

OVERCOMING DUALISM: THE IMPORTANCE OF CONSOLIDATING LAW AND REGULATION TESTING IN INDONESIA

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ABSTRACT

This article highlights the significance of unifying the testing of all laws and regulations under the authority of the Constitutional Court in Indonesia. Currently, the testing of laws and regulations is divided between two state institutions, namely the Constitutional Court and the Supreme Court, resulting in dualism in the evaluation of laws and regulations. Through a normative-juridical approach, examining existing laws and theories, this article reveals that the dualism of testing laws and regulations is a problem that needs to be addressed. The problem arises from the differences in decision outcomes between the Constitutional Court and the Supreme Court. The two institutions employ different benchmarks for material testing, with the Supreme Court relying on legislation and the Constitutional Court drawing on the 1945 Constitution of the Republic of Indonesia. The importance of unifying the testing of all laws and regulations lies in the fact that the unintegrated testing system causes confusion, creates institutional conflicts between the Constitutional Court and the Supreme Court, and results in a lack of synchronization between laws and regulations from lowest to highest. Therefore, it is essential to conduct integrated testing of all laws and regulations, with the Constitutional Court serving as the authority responsible for this task. Notably, an increase in the number of Constitutional Court judges is necessary to achieve better development of laws and regulations testing in the future.

Keyword: Integrating; Testing of All Laws; The Authority; Constitutional Court, Indonesia.

INTRODUCTION

During the reform era and the current era of regional autonomy, several undesirable phenomena have emerged in the field of legislation. Specifically, there are two notable issues: First, a significant number of laws and regulations that have recently been passed by the President and the DPR have not yet had a chance to take effect, as they are already being revised or replaced with entirely new legislation. This is because

many of these laws and regulations are deemed unimplementable, leading to new social problems in society¹. Second, the proliferation of regional regulations issued by regional governments has been met with revocation by the central government (Minister of Home Affairs) due to conflicts with higher regulations and concerns about investment in the regions. One consequence of these numerous laws and regulations that are far from the sense of justice in society is a significant increase in requests for *Judicial Review* by various parties against various laws and regulations².

Based on Article 24 A paragraph (1) juncto Article 24 C paragraph (1) of the 1945 Constitution of the Republic of Indonesia, both the MA and the MK both have authority in the field of testing statutory regulations or judicial review. Testing the laws and regulations below law against the law is the authority of the Supreme Court (Article 24 A paragraph [1]), meanwhile, judicial review of the ActThe basis is the authority of the Constitutional Court (Article 24 C paragraph [1]). Thus, it can be said that testing legal norms (judicial review) in Indonesia at the time system adopts two roofs, namely below Supreme Courth (MA) and Constituional Court (MK) roofs³.

The existence of dualism in examining laws and regulations is a concept that is not in accordance with what generally applies in existing constitutional theory and of course, it is different from the concept adopted by various countries that adhere to judicial review, so it has the potential to cause *separate* problems as an implication of dualism⁴.

Many legal conflicts have occurred between the Constitutional Court and the Supreme Court. The legal conflicts in question are the many conflicting decisions between the Constitutional Court and the Supreme Court in assessing a legal issue, causing legal uncertainty for justice seekers (justiciabelen) and society in general⁵

¹ Mirja Fauzul Hamdi, "Reformulation of the Position of Auxiliary State Institutions as Legal Standing Related to Authority Disputes of State Institution," *Kanun Jurnal Ilmu Hukum* 23, no. 1 (April 30, 2021): 1–21, <https://doi.org/10.24815/kanun.v23i1.19869>.

² Sirajuddin and Winardi, *Dasar-Dasar Hukum Tata Negara Di Indonesia* (Malang: Setara Press, 2016).

³ Riswan Rais Syarif, Sultan Alwan, and Rudhi Achsoni, "Analysis of Constitutional Court Decision No. 30/Puu-Xvi/2018 and Supreme Court Decision No. 65p/Hum/2018 Concerning the Prohibition of Concurrent Positions for Regional Representative Council Candidates (DPD)," *Jurnal Hukum Volkgeist* 7, no. 2 (2023): 44–50, <https://jurnal-umbuton.ac.id/index.php/Volkgeist/article/view/3100>.

⁴ Antoni Putra, "Dualis Pengujian Peraturan Perundang-Undangan," *Legislasi Indonesia* 15, no. 2 (2018): 69–79, <https://download.garuda.kemdikbud.go.id/article.php?article=949477&val=14663&title=DUALISME%20PENGUJIAN%20PERATURAN%20PERUNDANG-UNDANGAN>.

⁵ Tenri Wulan Aris, "Urgensi Judicial Review Satu Atap Oleh Mahkamah Konstitusi," *De Jure Jurnal Ilmiah Ilmu Hukum* 1, no. 2 (July 25, 2020): 142–52, <https://doi.org/10.33387/dejure.v1i2.1930>.

Thoughts towards how to develop a judicial system of laws and regulations in Indonesia that is more systematically organized and integrated in a unitary function and institution, seems to be one of the alternative ideas that should be offered⁶. Recently, there have been a number of views that require that the system for reviewing laws and regulations in Indonesia be under one roof (integrated), directly under the Constitutional Court. Not as separate as is currently the case, namely: (1) for reviewing the material laws against the 1945 Constitution of the Republic of Indonesia, the authority for review lies with the Constitutional Court; (2) for reviewing material under the law against the law, the authority for the review rests with the Supreme Court, with a note, specifically for regional regulation products, the President or material has the authority to examine and cancel it, although the decision to review/cancel it can an objection is requested to the supreme court as the last level examining body.

It is necessary to integrate all laws and regulations into the authority of the Constitutional Court. However, the urgency and form of integrating testing of all these laws needs to be elaborated in more depth and comprehensively, so that this research focuses on (1) the urgency of integrating the review of all laws and regulations becomes the authority of the Constitutional Court; (2) the idea of integrating the review of all legislation is the authority of the Constitutional Court.

RESEARCH METHOD

The research method used in this study is a juridical-normative approach, focusing on the analysis of legal literature and documents through doctrinal research⁷. This approach distinguishes between primary and secondary legal materials, with primary legal materials having the strongest binding force. Primary legal materials include laws and regulations established by the state or authorized legal bodies. This study analyzes both primary and secondary legal materials related to reviewing statutory regulations and Judicial Power.

⁶ Achmad Dwi and Mulyanto, "Problematisa Pengujian Peraturan Perundang-Undangan (Judicial Review) Pada Mahkamah Agung Dan Mahkamah Konstitusi," *Yustisia Jurnal Hukum* 2, no. 1 (April 2, 2013): 57–65, <https://doi.org/10.20961/yustisia.v2i1.11070>.

⁷ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta : Kencana Prenada Media Group , 2013).

RESEARCH OUTCOME AND DISCUSSION

1) Integrating Review of all Legislation under the Authority of the Constitutional Court

The idea of establishing a Constitutional Court in Indonesia was accepted in the third stage of the amendment to the 1945 Constitution as a mechanism to control the implementation of the constitution in the form of laws after experiencing a long historical journey⁸. The organization of judicial power is currently given to two state institutions, namely the Supreme Court and the Constitutional Court. In order to differentiate the positions, duties, functions and authorities of the two institutions of judicial power, these are regulated in a limitative manner in Article 24A paragraph (1) Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia⁹.

As for those relating to the authority of the Constitutional Court is regulated in Article 29 paragraph (1) letter a of Law no. 48 of 2009, namely as follows; “The Constitutional Court has the authority to try at the first and final levels whose decision is final for: a. Examine the laws against the 1945 Constitution of the Republic of Indonesia. b. decide disputes over the authority of state institutions whose powers are granted by the 1945 Constitution of the Republic of Indonesia; c. decide on the dissolution of political parties; d. decide disputes about general election results; and e. other powers granted by law¹⁰.

The formulation of Article 24A paragraph (1) and Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia from the perspective of legal political theory has shown seriousness in providing opportunities for the development of normative control over various legal products as political decisions in order to maintain consistency and normative harmonization of legal products hierarchically. However, when organizing the review of laws and regulations, it is divided into the authority of the Supreme Court to review laws and regulations against laws, and the authority of the

⁸ Nuno Garoupa, “Constitutional Review,” in *The Oxford Handbook of Public Choice, Volume 2*, ed. Roger D. Congleton, Bernard Grofman, and Stefan Voigt (Oxford University Press, 2019), 133–55, <https://doi.org/10.1093/oxfordhb/9780190469771.013.7>.

⁹ Idul Rishan, “Konsep Pengujian Formil Undang-Undang Di Mahkamah Konstitusi,” *Jurnal Konstitusi* 18, no. 1 (May 27, 2021): 001–021, <https://doi.org/10.31078/jk1811>.

¹⁰ Moh Ali Hofi, “Judicial Review Satu Atap Di Mahkamah Konstitusi Sebagai Refleksi Terhadap Problematika Dan Tantangan Kekuasaan Kehakiman Di Indonesia,” *HUKMY : Jurnal Hukum* 1, no. 2 (November 19, 2021): 221–34, <https://doi.org/10.35316/hukmy.2021.v1i2.221-234>.

Constitutional Court to review laws against the constitution, objectives or legal politics has the potential to not be achieved¹¹.

According to Jimly, the division of tasks in the field of judicial review of laws and *regulations* between the Supreme Court and the Constitutional Court was by no means ideal, because it could lead to differences or conflicting decisions between the Constitutional Court and the Supreme Court. In the future, it is necessary to think about the possibility of integrating the entire regulatory review system under the authority of the Constitutional Court¹².

Jimly Asshiddiqie stated more explicitly that there were four reasons why the separation of the regulatory review was not ideal, namely as follows:¹³

- a. The granting of authority to review (*Judicial Review*) law materials against the Constitution to the newly formed Constitutional Court suggests that only part of the addition of formulation of Constitutional material is easy and patchy, as if the conception of the right to judicial review of regulations in the hands of the Supreme Court does not participate affect the test rights granted to the Constitutional Court. Such a formulation seems as if it is not based on conceptual insight regarding the conception of the judicial review itself in a comprehensive manner.
- b. This separation of powers makes sense if the system of power adopted is still based on the principle of division of powers as adhered to by the 1945 Constitution before undergoing the first and second amendments, the 1945 Constitution after the amendment has officially and firmly adheres to the principle of horizontal separation of powers prioritizing the principle of checks and *balanc*. Therefore, the separation between law material and regulatory material under law should not be done anymore.
- c. In practical implementation later, hypothetically a substantive conflict may arise between the Supreme Court's decision and the Constitutional Court's decision. Therefore, it is better if the system for reviewing laws and regulations under the Constitution is integrated under the Constitutional Court. Thus each Court can focus

¹¹ Syafik Didin, "Urgensi Penyatuan Kewenangan Pengujian Peraturan Perundang-Undangan Oleh Lembaga Peradilan (Judicial Review) Di Indonesia," *Rechtidee* 11, no. 2 (January 18, 2017): 208–25, <https://doi.org/10.21107/ri.v11i2.2159>.

¹² Meidiana, "Integrasi Pengujian Peraturan Perundang-Undangan Oleh Mahkamah Konstitusi," *Undang: Jurnal Hukum* 2, no. 2 (March 24, 2020): 381–408, <https://doi.org/10.22437/ujh.2.2.381-408>.

¹³ Priyambodo RH, "MK Siap Ambil Alih Wewenang MA Uji Aturan Di Bawah UU," *Antaranews.Com*, May 29, 2007, <https://www.antaranews.com/berita/64433/mk-siap-ambil-alih-wewenang-ma-uji-aturan-di-bawah-uu>.

attention on different issues. The Supreme Court deals with issues of justice and injustice for citizens, while the Constitutional Court guarantees the constitutionality of all laws and regulations.

- d. If the authority to review regulatory material under the Constitution is fully given to the MK, of course, the MA's burden can be reduced.

It is necessary that all forms of review of statutory regulations be centralized in one state institution, as practiced in the German Federal state ¹⁴.

The separation of objects and subjects of review of laws and regulations as stipulated in Article 24A paragraph (1) and Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia contains weaknesses in its implementation. Because if there is a difference in the decision on the object being tested which has a normative relationship vertically, it can cause chaos both in terms of the implementation of the decision, as well as in terms of the rule of law ¹⁵. The distinction of the object of testing is only related to the institution authorized to carry it out. Thus, it is necessary to end the distinction of the object of review of statutory regulations, that is, all statutory regulations under the constitution to the constitution become the object of review by the Constitutional Court, with the benchmark for review starting from the 1945 Constitution of the Republic of Indonesia (the 1945 Constitution of the Republic of Indonesia).) and all laws and regulations that are higher than the object (laws and regulations) tested¹⁶.

Based on the practice that took place in Indonesia after the amendment of the 1945 Constitution of the Republic of Indonesia, it is necessary to reformulate the review of statutory regulations which differ in object and subject, namely integrating the authority to review statutory regulations under one roof of the Constitutional Court, as practiced in the Federal States of Germany, Austria, and Hungary, in combination with the Indonesian legal system.¹⁷

¹⁴ Muhammad Iwan Satriawan and Mukhlis Mukhlis, "Memurnikan Mahkamah Konstitusi," *SASI* 24, no. 1 (July 8, 2018): 47–58, <https://doi.org/10.47268/sasi.v24i1.118>.

¹⁵ Nanang Al Hidayat and Mela Sari, "Dualisme Judicial Review Peraturan Perundang-Undangan Di Indonesia," *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 7, no. 3 (October 1, 2018): 318–28, <https://doi.org/10.24843/JMHU.2018.v07.i03.p04>.

¹⁶ Suparto Suparto, "Problematisasi Pengujian Peraturan Perundang-Undangan Di Mahkamah Agung (Kajian Terhadap Putusan Mahkamah Agung No. 65 P/HUM/2018)," *SASI* 27, no. 1 (March 25, 2021): 61–72, <https://doi.org/10.47268/sasi.v27i1.417>.

¹⁷ Sy Masyithah and Faisal A Rani, "Authority for the Development and Supervision of Regional Legal Products from Regional Autonomy Perspective," *Kanun Jurnal Ilmu Hukum* 23, no. 2 (August 17, 2021): 275–94, <https://doi.org/10.24815/kanun.v23i2.21012>.

So the formulation of the provisions of Article 24A paragraph (1) and Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which originally read: Article 24A paragraph (1): The Supreme Court has the authority to adjudicate at the cassation level, examine statutory regulations under the law law against the law, and has other powers granted by law. Article 24C paragraph (1): The Constitutional Court has the authority to try at the first and final levels whose decisions are final to review laws against the Constitution, decide on disputes over the authority of state institutions whose powers are granted by the Constitution, decide on the dissolution of political parties, and resolve disputes about election results¹⁸.

In addition to the problem of separation of powers in the field of reviewing statutory regulations which is not ideal, it also creates legal problems in the form of a legal vacuum (*vacuum of norms*), namely in the provisions of Article 24A paragraph (1) of the 1945 Constitution creates a legal vacuum, in the form of: what if statutory regulations the invitation under the law is not contrary to the law, but contradicts the statutory regulations that are higher than the statutory regulations requested for review? Whereas the provisions of Article 24C paragraph (1) of the 1945 Constitution create a legal vacuum, namely: what if what is contrary to the constitution/UUD is statutory regulations under laws? Ideally, it should be changed by integrating the authority to review laws and regulations into the authority of one judicial institution, namely the Constitutional Court, with the benchmark for testing being laws and regulations whose position starts one level higher than the object being tested up to the highest statutory regulations, namely the Constitution of the Republic of Indonesia. Indonesia in 1945, so the formula is as follows:

Article 24A paragraph (1): The Supreme Court has the authority to adjudicate at the cassation level and has other powers granted by law. Meanwhile, the formulation of Article 24C paragraph (1) reads: The Constitutional Court has the authority to try at the first and last levels whose decision is final to review laws and regulations under it against the Constitution and/or against higher laws and regulations at its level, deciding disputes over the authority of state institutions whose powers are granted by the Constitution, deciding on the dissolution of political parties, and deciding disputes about the results of

¹⁸ Wira Atma Hajri and Rahdiansyah Rahdiansyah, "Pengujian Peraturan Perundang-Undangan Di Indonesia: Persoalan Dan Jalan Keluarnya," *UIR LAW REVIEW* 2, no. 01 (April 16, 2018): 235–43, <https://doi.org/10.25299/uirlrev.2018.2.01.1436>.

general elections. Apart from changing these provisions, this can also be done through interpreting the provisions of Article 24A paragraph (1) and Article 24C paragraph (1) of the 1945 Constitution, namely by interpreting the word 'law' in Article 24C paragraph (1) as *wet in materiel* . *permits* or laws in a material sense, namely covering laws and all laws and regulations under them, as well as expanding the meaning of the Basic Law in that article, which includes starting from the Constitution and all laws and regulations whose position is higher than statutory regulations asked to be tested. As for the authority of the Supreme Court in the field of *judicial review* as referred to in Article 24 paragraph (1) of the 1945 Constitution it must be interpreted as part of the authority of the Supreme Court in handling concrete cases or the Supreme Court submitting and delegating the handling of cases in the field of *judicial review* to the Constitutional Court. Changes to the formulation of provisions in Article 24A paragraph (1) and Article 24C paragraph (1) of the 1945 Constitution, henceforth, of course, must be followed by changes in provisions in the Law on Judicial Power, the Law on the Supreme Court, and the Law on the Supreme Court. Constitution, as well as several other technical regulations.

Through the proposal to integrate the review of all statutes into the authority of the Constitutional Court in this article, it also has consequences for the need to increase the number of Constitutional judges. Through integration (one roof) it means that the workload of the Constitutional Court is clearly becoming heavier, and therefore the current number of MK judges, namely nine, needs to be added. The additional amount really depends on performance calculations, but most importantly the number is odd, and each institution that proposes it is the same, namely the Supreme Court (MA), the People's Representative Council (DPR), and the President. Of course, this is done to create *checks and balances* between state institutions in Indonesia today.

2) Overcoming Dualism: Examination of all Legislation becomes under Authority of the Constitutional Court

Legal reform in Indonesia is a prerequisite for becoming a democratic legal state. One of the prerequisites for the realization of a democratic society from the perspective of a *claw rule-of-law* state is one of them is the existence of a division of powers

that can guarantee the independence of the judiciary¹⁹. The idea of integrating the application for *judicial review* at the Constitutional Court is an attempt to emphasize that the Constitutional Court is *a cort of law*, and the Supreme Court is *a crt f justice*, because *judicial review* belongs to the realm of *he cort of law*, not *the court of justice*.²⁰ The transfer of authority to review regulations under the law from the Supreme Court to the Constitutional Court is a natural thing. The Supreme Court is an institution that is very busy with many cases, so the delegation of authority will make the work of the Supreme Court easier. The Supreme Court, with a limited number of human resources, must handle tens of thousands of cases each year.

Based on the results of Sholahuddin Al-Fatih's research, the integration model of *judicial review* in the Constitutional Court is through SIJURI or the Indonesian *Judicial Review System*. The technical implementation of SIJURI can be described as follows²¹

- a. The process starts with a case that will be submitted for *judicial review*, where this process is applied to the Constitutional Court (MK), both through conventional and electronic channels, then this issue is displayed digitally through *SIJURI* as a public means of knowing the progress of the ongoing *judicial review process*, before, or will take place.
- b. Then after being identified by the officer, it is separated between cases whose conditions are complete and cases whose conditions are incomplete.
- c. If it is complete, then you can get a registration number from the clerk. This number can be used to log in and monitor the progress of the *judicial review process* through *SIJURI*.
- d. If the required files are incomplete, you will be given 7 days to complete the required files. If within 7 days it can be completed, then the process is the same as in point (c) above. However, if it cannot be completed it within 7 days, then the applicant cannot get a case registration number.

¹⁹ Sholahuddin Al-Fatih, "Model Pengujian Peraturan Perundang-Undangan Satu Atap Melalui Mahkamah Konstitusi," *Jurnal Ilmiah Hukum LEGALITY* 25, no. 2 (July 14, 2018): 247–60, <https://doi.org/10.22219/jihl.v25i2.6005>.

²⁰ Muhammad Ishar Helmi, "Penyelesaian Satu Atap Perkara Judicial Review Di Mahkamah Konstitusi," *SALAM: Jurnal Sosial Dan Budaya Syar-i* 6, no. 1 (February 5, 2019): 97–112, <https://doi.org/10.15408/sjsbs.v6i1.10551>.

²¹ Al-Fatih, "Model Pengujian Peraturan Perundang-Undangan Satu Atap Melalui Mahkamah Konstitusi."

- e. *SIJURI* will display *a record* of the review of previous laws and regulation if the *judicial review case* submitted is related to a case that was previously filed as well.
- f. *SIJURI* will also identify the type of legislation being submitted *for judicial review* so that if the legislation being requested for *judicial review* is with the authority of the Constitutional Court, the system will reject it automatically.
- g. *the judicial review process* can be monitored *online* through *SIJURI* by means of: *Log in* using the case registration number. The results of the decision can also be downloaded through the *SIJURI*.

The mechanism for integrating *judicial review* is not a new idea. However, several countries have implemented the concept first. In the United States, for example, *the Supreme Court* or the Supreme Court and the judiciary under it have the authority to decide on cases of *reviewing* a statutory product. The American model shows that *judicial review* can be carried out by many courts, but all of them are integrated under the auspices of the American Supreme Court. *Judicial reviews* carried out by judicial institutions under the Supreme Court can be compared to the courts above them²².

The constitutional justice mechanism (constitution *adjudication*) itself is a new thing that was adopted into the Indonesian state constitutional system with the formation of the Constitutional Court. Constitutional justice is intended to ensure that the Constitution is truly implemented or upheld in the day-to-day administration of the state. Examination of other institutions by different institutions whether they implement the Constitution or not is an entirely new mechanism. Previously it was not known in the legal system and constitution of Indonesia²³.

To unify the review of laws and regulations under the Constitutional Court, a constitutional step is needed to reorganize the authority of the Supreme Court and the Constitutional Court, namely through amendments to the 1945 Constitution. As already stipulated in the 1945 Constitution Article 24A paragraph (1), the Supreme Court has the authority to examine statutory regulations under a law -law against the law, and the Constitutional Court has the authority to examine the law against the Constitution (Article

²² Jun Mawalidin, "Konsistensi Konstitusi Indonesia Dalam Pelaksanaan Judicial Review Undang-Undang," *Politica: Jurnal Hukum Tata Negara Dan Politik Islam* 8, no. 1 (July 8, 2021): 43–63, <https://doi.org/10.32505/politica.v8i1.3073>.

²³ Subri Joko, "Pengujian Peraturan Perundang-Undangan Oleh Mahkamah Konstitusi Dan Mahkamah Agung Di Indonesia" (Universitas Islam Riau, 2019), <https://repository.uir.ac.id/7913/>.

24C paragraph (1) of the 1945 Constitution). Thus, the authority of the Supreme Court must be transferred to the Constitutional Court, so that the Supreme Court no longer has the authority to review statutory regulations, everything is integrated with the Constitutional Court²⁴.

The consequence of the unification of trials must also be followed by *political will* from the Government and the DPR to integrate supervision of regional regulations or regional legal products as well as to the Constitutional Court. The president no longer needs to be given the authority to cancel (executive *review*) regional regulations. Which the Government can do and clarifying (executive *preview*) certain draft regional regulations. In the context of central government supervision of regional legal products, the government can become one of the petitioners in reviewing regional regulations at the Constitutional Court²⁵.

The existence of the idea of integration of judicial review material at the Constitutional Court is at the same time to say the need to restore the nature of the Supreme Court so that it is pure (*pure*) to become a court that handles efforts to realize general justice. Thus, because the Supreme Court is an ordinary court, which is included in the realm of judicial competence, it is not allowed to evaluate and examine laws and regulations as political products, that is why laws and regulations are not legal products, but political products.

In the future (*ius constituendum*), the Constitutional Court should ideally be designed to become a court with new powers, interprets and safeguards the 1945 Constitution of the Republic of Indonesia when requested through a *judicial review*. *Second*, authority to resolve disputes between regional and regional institutions, between regional institutions and the center. *Third*, authority as a special court related to *constitutional complaints* of individual citizens. *Fourth*, testing international agreements including laws that ratify international agreements. *Fifth*, testing the legality of laws and regulations under laws against laws and the 1945 Constitution²⁶.

²⁴ M. Muchtar Riva'i et al., "Evaluasi Peraturan Walikota Tentang Penataan Ritel Modern Di Kota Tangerang Selatan Dengan Menggunakan Regulatory Impact Analysis (RIA)," *Jurnal IUS Kajian Hukum Dan Keadilan* 9, no. 1 (March 31, 2021): 95–111, <https://doi.org/10.29303/ius.v9i1.818>.

²⁵ Masyithah and Rani, "Authority for the Development and Supervision of Regional Legal Products from Regional Autonomy Perspective."

²⁶ MPR RI, *Pengujian Peraturan Perundang-Undangan Satu Atap Di Mahkamah Konstitusi*, ed. Biro Pengkajian, 1st ed. (Jakarta: Badan Pengkajian MPR RI Bekerjasama dengan Asosiasi Pengajar Hukum Tata Negara-Hukum

However, ideas/ideas to integrate the review of all laws and regulations into the authority of the Constitutional Court of the Republic of Indonesia in the future (*ius constituendum*) will be realized through the amendment of the 1945 Constitution beforehand against the provisions of Article 24 A and Article 24 C of the 1945 Constitution of the Republic of Indonesia.

CONCLUSION

The urgency of integrating the testing of all laws and regulations is the authority of the Constitutional Court to overcome the problems and eliminate the confusion of testing laws and institutional conflicts between the Supreme Court and the Constitutional Court. In addition, to create synchronization between laws and regulations from the lowest to the highest. The unification of testing laws and regulations in the Constitutional Court is very important to do, to harmonize between laws and regulations and realize the supremacy of the constitution. This is because the Constitutional Court is an institution that has the authority to test the constitutionality of a legal rule. Notably, an increase in the number of Constitutional Court judges is necessary to achieve better development of laws and regulations testing in the future.

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