

Legal Implications of The Regulation of Material Legal Norms in A Supreme Court Regulation (PERMA)

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ABSTRACT

Apart from being the authority of the DPR and the President, the 1945 Constitution of the Republic of Indonesia also gives authority to judicial institutions such as the Supreme Court to make or form regulations. Whereas following Article 79 Paragraph (1) of the Supreme Court Law, the authority to regulate the Supreme Court is limited to supplementing procedural law, however, in its development, several PERMAs such as PERMA 2/2012 regulate the content of material legal norms and are externally binding, which should be regulated at the level law and becomes the authority of lawmakers (legislative act). The main issue that is important to research is what are the legal implications of regulating material legal norms in a PERMA. Under the problems raised, this research is doctrinal research also known as normative research. The approaches used are a statutory approach and a conceptual approach. Based on the results of this research, there are 2 (two) legal implications of regulating material legal norms in a PERMA, namely: Overlapping Material Content of Legal Norms and the Unclear Position of PERMA in the Hierarchy of Legislative Regulations. As a result of these three legal implications, law enforcement officials as a legal structure will be unsure whether to follow PERMA as a statutory regulation that is aligned with the law or whether to ignore it.

Keywords: Norms, Legislation, PERMA

1. INTRODUCTION

A law is a written form of legislation enacted by the authority responsible for lawmaking. Under the 1945 Constitution of the Republic of Indonesia, the power to legislate is vested in the House of Representatives (DPR) and the President. The process of lawmaking is an integral part of legal development, encompassing the establishment of a national legal system aimed at realizing the objectives of the state through a rational, integrated, and systematic planning and programming approach (Rohmadanti et al., 2022).

In addition to being the authority of the House of Representatives and the President, the 1945 Constitution of the Republic of Indonesia also gives authority to judicial institutions such as the Supreme Court to make or form a regulation. However, what needs to be known is that the form of regulations set by the legislative institution is certainly different from the regulations set by the executive institution or by the judiciary. For example, the Constitutional Court and the Supreme Court also have the authority to regulate by stipulating Constitutional Court Regulations (PMK) and Supreme Court



Regulations (PERMA). The government/executive has the authority to regulate by stipulating Government Regulations (PP) or Presidential Regulations (PERPRES). Therefore, it is often distinguished between the meanings of (i) "*judicial legislation*", (ii) "*legislative act*", (iii) "*executive act*" or "*executive legislation*" (Aditya & Fuadi, 2021).

Judicial power is the third pillar in the modern state power system. In Indonesian, this third function of power is often called the branch of judicial power from the Dutch term *judicatief*. In English, in addition to the terms *legislative*, *executive*, the term *judicatief* is not known so that for the same sense the terms *judicial*, *judiciary*, or *judicature* are usually used (Asshiddiqie, 2007). In the modern state system, the branch of judicial power or the *judiciary* is a branch that is organized separately. Therefore, John Alder said, *The principle of separation of powers is particularly important for the judiciary*.

In fact, because *Montesquieu* himself was a judge, he in his book entitled, '*L'Esprit des Lois*', dreamed of the importance of the separation of the three branches of power in a constitution, because if the legislative and executive powers were united in one person or the same body of magistrates, there would be no freedom because there was a fear that the king or the senate would impose tyrannical laws. Meanwhile, if the judicial and legislative powers are combined, then the lives and freedoms of citizens will be controlled arbitrarily, because judges will be authorized to become legislators, and if the judicial power and the executive are combined, then judges will be cruel and oppressive (Ginsburg & Huq, 2022).

The Supreme Court as the organizer of judicial power to uphold law and justice based on Pancasila and the 1945 Constitution of the Republic of Indonesia (hereinafter abbreviated as the 1945 Constitution of the Republic of Indonesia) has the authority regulated in the constitution, therefore the Supreme Court is also included in the category of primary *constitutional organs* in the hierarchy and position of state institutions in Indonesia such as the President and the House of Representatives (Mokhtar & Satriawan, 2019).

The Supreme Court as a state institution that exercises judicial power, namely the power to organize the judiciary to uphold law and justice based on Pancasila and the 1945 Constitution of the Republic of Indonesia has the authority and function mandated directly by the constitution so that it places the Supreme Court as a State Institution and is a *primary constitutional organ*) in terms of the hierarchy of state institutions in Indonesia

(Ermakoff, 2020).

As the mandate of the constitution, namely Article 24A Paragraph (1) of the Constitution of the Republic of Indonesia in 1945, the authority of the Supreme Court includes: *first*, adjudicating at the cassation level against a decision rendered at the last instance by a court in all judicial settings under the Supreme Court, unless the law provides otherwise; *second*, test the rule of law under the law against the law; and *third*, has other authority given by law (Armia, 2023).

In addition, the Supreme Court can provide information, consideration, and advice on legal issues to state institutions and government institutions, as well as have the authority to examine and decide disputes regarding judicial authority, and examine applications for review of court decisions that have obtained permanent legal force, and provide legal advice to the President as the Head of State in the context of granting or refusing clemency (A. No, 48 C.E.).

What is interesting is that the granting of other authority referred to in the Constitution is included in the making of *judicial legislation* which actually existed long before the third amendment to the Constitution of the Republic of Indonesia in 1945 already existed and was regulated in Article 79 of Law Number 14 of 1985 concerning the Supreme Court (as the authority to regulate). Thus, it can be said that the authority to regulate the Supreme Court arises because of the delegation of regulatory authority from the law.

As in Article and explanation of Article 79 Paragraph (1) of Law Number 14 of 1985 concerning the Supreme Court ("Supreme Court Law") which has been amended by Law Number 5 of 2004 and finally amended by Law Number 3 of 2009 concerning the Second Amendment of Law Number 14 of 1985 concerning the Supreme Court (L. No, 5 C.E.), which states that: The Supreme Court can further regulate matters necessary for the smooth administration of justice if there are matters that has not been sufficiently regulated in this Law.

And in the Explanation of Article 79 Paragraph (1) it is stated that: if in the course of the judiciary there is a legal deficiency or void in a certain matter, the Supreme Court is authorized to make regulations as a complement to fill the reduction or vacancy. With this Law, the Supreme Court has the authority to determine the regulation on how to resolve a



matter that has not been or is not regulated in this Law. In this case, the regulations issued by the Supreme Court are distinguished from regulations drafted by the lawmakers (*legislative acts*). The administration of justice intended by this Law is only part of the procedural law as a whole.

Legal problems begin to arise juridically when in its development it turns out that there is a change or shift in the trend of the content of legal norms in the Supreme Court Regulation (PERMA), which should contain complementary legal norms and are procedural law, but in fact as in one of the PERMA picking tests carried out by the author, it is actually indicated to regulate the content material of material legal norms and bind out (externally) which should be regulated at the level of legislation and become the authority of the *Legislative Act*.

The PERMA in question is as shown in the following table:

Table 1. Type and Characteristic of Norm Content Material

No	Number & Title	Norm Content Material	Characteristic and Form of Norms
1	PERMA Number 2 of 2012 concerning Adjustment of Limits on Minor Crimes and the Amount of Fines in the Criminal Code (PERMA 2/2012)	Article 1: The words "two hundred and fifty rupiah" in Article 364,373,379,384,407, and Article 482 of the Criminal Code are read as Rp. 2,500,000.00 (two million five hundred thousand rupiah)	General and Abstract Legal Norms and Material Forms (KUHP)
2	PERMA Number 2 of 2019 concerning Guidelines for Dispute Resolution of Government Actions and Authority to Adjudicate Unlawful Acts by Government Agencies and/or Officials (Onrechtsmatige Overheidsdaad) (PERMA 2/2019)	Article 2: Cases of unlawful acts by Government Agencies and/or Officials (<i>Onrechtsmatige Overheidsdaad</i>) are the authority of the state administrative court. Article 8: Every phrase "State Administrative Decision" and the phrase "State Administrative Disputes" listed in CHAPTER IV OF LAW 5/1986 concerning the TUN Judiciary as amended several times and last amended by Law No. 51/2009 must also be interpreted as "Government Action" according to this Supreme Court Regulation.	General and Abstract Legal Norms and Material Forms (TUN Judicial Law)

(Source: JDIH Indonesia Supreme Court, 2025)

Departing from these conditions and realities, there can be legal implications that result in the unclear position and binding Characteristic of PERMA in the hierarchy of laws

and regulations, moreover if it is associated with the principle of applicable legal preferences, it can certainly make overlap (*overlapping*).

Legal issues as described above are very important to be studied and researched in order to realize the legal certainty of PERMA created by the Supreme Court. Thus, the main problem studied in this paper is related to what are the legal implications of regulating material legal norms in a PERMA?

2. RESEARCH METHOD

The Normative Research, (Negara, 2023) in the end, was chosen by the author with several considerations, among others, that in practice there were many inconsistencies in changes or shifts in the trend of the content material of legal norms in the Supreme Court Regulation (PERMA), which should contain complementary legal norms and are procedural law, but in reality, as in one of the perma picking tests carried out by the author, it is actually indicated to regulate the content material Material and binding legal norms that should be regulated at the level of legislation and become the authority of the *Legislative Act*. The research approach is the statute *approach*, *case approach*, historical *approach*, comparative *approach*, and conceptual approach. "Kornelius Benuf and Muhamad Azhar, "Legal Research Methodology as an Instrument for Unraveling Contemporary Legal Problems," *Echo of Justice* 7, no. 1 (April 1, 2020): 20–33, doi:10.14710/gk.2020.7504. The analysis in this study uses analytical descriptive methods carried out to answer research problems that are interrelated with each other. After data collection, classification is carried out according to its relevance to the research problem.

3. RESULTS AND DISCUSSION

The main focus that is studied and examined comprehensively in this study is related to the Legal Implications of the Regulation of Material Legal Norms in a Supreme Court Regulation (PERMA). According to the Great Dictionary of the Indonesian Language (KBBI) *online*, the word "implikasi"/im·pli·ka·si/ has the definition of meaning: "*involvement or circumstances involved*". In relation to the focus of this research, the intended legal implication is the involvement or linkage of several legal aspects as a result of the Regulation of Material Legal Norms in a Supreme Court Regulation (PERMA). And the legal implications of this based on the results of this study are as follows.



Overlapping Legal Norm Content?

Before discussing what is the scope of norm content material that can be regulated in a PERMA, and whether some of the PERMA content material is allegedly overlapping (*overlapping*), then it is necessary to know first the definition of the content of legal norms and the extent of its scope. Referring to the Great Dictionary of Indonesian Online, the word "Material" has the meaning of "something that becomes material (to be tested, to be considered, discussed, written, and so on)" (Sari, n.d.). While here the word "Content" must be interpreted in conjunction with the word "Material", so that Content Material is interpreted as substance or content.

Meanwhile, referring to the Great Dictionary of Indonesian online, the word "Norma" means "rules or provisions that bind group members in society, used as guidelines, orders, and controls of appropriate behavior" (Indonesia, 2018). More than that, Norma comes from the English word 'norm' which comes from the Greek term 'norm' or "nomos" which means law or rule (*qo'idah*) in Arabic. Therefore, the title of Plato's book "Nomoi" is also commonly translated with the word "The Laws" in English. In other words, "norms" are also known as "rules." The term kaidah or "qo'idah" in Arabic is also commonly connotated with law (singular) or al-ahkam (plural). Therefore, the 5 (five) methods known in the teachings of Islam, namely the obligatory method, haram, sunnah, makruh, and mubah are also referred to as "al-ahkam al-khamsah" or "the five rules." (Ramadhan et al., 2023). Meanwhile, Maria Farida defines a norm as a measure that must be adhered to by a person in relation to his fellow man or his environment (Kosariza et al., 2021).

Further, the difference between legal norms and other norms (Nofiani et al., 2021):

- a. A legal norm is heteronomous, in the sense that the legal norm comes from outside a person. While other norms are autonomous, in the sense that they come from oneself.
- b. A legal norm can be attached to criminal sanctions or physical coercive sanctions, while other norms cannot be attached to criminal sanctions or physical coercive sanctions.
- c. In legal norms, criminal sanctions or coercive sanctions are carried out by state apparatus (for example: police, prosecutors, judges) while for violations of other norms, the sanctions come from oneself, for example, feelings of guilt or for violations of moral norms or in certain customary norms, the violators will be excluded from

society.

Legislation Content Materials are materials contained in Laws and Regulations in accordance with the type, function, and hierarchy of Laws and Regulations. While PERMA Content Material is the entire content of the article in the body that is regulated in a PERMA. Thus, the content of legal norms can be interpreted as the entire content of legal norms in a law and regulation. Likewise, if it is related to the content of legal norms in a PERMA, it can be defined as the entire content of legal norms in the articles of the body of a PERMA.

Then, to what extent are legal norms if the law is seen in terms of its content, material, or substance, then we see the law as a set of legal norms regardless of its clothes, form, or process. On the other hand, if the law is seen in terms of its formality, what is seen is not its content or substance, but its formal form, its structural structure, the process of formation, or aspects of its enactment and enforcement, as well as other matters that do not fall into the category of its material (Asshiddiqie, 2006).

Referring to the provisions of Article 1 number 2 of the PPP Law which reads: Laws and Regulations are written regulations that contain generally binding legal norms and are formed or determined by state institutions or authorized officials through procedures set forth in Laws and Regulations (Ramadhan & Rafiqi, 2021). Laws and regulations that are generally binding (*algemeen verbindend voorschrift*) are also called the term law in the material sense (*wet in materiele zin*), namely *iederrechtsvoorschrift van de overheid met algemeen strekking* (all written laws from the government that are generally binding). Based on the qualifications of these legal norms, the laws and regulations are general-abstract. General-abstract words are characterized by the following elements: (Brouwer, 2022)

- 1) *Time (a rule does not apply only to one moment)*; Waktu (tidak hanya berlaku pada saat tertentu);
- 2) *Place (a rule does not apply badly in one place)*; Tempat (tidak hanya berlaku pada tempat tertentu);
- 3) *Person (a rule does not apply only to a particular person)*; Orang (tidak hanya berlaku pada orang tertentu); than

Rechtsfeit (een regel geldt niet voor een enkel rechtsfeit, maar voor rechtsfeitendie

herhaalbaar zijn, dat wil zeggen zich telkens voor kunnen doen). Legal facts (not only aimed at specific laws, but for various legal facts that can be repeated, in other words for repeated acts).

Table 2. Type and Characteristic of Norm Content Material

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1	PERMA Number 2 of 2012 concerning Adjustment of Limits on Minor Crimes and the Amount of Fines in the Criminal Code (PERMA 2/2012)	Article 1: The words "two hundred and fifty rupiah" in Article 364,373,379,384,407, and Article 482 of the Criminal Code are read as Rp. 2,500,000.00 (two million five hundred thousand rupiah)	General and Abstract Legal Norms and Material Forms (KUHP)
2	PERMA Number 2 of 2019 concerning Guidelines for Dispute Resolution of Government Actions and Authority to Adjudicate Unlawful Acts by Government Agencies and/or Officials (Onrechtmatige Overheidsaad) (PERMA 2/2019)	Article 2: Cases of unlawful acts by Government Agencies and/or Officials (<i>Onrechtmatige Overheidsdaad</i>) are the authority of the state administrative court. Article 8: Every phrase "State Administrative Decision" and the phrase "State Administrative Disputes" listed in CHAPTER IV OF LAW 5/1986 concerning the TUN Judiciary as amended several times and last amended by Law No. 51/2009 must also be interpreted as "Government Action" according to this Supreme Court Regulation.	General and Abstract Legal Norms and Material Forms (TUN Judicial Law)

(Source: JDIH Indonesia Supreme Court, 2025)

From the two PERMA's above, it can be seen that the content of the legal norms that are regulated are material legal norms (*wet in materiele zin*) and binding out (*external*) which should be regulated at the level of law and become the authority of the law-making (*legislative act*). In fact, PERMA should be in accordance with the provisions of Article 1 number 13 of the Decree of the Chief Justice of the Supreme Court Number 57/KMA/SK/1V/2016 concerning Amendments to the Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia Number 271/KMA/SK/X/2013 concerning Guidelines for the Preparation of Policies of the Supreme Court of the Republic of Indonesia, it is stated that the Supreme Court Regulation (PERMA) is a regulation that contains procedural legal provisions. So that every PERMA made by the Supreme Court should contain complementary legal norms and are procedural law, and not the other way

around.

Moreover, referring to the consideration of considering one of the PERMA above, namely PERMA 2/2012 in consideration of considering letter c which reads: *"That the material of the amendment to the Criminal Code is basically a legal material, but considering that the amendment of the Criminal Code is expected to take a considerable time while the cases continue to enter the court, the Supreme Court considers it necessary to make adjustments to the value of the rupiah in the Criminal Code based on the gold price that applies to the in 1960* (Sinatrio, 2019), It is clear that the Supreme Court is actually aware that the content of the regulated legal norms is material and is the authority of the lawmakers.

Further provisions have also been expressly and limitedly regulated regarding the regulatory authority possessed by the Supreme Court in Article and the explanation of Article 79 Paragraph (1) of the Supreme Court Law, which states that: The Supreme Court can further regulate matters necessary for the smooth administration of justice if there are matters that have not been sufficiently regulated in this Law. In addition, in the Explanation of Article 79 Paragraph (1) it is stated that: if in the course of the judiciary there is a legal deficiency or void in a certain matter, the Supreme Court is authorized to make regulations as a complement to fill the reduction or vacancy. With this Law, the Supreme Court has the authority to determine the regulation on how to resolve a matter that has not been or is not regulated in this Law. In this case, the regulations issued by the Supreme Court are distinguished from regulations drafted by the lawmakers (*legislative acts*).

Judging from the form of authority regulated in the body of Article 79 Paragraph (1) of the Supreme Court Law, there are several forms of regulatory products or policies that can be made and determined by the Supreme Court, there are 3 (three) types of policies that are embodied from the authority to regulate the Supreme Court, including: 1). Supreme Court Regulations (PERMA); 2). Supreme Court Circular Letter (SEMA); and 3). Decree of the Chief Justice of the Supreme Court (Petersmann, 2008).

Legal problems begin to arise juridically when in their development there has been a change or shift in the trend of the content of legal norms in a PERMA. PERMA should contain complementary legal norms and is procedural law, but in fact, as in several



PERMA sampling tests conducted by the author, it is indicated that it regulates the content of a law, which is actually the authority of the lawmaker.

So it can be concluded that the content material in certain PERMA (PERMA 2/2012 and 2/2019) studied by the researcher as described above has experienced *overlapping* of the normative content material that should be regulated at the legal level. Because basically the authority of the Supreme Court to form PERMA is actually a form of *delegated legislation*, which is also called legislation in the category of *allgemeene verbindende voorschriften*.

Unclear position of PERMA in the Hierarchy of Laws and Regulations

The theory of the hierarchy of legislative regulations is actually still influenced by Hans Kelsen's *Stufenbautheorie* theory (Kelsen, 1961). Hans Naviasky as a student of Hans Kelsen explained with a slightly different angle, he stated that the *Stufenbautheorie* theory was built as a hierarchical theory or hierarchical norms. This philosophy is also reflected in the legal structure and legislation of Indonesia (Nurjanah et al., 2016).

According to *the stufenbautheorie* that hierarchical system of norms is described, as follows:

- i. the highest norm is *the Grundnorm* or *basic norm* ;
- ii. since *the Grundnorm* is not based on other norms, the *Grundnorm* is extra-legal or meta-juristic (assumed norms or hypothetical norms);
- iii. the norms under it are called general norms, their validity is based on *Grundnorms*; and
- iv. The lowest norm is called an individual norm, whose validity is based on general norms.
- v. in the hierarchy of norms, *the Grundnorm* , whose character is a hypothetical norm, is not established by authority, because it is outside the (positive) legal system and cannot be changed.

Furthermore, Hans Naviasky proposed the order of legal norms in *Theorie vom Stufenaufbau der Rechtsordnung*, grouping the order of legal norms into four levels, sequentially, as follows (Kelsen, 2017):

- ✓ First, *Staatsfundamentalnorm* (Fundamental Norm of the State; the highest level of norms);

- ✓ Second, *Staatsgrundgesetz* (Constitution);
- ✓ Third, *Formellgesetz* (law in the formal sense); and
- ✓ Fourth, *Verordnung und Autonomesatzungen* (Implementing Regulations and Autonomous Regulations, as the lowest order of norms in the hierarchy of laws and regulations).

As a country of law, the country's constitution is placed in the highest position in the hierarchy of laws and regulations. In the context of hierarchy, the legal system is described as a pyramid with the constitution as the supreme law, and the regulations under it are the elaboration of the constitution. This view is structural because it positions the constitution at the top of the pyramid. Meanwhile, the second view was initiated by Satjipto Rahadjo, who quoted Hans Kelsen's opinion which stated that, "*this regressusis terminated by a highest, the basic norm.*" (The series of law formation is ended by the highest basic norm). The legal hierarchy is described as an inverted pyramid, with the constitution as the supreme law at the base of the pyramid. This view is more functional. Although viewed from different perspectives, these two views have a common thread.

In Indonesia's positive law, the hierarchy system of laws and regulations is also found in Article 7 Paragraph (1) of Law Number 12 of 2011 concerning the Establishment of Laws and Regulations (Al-Fatih et al., 2023), ("PPP Law") as amended by Law (UU) Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Establishment of Laws and Regulations, with the following structure:

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

The hierarchical model above is also called enumeration hierarchy, as if placing the constitution or the 1945 Constitution of the Republic of Indonesia as the highest positive law. Meanwhile, Pancasila as the basis of the state (*philosophischegrondslag*) is positioned as the source of all sources of state law. And as ole Hamid S. Attamimi said, the

construction of laws and regulations is formed by legal standards that apply externally and are binding, as stipulated in a hierarchical order.

Then, if it is associated with the position of PERMA itself, the position of PERMA in the hierarchy of laws and regulations as referred to in Article 7 Paragraph (1) of the PPP Law is not expressly mentioned, but nevertheless if referring to Article 8 Paragraph (1) and (2) of the PPP Law, then the position of PERMA is recognized for its existence and has binding legal force as a regulation other than as referred to in Article 7 Paragraph (1) of the PPP Law as long as it is ordered by the Regulation Higher legislation or formed based on authority. Thus, based on the provisions in Article 7 paragraph (1) of the PPP Law, PERMA's position can be assumed to have a position outside the hierarchy of existing laws and regulations, and even though based on Article 8 paragraphs (1) and (2) of the PPP Law, PERMA is still included in the type of existing laws and regulations and has binding legal force and is recognized for its existence, but the level/position of PERMA is in line with the Law or Government Regulation or is it actually lower In the hierarchy of laws and regulations, it is still unclear and has become a debate to this day.

With the unclear position of the PERMA, it can be said that the Supreme Court has failed to meet the requirements of a good legal product, namely that the entire legal product must be a harmonious unit (because it is synchronous or consistent vertically and horizontally) both from the material aspect which includes the legal principle / because it meets the principle of the formation of good laws and regulations, and the principle of content material), Sirajuddin Sirajuddin, Febriansyah Ramadhan, and Ilham Dwi Rafiqi, "The Urgency of Separating the Implementation of Simultaneous National and Local General Elections," *Volksgeist: Journal of Law and Constitutional Sciences* 4, no. 2 (December 1, 2021): 233–47, doi:10.24090/volksgeist.v4i2.5224. and in accordance with the legal principles which are the background/reason/ratio of the legal formation, meaning (both express and implied meaning), to the use of the term, as well as from the formal aspect where the way it is prepared must be in accordance with applicable provisions. As a system, law has many relationships with various aspects and even other systems in society. Law as a product must be able to create legal certainty for society. Often the laws and regulations that are formed fail to provide legal certainty for the community, which ultimately fails to create legal order in society (Kartikasari & Risky, 2025).

On the other hand, if faced with the condition of choosing which must be prioritized



in procedural law practice within the framework of a criminal justice system, there will also be uncertainty for law enforcement officials and the public to sit PERMA as a preference or not. Because, as is known, the principle of preference is a legal principle that specifies which law takes precedence (to be enforced), if in an event (law) it is related to or violates several regulations. In studying law, it is known that "*Asas lex specialis derogat legi generali*" (special law overrides common law) is one example of the principle of preference known in law (Risky et al., 2023).

In other words, law enforcement officials as a legal structure will doubt whether to follow PERMA as a law that is aligned with the law or whether to set it aside. For example, in the event that the provisions of Article 1 of PERMA 2/2012 which reads the words "two hundred and fifty rupiah" in Article 364,373,379,384,407, and Article 482 of the Criminal Code read as Rp. 2,500,000.00 (two million five hundred thousand rupiah) is considered a material legal update in the Criminal Code carried out by the Supreme Court, then it is automatic that the position of PERMA is in line with the law. In fact, the content of material legal norms cannot be regulated in a regulation of the Supreme Court as an institution that receives a delegation of legislation/regulatory authority from the House of Representatives or in other words it can be called a "*legislative delegation of rule-making power*". Thus, the preference of the principle of *lex specialis derogat legi generali* and the principle of *lex posteriori derogat legi priori* cannot be used as a reference in unraveling the conflict between the preference for the position of norms in PERMA 2/2012 and those in the Criminal Code.

4. CONCLUSION

Based on the above explanation, the legal implications arising from the Regulation of Material Legal Norms in a Supreme Court Regulation (PERMA) in this study are indicated to be 2 (two), namely: *First*: the content material in certain PERMA (PERMA 2/2012 and 2/2019) *overlaps* because the content material of the regulated legal norms is material legal norms (*wet in materiele zin*) and binding out (*external*) which should be regulated at the level of legislation and become the authority of the *Legislative Act*. In fact, PERMA should be in accordance with the provisions of Article 1 number 13 of the Decree of the Chief Justice of the Supreme Court Number 57/KMA/SK/1V/2016 concerning



Amendments to the Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia Number 271/KMA/SK/X/2013 concerning Guidelines for the Preparation of Policies of the Supreme Court of the Republic of Indonesia, it is stated that the Supreme Court Regulation (PERMA) is a regulation that contains procedural legal provisions. So that every PERMA made by the Supreme Court should contain complementary legal norms and are procedural law, and not the other way around. *Second*: based on the provisions in Article 7 paragraph (1) of the PPP Law, PERMA's position can be assumed to have a position outside the hierarchy of existing laws and regulations, and even though based on Article 8 paragraphs (1) and (2) of the PPP Law, PERMA is still included in the types of existing laws and regulations and has binding legal force and is recognized for its existence, but the level/position of PERMA is in line with the Law or Government Regulation or is it lower in the hierarchy of laws and regulations is still unclear and has become a debate to this day.

As a result of these two legal implications, law enforcement officials as a legal structure will doubt whether to follow PERMA as a law that is aligned with the law or whether to set it aside, because the content of material legal norms cannot be regulated in a supreme court regulation as an institution that receives a delegation of legislation/regulatory authority from the House of Representatives or in other words can be called "*legislative delegation of rule-making power*". Thus, the preference of *the principle of lex specialis derogat legi generali*" and the *principle of lex posteriori derogat legi priori* cannot be used as a reference in unraveling the conflict between the preference for the position of norms in PERMA 2/2012 and those in the Criminal Code. Thus, it is appropriate for the House of Representatives and the President as the framers of the Law to accommodate all the rules of material legal norms in some of the PERMA into a draft material legal reform such as the Criminal Code.

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