**Vol. 23 No. 1 June 2027** **YURISDIKSI**
*Jurnal Wacana Hukum dan Sains*
Universitas Merdeka Surabaya
*This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License*
**ISSN print 2086-6852 and ISSN Online 2598-5892**

# The Application of Executive Preview In The Formation Of Regional Regulations Through The Omnibus Law Method To Ensure Legal Certainty

**Suci Mardiko[1*], Istislam[1], Shinta Hadiyantina[1]**

[1]Faculty of Law, Brawijaya University Malang, Indonesia

*Corresponding Author Email:sucibagoes46@gmail.com

**Article History: Received: September 27, 2026; Accepted: November 24, 2026**

**ABSTRACT**

The formation of Regional Regulations (Perda) through the omnibus law method raises questions about the coordination of harmonization, facilitation, and evaluation procedures. This study examines the legal relationship between these procedures and develops a proposal for preventive review, referred to in this article as "executive preview." Using a normative legal method with statutory and conceptual approaches, the study analyses the relevant legislation and implementing regulations. It distinguishes a true conflict of norms from procedural overlap and complementary functions: the fact that more than one institution reviews a draft regulation does not, by itself, establish a legal conflict. A conflict must be demonstrated through an incompatibility concerning authority, sequence, legal effect, or another matter that cannot be resolved through harmonious interpretation. The study proposes a coordinated preventive-review model involving an inventory of affected norms, a change matrix, inter-agency coordination, reasoned recommendations, regional follow-up, public participation, and monitoring after enactment. The proposal is intended as a coordination mechanism and must operate within the powers already granted by legislation; it does not create new statutory authority. The model draws on legal-certainty theory and a responsive approach to ensure that simplification does not undermine legality, regional autonomy, transparency, or public participation.

**Keywords:** Executive Preview; Omnibus Law; Regional Regulations; Conflict of Norms; Legal Certainty.

## 1. INTRODUCTION

The formation of regional regulations (Perda) is a crucial instrument in the Indonesian legal system because Perda serves as the normative basis for the implementation of regional autonomy. Within the framework of Articles 18, 18A, and 18B of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), regions are given the space to regulate and manage government affairs according to the principles of autonomy and assistance tasks. This space does not stand alone, as Perda remains part of the national legal system that must comply with the hierarchy, the principles of legislative formation, and the division of government affairs. The omnibus law method emerged as a regulatory formation technique that allows for the amendment, revocation, or formulation of several materials within a single legal product. After Law Number 13 of 2022 amended Law Number 12 of 2011, the omnibus law method gained a normative place in the legal regulation formation system. In the regional context, this method can be used to organize scattered and overlapping Perda. However, because Regional Regulations are at a lower level of norms and are bound by the division of affairs, the use of the omnibus law method in Regional Regulations requires clearer preventive supervision procedures.

**Copyright (c) 2027 Author(s)**

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License
ISSN print 2086-6852 and ISSN Online 2598-5892

Executive preview becomes relevant because it operates before the Regional Regulation is passed. Different from the cancellation of a Regional Regulation after it is in effect, the executive preview is positioned as a mechanism for preventing norm conflicts through harmonization, facilitation, evaluation, clarification, and testing of the conformity of the Draft Regional Regulation with higher regulations. This preventive function becomes increasingly important after the Constitutional Court Decision Number 137/PUU-XIII/2015 and the Constitutional Court Decision Number 56/PUU-XIV/2016 confirmed that the cancellation of a Regional Regulation by the central government cannot be positioned as an administrative authority that replaces judicial review. The problem is, the preventive oversight mechanism for Draft Regional Regulations does not follow a simple flow. As stipulated in Law Number 23 of 2014 Article 91 paragraph (2) letters d and e and paragraph (3) letter d, Article 242, and Article 243 and Article 245, there are mechanisms for evaluation, supervision, approval and facilitation as well as the granting of a registration number from the Minister of Home Affairs for provincial Draft Regional Regulations, and through the governor for district/city Draft Regional Regulations. The mechanisms and procedures for evaluation, supervision, approval, and the granting of registration numbers are then technically regulated in Minister of Home Affairs Regulation Number 80 of 2015 as amended by Minister of Home Affairs Regulation Number 120 of 2018, which regulates the formation of regional legal products, including facilitation and evaluation within the Ministry of Home Affairs and the relationship between governors and districts/cities. On the other hand, based on Article 58 of Law Number 12 of 2011 in conjunction with Law Number 13 of 2022, Minister of Law and Human Rights Regulation Number 40 of 2025 regulates the procedures for harmonizing, finalizing, and strengthening the concept of Draft Regional Regulations (Raperda) and Draft Regional Regulations (Raperkada). The existence of these two procedural regimes shows that the executive preview does not only concern central-regional relations, but also coordination between state institutions at the central and regional levels.

The first normative conflict is clearly visible in the relationship between Article 58 of Law Number 12 of 2011 as amended by Law Number 13 of 2022 and several provisions in Law Number 23 of 2014, particularly Article 91 paragraph (2) letters d and e, Article 91 paragraph (3) letter d, Article 242, Article 243, and Article 245. Article 58 emphasizes the harmonization, rounding, and strengthening of the concept of the Draft Regional Regulation in the regime of forming legislation, while Law Number 23 of 2014 places facilitation, evaluation, supervision, approval, and registration numbers in the regional government regime. Both work together before the Regional Regulation is passed, but do not fully formulate an integrated flow regarding the auditing agency, audit standards, time limits, and legal consequences of recommendations. The

Copyright (c) 2027 Author(s)

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License
ISSN print 2086-6852 and ISSN Online 2598-5892

second normative conflict arises at the ministerial regulation level. Minister of Home Affairs Regulation Number 80 of 2015, as amended by Minister of Home Affairs Regulation Number 120 of 2018, regulates the formation of regional legal products through facilitation, evaluation, clarification, and registration numbering mechanisms. At the same time, Minister of Law and Human Rights Regulation Number 40 of 2025 regulates the procedures for harmonizing, rounding out, and consolidating the concepts of Draft Regional Regulations and Draft Regional Regulations. When these two technical regimes are applied to the same object, namely Draft Regional Regulations, the drafters of Regional Regulations may face two parallel, repetitive, or unrelated lines of examination that result in records that are not always consolidated in a single procedural decision.

Thus, the normative conflict in this research background is not only a disharmony between the substance of the Regional Regulation and higher-level regulations, but also procedural and institutional conflicts in the stages before the Regulation is passed. This conflict becomes increasingly important to study because the omnibus law method allows a single Draft Regional Regulation to contain multiple clusters and touch many sectors simultaneously. Without a unified executive preview design, preventive procedures can actually turn into a new source of legal uncertainty. Normative conflicts in the executive preview procedure arise when terms, institutions, stages, examination standards, and legal consequences of recommendations are not clearly differentiated. Facilitation, evaluation, harmonization, consolidation, conceptual strengthening, and clarification are often used in adjacent contexts, but are not always accompanied by operational functional boundaries. As a result, the Regional Government may receive notes from more than one institution with differing perspectives, while the Regional People's Representative Council (DPRD) must continue deliberations on the Draft Regional Regulation within political and administrative time limits that are not always long.

A concrete example of normative conflict can be seen in the draft omnibus law, which simultaneously covers regional taxes and levies, business permits, spatial planning, the environment, and basic services. Within a single draft, regional apparatuses can incorporate local needs, the Regional People's Representative Council (DPRD) can emphasize community aspirations, the Ministry of Home Affairs can assess compliance with regional government policies, the Ministry of Law and Human Rights can assess harmonization of regulatory concepts and techniques, and technical ministries can assess sectoral suitability. Without a consolidation process, these notes can duplicate each other, potentially even differing in determining whether a material constitutes a legal issue or a regional policy choice. Normative conflict also occurs in the relationship between regional autonomy and national interests. Regions have the right to create

Copyright (c) 2027 Author(s)

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License
ISSN print 2086-6852 and ISSN Online 2598-5892

regulations according to local needs, but this authority is limited by the division of government affairs and higher-level regulations. If the draft omnibus law expands regional authority beyond its assigned functions, the regulation risks being flawed. Conversely, if the executive preview overreaches in assessing local policy choices without a clear normative basis, preventive oversight can become an instrument of centralization that undermines regional autonomy.

From a legal certainty perspective, these procedural conflicts can disrupt the predictability of regional regulation formation. Regional regulation drafters need to know what documents are required, which institutions are authorized to provide notes, what standards are used, which notes must be corrected, and how these notes are integrated into DPRD deliberations. Without such certainty, the omnibus law method can actually increase uncertainty because many norms are amended simultaneously in a single draft. This study therefore does not position executive preview as a disguised cancellation, but rather as an ideal procedure that must be formulated in a preventative, integrated, transparent, and prescriptive manner. An ideal executive preview must be able to maintain the validity of norms, respect regional autonomy, strengthen the quality of regulation formation, and open up space for meaningful participation. In such a model, the central government, regional governments, DPRD, and the public do not negate each other but work within a legally accountable framework.

The need for this research is further strengthened by the lack of a procedural design as mature as the omnibus law method in the regions. At the regional level, the main problem is not only the large number of regional regulations, but also the spread of norms across various sectors, weak inventory data, the lack of consolidated texts, and the lack of a uniform harmonization checklist. Therefore, the executive preview needs to be formulated not merely as an administrative audit, but as a legal formation instrument that ensures the integration of norms from the planning stage until enactment. This research has both theoretical and practical significance. Theoretically, it strengthens the study of the formation of legislation, regional autonomy, legal certainty, and the progressive legal paradigm in the context of the omnibus law draft regional regulation. Practically, this research provides direction for regional governments, the Regional People's Representative Council (DPRD), the Ministry of Home Affairs, the Ministry of Law and Human Rights, governors, and technical ministries to develop executive preview procedures that are non-overlapping, do not delay the formation of regional regulations, and do not blur the lines between legality corrections and policy corrections.

## 2. RESEARCH METHODS

Copyright (c) 2027 Author(s)

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License
ISSN print 2086-6852 and ISSN Online 2598-5892

This research uses a normative juridical research method that is oriented towards the study of positive legal norms, legal principles, and legal doctrines related to the executive preview procedure in the formation of Regional Regulations (Perda) through the omnibus law method. This research uses two main approaches, namely the statute approach and the conceptual approach. The statutory approach is carried out by examining various relevant regulations, including Law Number 12 of 2011 concerning the Formation of Legislation as last amended by Law Number 13 of 2022, Law Number 23 of 2014 concerning Regional Government and its amendments, as well as implementing regulations governing the formation and harmonization of regional legal products. Meanwhile, the conceptual approach is used to analyze the concept of executive preview, the omnibus law method, the hierarchy of laws and regulations, and the principle of regional autonomy based on the theory of the formation of laws and regulations, the theory of regional autonomy, the theory of legal certainty, and the progressive legal paradigm. These two approaches are used to identify normative problems, potential disharmony in laws and regulations, and the limits of government authority in implementing executive preview procedures for draft regional regulations formed through the omnibus law method.

The legal materials used in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations related to the formation of regional regulations, regional government authority, and mechanisms for harmonizing draft laws and regulations. Secondary legal materials include law books, scientific journal articles, expert doctrines, and previous research results, while tertiary legal materials include legal dictionaries, legal encyclopedias, and other reference sources that support an understanding of legal terminology. The collection of legal materials was carried out through library research and document analysis by inventorying, identifying, and classifying legal materials based on their relevance to the research problem. Next, the legal materials were analyzed qualitatively using prescriptive analysis methods through systematic interpretation and a conceptual approach to identify norm conflicts, procedural ambiguities, and potential overlapping authorities in the formation of regional regulations. The results of this analysis were used to formulate legal constructions and design ideal executive preview procedures in the formation of regional regulations through the omnibus law method, thereby ensuring regulatory harmonization, legal certainty, and alignment between the authority of the central government and the principles of regional autonomy.

## 3. RESULTS AND DISCUSSION

Copyright (c) 2027 Author(s)

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License
ISSN print 2086-6852 and ISSN Online 2598-5892

**Conflict of Norms related to Executive Preview in the Formation of Regional Regulations**

The formation of Regional Regulations (Perda) is one form of implementation of regional government authority in implementing regional autonomy based on the principle of decentralization as mandated in the 1945 Constitution of the Republic of Indonesia. In its implementation, the formation of Perda cannot be separated from the national legal system that places regional regulations as part of the hierarchy of laws and regulations. Therefore, every Perda formed must meet formal and material requirements to ensure it does not conflict with higher laws and regulations. One mechanism used to maintain this harmony is preventive supervision through the executive preview procedure, namely a mechanism for reviewing Draft Regional Regulations (Raperda) before they are stipulated as binding regulations. However, the implementation of this mechanism faces legal problems when there are a number of provisions of laws and regulations that regulate stages, authorities, and procedures for supervision with different characteristics. This problem becomes increasingly complex with the application of the omnibus law method in the formation of Perda, which allows for the combination, amendment, or revocation of various provisions in a single legal product. This condition gives rise to the need to identify normative conflicts, both related to the substance of the regulations, the formation procedures, and the division of authority between institutions. Thus, the issue of executive preview is not only related to efforts to ensure the conformity of the Draft Regional Regulation with higher regulations, but also concerns legal certainty in the implementation of the supervisory mechanism itself.

Normative conflict in the implementation of executive preview can be understood as a situation where two or more legal provisions regulate the same object, but have differences in authority, procedures, obligations, and resulting legal consequences. This conflict does not always take the form of a direct conflict between one norm and another, but can also arise in the form of unclear relationships between provisions, leading to differences in interpretation in their implementation. In the context of the formation of regional regulations, normative conflicts can be classified into vertical, horizontal, procedural, and institutional conflicts. Vertical conflicts occur when the content of the draft regional regulation does not align with higher-level legislation, while horizontal conflicts arise when there is a discrepancy between regulations of the same level or governing interrelated fields. Meanwhile, procedural conflicts relate to the lack of synchronization in the stages of harmonization, facilitation, evaluation, and supervision before the draft regional regulation is enacted. Institutional conflicts arise from overlapping authorities between the Ministry of Home Affairs, the Ministry of Law, the governor as the representative of the central government, and the regional government. These four forms of conflict are closely related because unclear procedures and authorities can affect the quality of the substance of the resulting draft

Copyright (c) 2027 Author(s)

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License
ISSN print 2086-6852 and ISSN Online 2598-5892

regional regulation. Therefore, analysis of normative conflicts needs to be carried out comprehensively by considering the relationship between the structure of statutory regulations, the authority of government institutions, and the mechanisms for forming regional legal products.

From the perspective of the hierarchy of legal norms theory developed by Hans Kelsen, the validity of a legal norm is determined by its conformity with norms of a higher standing in a hierarchical legal system. This concept indicates that Regional Regulations (Perda) as regional legal products derive their validity from the laws and regulations that authorize their creation. Therefore, the authority of regional governments to create Perda is not a stand-alone authority without limits, but rather an authority that must be implemented based on national legal provisions. Within this framework, executive preview has a preventive function to identify potential conflicts between the content of the Draft Regional Regulation and higher legal norms before the Draft Regional Regulation becomes binding. However, the implementation of this preventive oversight mechanism must also have a clear basis of authority to avoid issues of legal legitimacy. If oversight authority is regulated through several legal instruments with different procedures and scopes, there is the potential for uncertainty regarding the institution authorized to provide the final assessment of a Draft Regional Regulation. This situation demonstrates that legal validity must not only be considered in the product of the Regional Regulation to be created, but also in the oversight mechanism used in the process of its creation. Therefore, the application of the norm hierarchy theory is important to assess whether the regulations regarding executive preview have vertical alignment and are able to guarantee legal certainty in the formation of regional regulations using the omnibus law method.

The issue of conflicting norms in the implementation of the executive preview can be traced through the relationship between Law Number 12 of 2011 concerning the Formation of Legislation, as last amended by Law Number 13 of 2022, and Law Number 23 of 2014 concerning Regional Government and its amendments. These two regulatory regimes have interrelated orientations, but place the oversight mechanism for the formation of Regional Regulations within different legal frameworks. The provisions of Article 58 of Law Number 12 of 2011, as amended, regulate the harmonization, consolidation, and consolidation of the concept of Regional Regulation Drafts as part of the process of forming legislation. Meanwhile, the provisions of Law Number 23 of 2014, specifically Articles 91, 242, 243, and 245, regulate aspects of guidance, supervision, evaluation, and the assignment of registration numbers in the process of forming Regional Regulations. This difference in orientation demonstrates the existence of two regulatory approaches: the legal norm harmonization approach and the regional government oversight approach. Although both aim to ensure the quality and conformity of regional regulations to the

Copyright (c) 2027 Author(s)

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License
ISSN print 2086-6852 and ISSN Online 2598-5892

national legal system, the lack of optimal integration between these mechanisms has the potential to lead to overlapping procedures. In drafting regional regulations using the omnibus law method, this situation becomes even more critical because a single draft regulation can contain various regulatory clusters that require simultaneous substantive and authority review. Therefore, the relationship between the two laws needs to be systematically interpreted so that harmonization and oversight mechanisms can operate in a complementary manner without creating duplication of authority.

Normative conflicts at the implementing regulation level can also be identified through the relationship between Minister of Home Affairs Regulation Number 80 of 2015 concerning the Formation of Regional Legal Products as amended by Minister of Home Affairs Regulation Number 120 of 2018 and Minister of Law Regulation Number 40 of 2025 concerning Procedures for Harmonizing, Unifying, and Strengthening the Concept of Draft Regional Regulations and Draft Regulations of Regional Heads. Regulations within the Ministry of Home Affairs emphasize the formation of regional legal products along with facilitation and evaluation mechanisms as part of the development and oversight of regional governments. Conversely, regulations within the Ministry of Law emphasize the harmonization of concepts and the alignment of the substance of draft laws and regulations. This difference can essentially be understood as a division of complementary functions. However, problems arise when the implementation of these two mechanisms results in the examination of the same content material without adequate regulations regarding the relationship, sequence, and follow-up of the examination results. This condition can cause regional governments to receive several recommendations from different institutions, potentially even having the substance of the assessment that is not entirely consistent. In addition to creating administrative burdens, this situation can prolong the process of formulating regional regulations and reduce the predictability of regional legislative procedures. Therefore, regulatory synchronization is needed that can clarify the relationship between harmonization, facilitation, and evaluation, so that each mechanism has clearly defined functions, limits of authority, and legal consequences.

One factor contributing to normative conflicts during the executive preview is the use of different legal nomenclature in various regulatory instruments. The terms harmonization, consolidation, conceptual consolidation, facilitation, evaluation, and clarification have varying characteristics and objectives. Harmonization is primarily aimed at ensuring the alignment of the draft regulation's content with other laws and regulations, while facilitation focuses on fostering the process of developing regional legal products. Evaluation, on the other hand, aims to assess the suitability of a specific draft regulation with the legal provisions and policies underlying its

Copyright (c) 2027 Author(s)

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License
ISSN print 2086-6852 and ISSN Online 2598-5892

regulation. These differences can create problems if they are not accompanied by clear operational boundaries regarding the scope of the audit and the legal validity of the resulting recommendations. In the practice of drafting regional regulations, regional governments may face difficulties in determining whether the results of an agency's audit constitute an obligation that must be fulfilled before the process can continue or whether they constitute recommendations that can still be considered based on specific legal arguments. This lack of clarity indicates a legal certainty issue that relates not only to the content of the regional regulation but also to the procedure for its creation. Based on the theory of legal certainty, a regulation must be formulated clearly, consistently, and have predictable implementation. Thus, the differences in nomenclature in the executive preview mechanism need to be accompanied by clarification of the function and legal consequences so as not to give rise to multiple interpretations in the implementation of supervisory authority over the Draft Regional Regulation.

The issue of normative conflict in the formation of regional regulations is also closely related to the relationship between the principle of regional autonomy and the need for harmonization of national laws and regulations. Regional autonomy grants local governments the authority to regulate and manage government affairs according to the needs and characteristics of local communities. This authority is realized through the formation of regional regulations that regulate various aspects of government administration, including public services, licensing, regional taxes, regional levies, and regional resource management. However, the implementation of regional autonomy within the framework of the Unitary State of the Republic of Indonesia cannot be separated from the principle of a unified national legal system. The central government remains interested in ensuring that regional legal policies do not conflict with the public interest, the division of government affairs, and the provisions of higher-level laws and regulations. The tension between these two interests has the potential to lead to conflict if the executive preview mechanism is implemented excessively, thus limiting the scope of regional government policy. Conversely, weak preventive oversight can lead to the issuance of regional regulations that are inconsistent with national policy and create uncertainty in their implementation. Therefore, preventive oversight needs to be positioned as an instrument to maintain a balance between regional authority in determining local policy and the state's obligation to maintain the unity of the national legal system.

The paradigm shift in oversight of regional regulations is also related to Constitutional Court Decisions No. 137/PUU-XIII/2015 and No. 56/PUU-XIV/2016, which limit the central government's authority to revoke existing regional regulations. Both decisions emphasize the importance of a mechanism for reviewing statutory regulations under the law through authorized

Copyright (c) 2027 Author(s)

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License
ISSN print 2086-6852 and ISSN Online 2598-5892

judicial institutions, so that the revocation of regional regulations cannot be carried out unilaterally through executive oversight mechanisms as previously. The legal consequence of these changes is the increased importance of preventive oversight in the process of formulating regional regulations. Through executive preview, potential conflicts of norms are expected to be identified before draft regional regulations are enacted, thereby minimizing the risk of material review after the regulation is enacted. However, strengthening preventive oversight cannot be interpreted as granting the central government unlimited authority to determine the entire substance of regional policies. This mechanism must still take into account the position of regional governments and the Regional People's Representative Council (DPRD) as the drafters of regional regulations in accordance with their respective authorities. Thus, the Constitutional Court's decision provides an argumentative basis that supervision of Regional Regulations needs to be directed at preventing norm conflicts from the drafting stage, without ignoring the principle of regional autonomy and the division of authority between state institutions.

Conflicts of authority between institutions are another issue that significantly impact the effectiveness of the executive preview. Several institutions are involved in the process of formulating regional regulations based on their respective functions and authorities, including the regional government, the Regional People's Representative Council (DPRD), the Ministry of Home Affairs, the Ministry of Law through its regional offices, the governor as the representative of the central government, and sectoral ministries, depending on the regulatory content. The involvement of these various institutions is essential to ensure that draft regional regulations meet the requirements for establishing legislation and do not conflict with the national interest. However, the large number of institutions involved can create problems if there is no clear division of authority and coordination mechanism. Under certain circumstances, a single draft regulation may receive different review results because each institution uses a different basis of authority and perspective for its assessment. This problem becomes even more complex if the harmonization results from the Ministry of Law do not fully align with the results of facilitation or evaluation conducted within the Ministry of Home Affairs. This discrepancy in recommendations has the potential to create confusion for local governments regarding the legal actions that must be taken before proceeding with the regulation formulation process. Therefore, regulations are needed regarding coordination mechanisms and the resolution of differences in inter-institutional assessments to prevent supervisory authority from operating separately and creating legal uncertainty.

In the context of the relationship between the regional government and the Regional People's Representative Council (DPRD), the implementation of executive previews must also

Copyright (c) 2027 Author(s)

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License
ISSN print 2086-6852 and ISSN Online 2598-5892

consider the principles of democratic regulation formation. Regional regulations are legal products formed through mutual agreement between the regional head and the DPRD, so the process of their formation reflects not only the implementation of regional executive authority but also the legislative function carried out by the regional representative body. If preventive oversight mechanisms are implemented solely through administrative relations between the central government and the regional head, there is a risk of reduced DPRD involvement in assessing and following up on oversight results. This situation can give rise to institutional issues because recommendations provided by the central government have the potential to influence the substance of the Draft Regional Regulation being discussed with the DPRD. From the perspective of the principle of balance of power, each institution authorized to form Regional Regulations must be given proportional space to carry out its constitutional function. Therefore, the results of the executive preview should not only be submitted to the regional government but also be considered in the joint deliberation process with the DPRD. Such a mechanism is necessary to ensure transparency, accountability, and continuity of the regional legislative process. Thus, resolving conflicts of authority is not sufficient through the division of administrative tasks between central government institutions, but must also take into account the position of the DPRD as an element of regional government administration that has the authority to form regional regulations.

The application of the omnibus law method in the formation of regional regulations creates a more complex dimension of normative conflict compared to the formation of regional regulations through conventional methods. In principle, the omnibus law method allows for the amendment, revocation, or merging of various provisions of laws and regulations that have material interrelationships into a single legal instrument. The recognition of this method in Law Number 13 of 2022 provides a normative basis for its use in the Indonesian regulatory formation system. In the context of regional government, this method can be used as an instrument to simplify regulations scattered across various regional regulations, thus improving integration and reducing the potential for overlapping provisions. However, its application also carries risks if the simplification is carried out without an inventory and analysis of all affected norms. A single draft regional regulation using the omnibus law method can cover various sectors, such as licensing, regional taxation, levies, spatial planning, the environment, and public services, each of which has a different basis of authority and regulatory characteristics. This situation increases the possibility of conflicts between the draft regional regulation's content and higher-level sectoral regulations. Therefore, the use of the omnibus law method cannot be understood solely as an effort to simplify the number of regulations, but must be accompanied by testing of the consistency of substance,

Copyright (c) 2027 Author(s)

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License
ISSN print 2086-6852 and ISSN Online 2598-5892

appropriateness of authority, and integration of regulations so as not to give rise to new legal issues.

Norm conflicts resulting from the application of the omnibus law method in the formation of regional regulations can be identified through several forms of problems related to changes and the validity of legal norms. First, conflicts of change can occur when a draft regional regulation amends provisions in an existing regional regulation, but does not expressly revoke or adjust other provisions related to the norm. Second, reference conflicts can arise when a provision in a regional regulation still refers to an article or regulation that has been amended through the omnibus law method, thus creating ambiguity in its application. Third, conflicts of authority can occur when the content of the material combined in a single draft regional regulation actually covers government affairs that are not within the authority of the regional government. Fourth, conflicts of implementation can arise when various sectoral provisions are combined without considering the division of tasks and coordination between regional agencies responsible for implementing them. These four forms of conflict demonstrate that the use of the omnibus law method requires a more comprehensive legal analysis because changes to one provision can have consequences for other provisions in the regional legal system. From the perspective of the hierarchy of norms theory, these issues not only affect the validity of a norm, but also the coherence and effectiveness of its implementation. Therefore, the executive preview mechanism must be able to identify the interrelationships between regulations as a whole, not just check the suitability of each article separately.

Efforts to prevent norm conflicts in the formation of draft regional regulations using the omnibus law method require analytical instruments capable of describing the relationship between regulations to be amended, revoked, or maintained. One instrument that can be used is the preparation of a legal norm inventory and mapping matrix that identifies all affected regional regulations, the provisions that are subject to change, the legal basis for the regulations, and the legal consequences of these changes. Norm mapping is important because the characteristics of the omnibus law method allow for changes to various provisions within a single regulation formation process. Without systematic mapping, regional regulation drafters risk overlooking provisions that are still related to the amended norms, thus creating conflicts or regulatory gaps after the regulation is enacted. Furthermore, norm mapping is also necessary to ensure that each regulatory cluster falls within the scope of regional government authority as stipulated in the legislation. In the executive preview mechanism, this instrument can be used as a basis for examining the suitability of the content, regulatory consistency, and clarity of the consequences of norm changes. The examination should also include transitional and closing provisions to ensure that regulatory changes do not

Copyright (c) 2027 Author(s)

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License
ISSN print 2086-6852 and ISSN Online 2598-5892

create uncertainty regarding existing legal relationships. Thus, the preparation of a norm mapping matrix is an important step to improve the quality of preventive supervision while ensuring that regulatory simplification through the omnibus law method still adheres to the principle of legal certainty.

Analysis of norm conflicts in the implementation of executive preview can also be conducted by distinguishing between legal validity and the effectiveness of norm enforcement (efficacy), as recognized in the thinking of Hans Kelsen. Legal validity relates to the validity of a norm based on the basis of its authorizing authority and its position in the legal system, while effectiveness relates to the norm's ability to be implemented and complied with in community life. In the context of the formation of a Regional Regulation, a Draft Regional Regulation may meet formal requirements based on its authorizing authority, but still face implementation problems if the formulated provisions lack a clear implementation mechanism. Conversely, a regulation deemed capable of meeting the needs of the regional community can still raise legal issues if its content conflicts with higher-level laws and regulations. Therefore, the implementation of executive preview is not sufficient to be directed only at examining the formal conformity and hierarchy of norms, but also needs to consider the clarity of formulation, the integration of regulations, and the possibility of implementing the norms. In Draft Regional Regulations that use the omnibus law method, these two aspects become increasingly important because changes to various sectors can affect the authority and responsibilities of several regional agencies simultaneously. The results of preventive supervision should be able to distinguish between issues related to legal validity and those related to implementation effectiveness so that recommendations for improvement can be formulated appropriately. Thus, the validity and effectiveness approach provides a more comprehensive analytical framework for assessing the quality of draft regional regulations before they become binding regulations.

Based on the overall analysis, the conflict in norms related to executive preview in the formation of regional regulations using the omnibus law method essentially stems from the suboptimal integration between the regulations for the formation of legislation, regional government oversight mechanisms, and the division of authority between the institutions involved. This problem is reflected in the differences in regulatory orientation between Law Number 12 of 2011 as amended by Law Number 13 of 2022 and Law Number 23 of 2014 and their implementing regulations. These differences do not necessarily indicate a direct conflict of norms, but can lead to procedural ambiguity, duplication of examinations, and uncertainty regarding the legal status and consequences of recommendations issued by supervisory institutions. The application of the omnibus law method further exacerbates the complexity of the problem because a single draft

Copyright (c) 2027 Author(s)

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License
ISSN print 2086-6852 and ISSN Online 2598-5892

regional regulation can contain various normative changes related to different sectoral regulations and government authorities. Therefore, resolving normative conflicts requires strengthening preventive oversight mechanisms by affirming the division of authority, synchronizing harmonization and evaluation procedures, developing a norm map, and establishing a more integrated inter-institutional coordination mechanism. Preventive oversight must also be implemented proportionally to avoid diminishing the authority of regional governments and the Regional People's Representative Council (DPRD) in determining legal policies in accordance with the needs of local communities. Therefore, executive preview should be constructed as an instrument for quality control of regional regulation formation, oriented towards regulatory harmonization, legal certainty, and protection of the principle of regional autonomy. Therefore, the application of the omnibus law method can produce regional legal products that are consistent, systematic, and can be implemented effectively.

**Procedures for Implementing Executive Preview and the Omnibus Law Method to Ensure Legal Certainty**

The implementation of executive preview in the formation of Regional Regulations (Perda) using the omnibus law method is a preventive oversight instrument aimed at ensuring harmony between regional government authority and the national legal system. Based on an analysis of conflicting norms, overlapping authorities, and unclear procedures for the formation of Perda, it is necessary to construct a supervisory mechanism that is not only oriented towards fulfilling administrative requirements, but also able to provide legal certainty regarding the substance and process of the regulation formation. The complexity of the application of the omnibus law method requires a more systematic procedure because a single draft Perda can amend, revoke, or integrate various provisions originating from several regional regulations with different regulatory scopes. Therefore, the executive preview mechanism must be designed based on the principles of legality, the hierarchy of laws and regulations, transparency, accountability, and respect for regional autonomy. This oversight also needs to consider the involvement of various institutions, including regional governments, the Regional People's Representative Council (DPRD), the Ministry of Home Affairs, the Ministry of Law, and sectoral ministries according to their authority. Thus, the ideal executive preview procedure should be able to integrate examinations of the validity of norms, regulatory consistency, and the feasibility of implementation without eliminating regional authority in determining policies that are appropriate to the needs of the local community.

The construction of executive preview procedures to ensure legal certainty can be analyzed through Gustav Radbruch's theory of legal certainty and the progressive legal paradigm. Radbruch places legal certainty as one of the fundamental values of law that is closely related to justice and

Copyright (c) 2027 Author(s)

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License
ISSN print 2086-6852 and ISSN Online 2598-5892

utility. In the context of the formation of regional regulations, legal certainty requires clarity regarding the basis of authority, stages of examination, assessment standards, implementation deadlines, and the legal consequences of recommendations provided by supervisory institutions. This clarity is necessary so that regional governments and the Regional People's Representative Council (DPRD) can understand the procedures to be followed and predict the legal consequences of each stage of the draft regional regulation formation. Meanwhile, the progressive legal paradigm emphasizes that the law must be oriented towards human interests and community needs, so that the implementation of executive preview cannot stop at a formal examination of regulatory compliance. Preventive supervision must also be able to assess whether the draft regional regulation can provide benefits, ensure transparency, and prevent the public from provisions that are difficult to understand or implement. Both perspectives demonstrate that legal certainty cannot be interpreted solely as compliance with procedures, but must also be realized through the formation of clear, responsive, and effectively implemented norms. Therefore, the integration between the theory of legal certainty and the progressive legal paradigm becomes the conceptual basis in formulating an executive preview model that is preventive, measurable, and oriented towards improving the quality of regional regulations.

The principle of legality is the primary foundation for implementing executive previews of draft regional regulations using the omnibus law method. Every supervisory action undertaken by the central government and the governor, as the central government's representative, must be based on the authority granted by statutory regulations. This is necessary to prevent the expansion of supervisory authority that could potentially reduce regional government policy space. Within the framework of Law Number 12 of 2011, as amended by Law Number 13 of 2022, the mechanisms for harmonization, consolidation, and conceptual consolidation are part of the process of formulating legislation and must be implemented systematically. On the other hand, Law Number 23 of 2014 concerning Regional Government and its amendments provide the basis for the implementation of guidance and supervision of regional government administration, including the formation of regional legal products. These two regulatory regimes need to be positioned in a complementary relationship to prevent duplication of authority. The principle of legality also requires that any corrections to draft regional regulations be accompanied by legal arguments indicating the provisions violated or aspects that need to be adjusted. Thus, executive preview should not be used as a means to replace the policy choices of local governments as long as the policies are within the scope of their authority and do not conflict with higher laws and regulations.

The implementation of executive preview must also adhere to the principle of balance between central government oversight and the implementation of regional autonomy. In the

Copyright (c) 2027 Author(s)

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License
ISSN print 2086-6852 and ISSN Online 2598-5892

Indonesian system of government, regional governments have the authority to regulate and manage government affairs based on the principles of autonomy and assistance tasks in accordance with statutory provisions. This authority provides space for regions to formulate legal policies that take into account regional characteristics, community needs, and local social and economic conditions. However, this authority remains within the framework of the Unitary State of the Republic of Indonesia, which demands harmony between regional policies and national laws and regulations. Therefore, the executive preview mechanism must be able to distinguish between corrections related to legal violations and recommendations related to regional policy choices. Corrections for violations of the hierarchy of laws and regulations or exceeding authority have a legal basis that requires adjustments, while recommendations regarding local policies that remain within the scope of regional authority should be considered in the deliberation process with the Regional People's Representative Council (DPRD). This distinction is important to prevent preventive supervision from developing into an instrument of centralization of authority that conflicts with the principle of decentralization. Therefore, a balanced relationship between the central and regional governments must be achieved through a proportional, transparent oversight mechanism that allows for dialogue regarding differences in policy interpretation and consideration.

The initial stage in constructing an executive preview procedure for a Draft Regional Regulation using the omnibus law method is an inventory and identification of all legal norms that will be amended, revoked, or merged. This inventory is fundamental because the characteristics of the omnibus law method allow a single draft regulation to affect the validity of various provisions previously spread across several Regional Regulations. Regional governments need to compile a list of affected regulations, along with the provisions to be amended, the legal basis for their formation, and the relationship between these norms and higher-level legislation. Furthermore, the inventory must include identification of government affairs that form the basis of regional authority to regulate each material. This step is necessary to ensure that the use of the omnibus law method does not result in the inclusion of regulatory material that falls outside the authority of regional governments. From the perspective of the theory of legislative formation, the inventory of norms is part of an effort to maintain systematic and consistent regulations so that changes to one provision do not conflict with other provisions. The results of the inventory are then used as the basis for compiling a matrix of norm changes that shows the relationship between old and new regulations. Thus, the inventory of norms not only functions as an administrative activity, but also becomes an initial instrument for identifying potential legal conflicts before the Draft Regional Regulation enters the harmonization and further monitoring stages.

Copyright (c) 2027 Author(s)

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License
ISSN print 2086-6852 and ISSN Online 2598-5892

The next step is the preparation of a norm map and an academic paper that will serve as the basis for arguing for the use of the omnibus law method in formulating regional regulations. The norm map must contain the relationship between existing provisions and the provisions to be formulated, including identifying articles that will be amended, revoked, or retained. Meanwhile, the academic paper must explain the urgency of using the omnibus law method, the legal issues to be resolved, available policy alternatives, and the impact of regulatory changes on society and regional government administration. The preparation of these two documents is necessary to ensure that the use of the omnibus law method is based on the need for regulatory harmonization, not simply an attempt to combine several provisions into a single legal instrument. From a legal certainty perspective, a clear relationship between old and new norms is essential for regulatory changes to be understood and consistently implemented. Furthermore, the academic paper also serves as a basis for regional governments and the Regional People's Representative Council (DPRD) to assess the rationality of policies formulated within each regulatory cluster. Therefore, the preparation of the norm map and academic paper should be viewed as an integral part of the preventive oversight mechanism, as they provide an objective analytical basis for institutions conducting executive previews.

Before a draft regional regulation is submitted to an institution authorized for harmonization, facilitation, or evaluation, an internal pre-harmonization phase is required, carried out by the regional government, involving relevant regional apparatus, legal bureaus, drafters of legislation, and the Regional People's Representative Council (DPRD) in accordance with the stages of regional regulation formation. Internal pre-harmonization aims to identify potential normative conflicts early in the drafting process so that legal issues can be resolved before entering external oversight mechanisms. Examination at this stage includes the conformity of the content material with the division of government affairs, consistency with higher-level legislation, the readiness of implementing agencies, and the fiscal and administrative impacts of regulatory changes. In draft regional regulations using the omnibus law method, pre-harmonization is necessary for each cluster because each regulatory area can have different legal bases and consequences. Implementing this phase can also strengthen the capacity of regional governments to develop legal arguments independently, so that the process of formulating regional regulations does not rely entirely on corrections from the central government. Furthermore, internal pre-harmonization allows for the resolution of differences of opinion between sectors within the regional government before the draft is reviewed by an external institution. Therefore, this stage has a strategic function in increasing the efficiency of the formation of Regional Regulations while

Copyright (c) 2027 Author(s)

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License
ISSN print 2086-6852 and ISSN Online 2598-5892

strengthening the quality of the substance of the Draft Regional Regulation that will undergo the executive preview process.

The preventive oversight model proposed in this study positions the integrated executive preview as a coordination mechanism between institutions authorized to formulate regional regulations. This mechanism is designed to integrate the harmonization function carried out by the Ministry of Law, the guidance and oversight function within the Ministry of Home Affairs, the role of the governor as a representative of the central government, and input from sectoral ministries based on their respective areas of authority. The integrated forum does not have to be established as a new institution, but can be constructed as a coordination mechanism that integrates the audit results from each institution in accordance with statutory provisions. In its implementation, each institution needs to use structured audit standards, including appropriateness of authority, hierarchy of norms, principles for establishing laws and regulations, consistency of content, clarity of formulation, and readiness for implementation. If there are differences in recommendations between institutions, a consolidation mechanism is needed to prevent local governments from receiving conflicting audit results. Integrated oversight must also be implemented within a clear timeframe and accompanied by written documentation to ensure accountability of the process. Thus, the integrated executive preview model is expected to reduce duplication of audits, clarify the division of authority, and increase procedural certainty without eliminating the authority legally granted to each institution.

Legal certainty in the implementation of the executive preview is also determined by the clarity of the legal standing and consequences of the resulting recommendations. Therefore, a recommendation classification system is needed that distinguishes between findings requiring improvement due to legal issues, recommendations for strengthening substance, and technical notes on the drafting of regulations. Findings related to violations of authority or conflicts with higher-level laws and regulations should receive primary attention because they can affect the validity of the norms to be established. Meanwhile, recommendations for strengthening can be directed at refining formulations, increasing regulatory effectiveness, or adjusting policies that remain within the authority of the regional government. Technical notes relate to the consistency of terminology, systematics, numbering, and techniques for drafting legislation. This classification should be accompanied by a legal basis, a description of the problem, legal arguments, and suggested forms of improvement. The regional government then compiles a follow-up matrix that shows which recommendations are accepted, accepted with adjustments, or require further clarification. Through this mechanism, the results of the executive preview are not merely administrative documents but become legally accountable instruments for improving the Draft

Copyright (c) 2027 Author(s)

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License
ISSN print 2086-6852 and ISSN Online 2598-5892

Regional Regulation. However, the binding force of each examination result must still be determined based on the authority and legal provisions governing the relevant mechanism.

The involvement of the Regional People's Representative Council (DPRD) in following up on the results of the executive preview is crucial for maintaining the democratic legitimacy of the formation of regional regulations. As an institution responsible for formulating regional regulations in conjunction with the regional head, the DPRD must have access to the results of harmonization, evaluation, and supervisory recommendations related to the substance of the draft regional regulation. This involvement is necessary to ensure that corrections made by the supervisory body do not automatically override the policy deliberation and consideration process, which falls under the authority of the regional government and the DPRD. When drafting regional regulations using the omnibus law method, discussions should be conducted based on material content clusters so that each change in norms can be analyzed in depth. The DPRD should use a change matrix, academic papers, and the results of the executive preview as a basis for assessing the alignment between the objectives of the regulation formation and the resulting legal consequences. If there are recommendations related to regional policy choices, the DPRD, together with the regional government, can conduct argumentative discussions while still observing the limits of authority determined by statutory regulations. Furthermore, the entire discussion process and follow-up to recommendations should be documented in minutes or an official document so that legal issues can be traced if legal issues arise after the regulation comes into effect. Thus, the involvement of the DPRD not only strengthens the legitimacy of the formation of Regional Regulations, but also becomes part of the mechanism for balancing authority between the central government and regional governments.

Public participation is an integral element of the executive preview procedure, which is oriented toward legal certainty and a progressive legal paradigm. In the development of draft regional regulations using the omnibus law method, public participation is more complex because changes to norms can impact various community groups with different interests. Therefore, participation mechanisms need to be implemented based on regulatory clusters so that the public can specifically understand the material to be changed and its impact on their rights and obligations. Local governments need to provide easily accessible documents, including a summary of changes, a list of affected regulations, a comparison matrix of old and new norms, and an explanation of the rationale for regulatory changes. In addition to providing an opportunity to express opinions, participation mechanisms must enable the public to obtain explanations and responses to the input provided. From a progressive legal perspective, public involvement should not be viewed solely as fulfilling procedural requirements, but rather as a means to ensure that the

Copyright (c) 2027 Author(s)

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License
ISSN print 2086-6852 and ISSN Online 2598-5892

legal product being created truly addresses social needs. Meaningful participation can also help identify regulatory impacts that may not be detected through normative review, such as increased administrative burdens, limited access to services, or potential injustices against certain groups. Thus, information transparency and public participation need to be positioned as important indicators in assessing the quality of the draft regional regulation formation process through the executive preview mechanism.

The implementation of an integrated executive preview model also needs to be adapted to the characteristics of the content of draft regional regulations that use the omnibus law method. In the area of regional taxes and levies, audits must be directed at the compliance of collection authority, determination of objects and subjects of levies, tariffs, payment procedures, and objection mechanisms based on provisions of higher-level laws and regulations. In the area of licensing and investment, supervision needs to ensure that procedural simplification does not create additional requirements that have no legal basis or reduce protection of public interests. Meanwhile, in the area of spatial planning and the environment, audits must consider the compliance between normative provisions, spatial planning documents, environmental protection, and the rights of affected communities. In the area of basic services, executive previews need to assess the compliance of regulations with minimum service standards, clarity of service recipient rights, responsibilities of regional apparatuses, and the availability of complaint mechanisms. These differences in characteristics indicate that oversight of draft omnibus law regulations cannot be conducted solely through a single, general audit approach. Assessment standards are needed that combine comprehensive legality testing with sectoral audits according to the characteristics of the regulations. Thus, the preventive oversight model must have a uniform procedural structure, while still allowing for proportional substantive audits based on the needs of each cluster.

The final stage in the procedure for establishing a Regional Regulation using the omnibus law method is the provision of a consolidated text and the implementation of monitoring of the regulation's effectiveness after its enactment. Providing a consolidated text is crucial because the omnibus law method can result in changes to various provisions previously scattered across several Regional Regulations. If the public only receives a revised text without an explanation of the status of the norms after the amendment, the goal of regulatory simplification is potentially unattainable. Therefore, regional governments need to provide a consolidated text as a means of information that systematically demonstrates the relationship between old and new provisions, while maintaining the enacted regulatory text as the official legal source. Furthermore, post-enactment monitoring is necessary to assess whether the established Regional Regulation is truly capable of reducing regulatory overlap, increasing service effectiveness, and providing legal certainty for the public.

Copyright (c) 2027 Author(s)

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License
ISSN print 2086-6852 and ISSN Online 2598-5892

Monitoring can be conducted through evaluations of the implementation of regional apparatus authority, administrative obstacles, public objections, and potential disputes arising from the implementation of norms. The results of this evaluation can then be used as a basis for improving regulations through amendments to the Regional Regulation if provisions are found to be ineffective or create uncertainty. Therefore, preventive supervision needs to be linked to post-enactment evaluation mechanisms so that the quality of the formation and implementation of Regional Regulations can be continuously assessed.

Based on this overall analysis, the ideal procedure for implementing executive preview in the formation of regional regulations using the omnibus law method can be constructed through an integrated preventive oversight model that integrates the principles of legality, legal certainty, regional autonomy, and a progressive legal paradigm. This model includes an inventory of norms, the preparation of change maps and academic papers, internal pre-harmonization, inter-agency oversight coordination, recommendation classification, follow-up by regional governments and the Regional People's Representative Council (DPRD), public participation, and the provision of consolidated texts and monitoring after the regulation is enacted. This construction demonstrates that legal certainty is determined not only by the existence of written norms, but also by procedural clarity, the division of authority, the quality of legal argumentation, and the public's ability to understand applicable provisions. From Gustav Radbruch's perspective, this model provides certainty through clear, consistent, and predictable procedures, while the progressive legal paradigm ensures that oversight mechanisms are directed at protecting public interests and improving regulatory quality. The integrated preventive model also places the relationship between the central and regional governments within a proportional coordination framework so that oversight does not develop into a takeover of the authority to form regional regulations. However, this mechanism does not replace the Supreme Court's authority to review legislation if, after the Regional Regulation is enacted, a conflict with a higher-level regulation is still found. Therefore, the implementation of executive preview through an integrated preventive model is a normative construct that can be used as a basis for improving the procedure for forming Regional Regulations using the omnibus law method to achieve regulatory harmonization, legal certainty, and the implementation of democratic regional autonomy that is responsive to community needs.

## 4. CONCLUSION

The conflict of norms in the executive preview procedure for the formation of Regional Regulations using the omnibus law method lies in the disharmony of authority and procedures between the regime of the Law on the formation of legislation and the regime of the Regional

Copyright (c) 2027 Author(s)

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License
ISSN print 2086-6852 and ISSN Online 2598-5892

Government Law. Article 58 of Law Number 12 of 2011 in conjunction with Law Number 13 of 2022 emphasizes the harmonization, rounding, and strengthening of the concept of the Draft Regional Regulation, while Article 91 paragraph (2) letters d and e, paragraph (3) letter d, Article 242, Article 243, and Article 245 of Law Number 23 of 2014 emphasize facilitation, evaluation, approval, supervision, and registration numbers. The same conflict arises at the technical level between Home Affairs Ministerial Regulation Number 80 of 2015 in conjunction with Regulation of the Minister of Home Affairs Number 120 of 2018 and Regulation of the Minister of Law and Human Rights Number 40 of 2025. Thus, the answer to the first problem formulation is that norm conflicts occur substantially, procedurally, and institutionally because the terms, actors, stages, examination standards, and legal consequences of recommendations have not been consolidated in one preventive flow.

The ideal executive preview procedure in the formation of regional regulations using the omnibus law method is an integrated preventive procedure that begins with an inventory of regional regulations and affected norms, a map of authorities, a map of norms, academic papers, a matrix of old and new norms, internal pre-harmonization, an integrated executive preview forum, classified recommendations, written regional follow-up, cluster-based DPRD discussions, meaningful participation, publication of consolidated texts, and post-enactment monitoring. With the emphasis of Gustav Radbruch's Legal Certainty Theory, the procedure must provide clarity on the legal basis, institutions, stages, documents, deadlines, recommendations, and consequences of follow-up. With the emphasis of the Responsive Paradigm, the procedure must be open, participatory, and able to address the needs of the region and the community. Thus, the answer to the second problem formulation is that the ideal executive preview must be both legal-rational and responsive: procedurally certain, but still useful for regional autonomy and the public interest.

## REFERENCES

Aditya, ZF, & Winata, MR (2018). Reconstructing the hierarchy of legal regulations in Indonesia. Rule of Law: Building Law for Justice and Welfare, 9(1), 79–100.https://doi.org/10.22212/jnh.v9i1.976

Ambarwati, SD, Sudarsono, S., & Hadiyantina, S. (2022). Dualism of authority to review regional regulations for regional taxes and levies in Indonesia. International Journal of Social Science Research and Reviews, 5(7), 315–328.https://doi.org/10.47814/ijssrr.v5i7.482

Anggono, BD (2020). Omnibus law as a law-making technique: Opportunities for adoption and challenges in the Indonesian legal system. Jurnal RechtsVinding: Media for National Legal Development, 9(1), 17–37.https://doi.org/10.33331/rechtsvinding.v9i1.389

Asshiddiqie, J., & Safa'at, MA (2006). Hans Kelsen's theory of law. Secretariat General and Clerk of the Constitutional Court of the Republic of Indonesia.

Copyright (c) 2027 Author(s)

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License
ISSN print 2086-6852 and ISSN Online 2598-5892

Busroh, FF (2017). Conceptualization of omnibus law in resolving land regulation issues. Legal Arena, 10(2), 227–250.https://doi.org/10.21776/ub.arenahukum.2017.01002.4

Chandranegara, IS (2019). Forms of regulatory streamlining and harmonization. Ius Quia Iustum Law Journal, 26(3), 435–457.https://doi.org/10.20885/iustum.vol26.iss3.art1

Diniyanto, A., Hartono, BS, & Suhendar, H. (2021). Omnibus law strategies and models in regulatory structuring. Yudisia: Journal of Legal Thought and Islamic Law, 12(2), 165–186.https://doi.org/10.21043/yudisia.v12i2.10162

Hadi, F., Sukardi, & Gandryani, F. (2024). Supervision of the formation of local regulations by the governor in the Indonesian regional autonomy perspective. De Recht: Journal of Police and Law Enforcement, 2(1).https://doi.org/10.55499/derecht.v2i1.216

Kelsen, H. (1949). General theory of law and state. Harvard University Press.

Manullang, EFM (2022). Misinterpretation of Gustav Radbruch's ideas regarding the philosophical doctrine of validity in the formation of laws. Undang: Jurnal Hukum, 5(2), 453–480.https://doi.org/10.22437/ujh.5.2.453-480

Marzuki, PM (2014). Legal research. Kencana Prenada Media Group.

Nugrahani, ELP, Mau, HA, & Candra, M. (2023). The authority of the Ministry of Home Affairs and the Ministry of Law and Human Rights in harmonizing draft regional regulations. Journal of Legality Law Research, 17(2), 47–59.https://doi.org/10.31479/jphl.v17i2.266

Purwanto, P., Sulaksono, S., Tamsil, T., & Prasetio, DE (2024). Streamlining regional regulations with omnibus law for legal harmonization. Rechtsidee, 12(2).

Rahardjo, S. (2006). Analyzing progressive law. Kompas.

Redhani, ME, & Hadin, AF (2024). Efficiency of the regional legislative process: A study of simplification of supervision of regional regulation formation by central government. Journal of Constitutional and Governance Studies, 1(1).https://doi.org/10.20885/JCGS.vol1.iss1.art1

Rishan, I., & Nika, I. (2022). Incompatibility of the omnibus law method in simplifying regulations. Ius Quia Iustum Law Journal, 29(1), 166–188.https://doi.org/10.20885/iustum.vol29.iss1.art8

Rodiyah. (2012). Democratic aspects of the formation of regional regulations from a socio-legal perspective. Legal Issues, 41(1), 144–152.

Setiadi, W. (2020). Simplifying regulations using the omnibus law approach. Jurnal RechtsVinding: Media for National Legal Development, 9, 39–52.

Sunarto. (2016). The principle of checks and balances in the Indonesian constitutional system. Legal Issues, 45(2), 157–163.https://doi.org/10.14710/mmh.45.2.2016.157-163

Syarif, E., Budiyono, Kurniawan, M., & Tisnanta, HS (2025). Authority to harmonize the formation of regional regulations by the Ministry of Law: Inconsistency between the law on the formation of statutory regulations and the law on regional government. International Journal of Multicultural and Multireligious Understanding, 12(7).

Copyright (c) 2027 Author(s)