal of Administrative Law*. <https://doi.org/10.22437/mendapo.v5i1.28813>.
- Kossay, Methodius. 2022. "Kajian Konseptual Kebijakan Pemerintah Pusat Untuk Menyelesaikan Konflik Papua Di Indonesia (Prespektif UU Otonomi Khusus Papua)." *Syntax Literate ; Jurnal Ilmiah Indonesia*.
- Lobubun, Muslim, Yohanis Anthon Raharusun, and Iryana Anwar. 2022. "Inkonsistensi Peraturan Perundang-Undangan Dalam Penyelenggaraan Pemerintahan Daerah Di Indonesia." *Jurnal Pembangunan Hukum Indonesia*. <https://doi.org/10.14710/jphi.v4i2.294-322>.
- M. Kapul, V. Lantik, and K.A. Astiti. 2023. "Analisis Miskonsepsi Siswa Dan Alternatif Remediasinya Pada Konsep Suhu Dan Kalor." *Jurnal Pendidikan Dan Pembelajaran IPA Indonesia*. <https://doi.org/10.23887/jppii.v13i1.56275>.
- Martua, Junindra. 2019. "Good Governance Dalam Penyelenggaraan Pemerintah Daerah." *Citra Justicia : Majalah Hukum Dan Dinamika Masyarakat*. <https://doi.org/10.36294/cj.v20i2.1677>.
- Marzuki, M. Laica. 2016. "Konstitusi Dan Konstitusionalisme." *Jurnal Konstitusi*. <https://doi.org/10.31078/jk741>.
- Moskal, Denys. 2023. "Division Of Powers Of Executive Authorities And Local Government Bodies: Today's Challenges In Ukraine." *Knowledge, Education, Law, Management*. <https://doi.org/10.51647/kelm.2023.7.23>.

- Muhammad Iqbal N, Randy Aulia N, and M Rafly Ashari. 2022. "Implementasi Pengawasan Legislatif (Pengawasan Terhadap Kebijakan Infrastruktur Jalan Provinsi Tahun 2020)." *Moderat : Jurnal Ilmiah Ilmu Pemerintahan*. <https://doi.org/10.25157/moderat.v8i2.2705>.
- Murdiyanto, Eko. 2020. *Metode Penelitian Kualitatif (Sistematika Penelitian Kualitatif)*. Yogyakarta Press.
- Nadilla, Sabrina. 2019. "Pelokalan Hak Asasi Manusia Melalui Partisipasi Publik Dalam Kebijakan Berbasis Hak Asasi Manusia." *Jurnal HAM*. <https://doi.org/10.30641/ham.2019.10.85-98>.
- Nasril, Senja. 2023. "Pemenuhan Hak Masyarakat Miskin Dalam Memperoleh Bantuan Hukum Cuma-Cuma." *Lex LATA*. <https://doi.org/10.28946/lexl.v4i3.1817>.
- Nawawi, Habib Shulton Asnawi dan M. Anwar. 2022. *Hegemoni Patriarkhisme Hak Keadilan Perempuan Dalam Undang-Undang Perkawinan Di Indonesia*. Yogyakarta: The Journal Publishing. <http://thejournalish.com/ojs/index.php/books/article/view/358>.
- Novandra, Riza. 2019. "Pengawasan Peraturan Daerah Setelah Putusan Mahkamah Konstitusi Nomor 137/Puu-Xiii/2015 Dan 56/Puu-Xiv/2016." *Rechtidee*. <https://doi.org/10.21107/ri.v14i2.4764>.
- Nuradhawati, Rira. 2019. "Dinamika Sentralisasi Dan Desentralisasi Di Indonesia." *Jurnal Academia Praja*. <https://doi.org/10.36859/jap.v2i01.90>.
- Nurhandono, Furqon, Darius Hariono Garda Perkasa, and Tri Kurniawan Yulianto. 2020. "Kajian Akademis Peraturan Pelaksanaan Cara Lain Untuk Menghitung Peredaran Bruto Yang Mendukung Kepatuhan Sukarela." *Scientax*. <https://doi.org/10.52869/st.v1i2.32>.
- Pattuju, Nikodemus Roy. 2020. "Inkonsistensi Vertikal Peraturan Perundang-Undangan." *Jurnal Ilmu Hukum: ALETHEA* 3, no. 2 (December): 99–116. <https://doi.org/10.24246/alethea.vol3.no2.p99-116>.
- Permatasari, Angghie, Lusy Liany, and Amir Mahmud. 2020. "Disharmonisasi Antara Mahkamah Konstitusi Dan Mahkamah Agung Dihubungkan Dengan Asas Kepastian Hukum (Studi Putusan Nomor 30/PUU-XVI/2018 Dan Putusan Nomor 65 P/HUM/2018 Dengan Pemohon Oesman Sapta Odang)." *Juris: Jurnal Ilmiah Syariah*. <https://doi.org/10.31958/juris.v19i1.2043>.
- Pramesti, Tri Jata Ayu. 2022. "Hierarki Peraturan Perundang-Undangan Di Indonesia." *Hukumonline.Com*.
- Prianto, Wahyu, Fakultas Hukum, Nahdlatul Ulama, Sulawesi Tenggara, Jl Mayor, Jenderal Katamso, Kec Baruga, and Kota Kendari. 2024. "Analisis Hierarki Perundang-Undangan Berdasarkan Teori Norma Hukum Oleh Hans Kelsen Dan Hans Nawiasky." *Jurnal Ilmu Sosial Dan Pendidikan*.
- Putra Laksana, I Putu Dedy. 2019. "Pengawasan Represif Pemerintah Pusat Dalam Pembentukan Peraturan Daerah." *Acta Comitas*. <https://doi.org/10.24843/ac.2019.v04.i01.p11>.
- Ramli, Ramli. 2020. "Tugas, Wewenang Serta Kewajiban Kepala Daerah Menurut Undang-Undang Nomor 32 Tahun 2004 Tentang Pemerintahan Daerah." *JIHAD : Jurnal Ilmu Hukum Dan Administrasi*. <https://doi.org/10.58258/jihad.v2i1.1676>.
- Rokhim, Abdul. 2013. "Kewenangan Pemerintahan Dalam Konteks Negara Kesejahteraan (Welfare State)." *Jurnal Ilmiah Dinamika Hukum*.

- Rosika, Citra, Aldri Frinaldi S, and Lince Magriasti. 2023. "Desentralisasi Dan Inovasi Pemerintah: Membangun Model Pemerintahan Lokal Yang Berkelanjutan." *COMSERVA: Jurnal Penelitian Dan Pengabdian Masyarakat*. <https://doi.org/10.59141/comserva.v3i08.1111>.
- Roy Harman, Asa'ari, and Afridawati. 2020. "Perbandingan Yuridis Empiris Dan Yuridis Normatif." *Istishab: Journal of Islamic Law*.
- Sumarsih, Sumarsih. 2022. "Peran Lembaga Bantuan Hukum Mewujudkan Access To Justice." *Muhammadiyah Law Review*. <https://doi.org/10.24127/lr.v6i1.1843>.
- Wolkenstein, Fabio. 2023. "Hans Kelsen on Political Catholicism and Christian Democracy." *European Journal of Political Theory*. <https://doi.org/10.1177/14748851231184999>.
- Yardim, Mehmet Ertan. 2023. "Concept of Legal Aid in Civil Litigation in Accordance with the Decisions of the European Court of Human Rights." *Annales de La Faculte de Droit d'Istanbul*. <https://doi.org/10.26650/Annales.2023.72.0004>.