

Wewenang Pembatalan Peraturan Daerah

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Abstrak

Currently even though regional regulations contravene certain provisions or aspects of existing laws and the presidential governmental system, they remain valid unless cancelled by the Supreme Court pursuant to the *presumptio iustae causa* principle thereby allowing the *ex nunc* validity of such regulations. This article addresses the legal issues concerning the annulment of regionals and finds that the process may indeed be inconsistent with existing laws and the presidential government system. Thus there is a need to clarify (a) the scope of Article 145, paragraph (3) of Law No. 32 of 2004 upon regional government, particularly since regional regulations are a form of "delegated legislation," (b) the standard or threshold of "contravention of law" by which they may be annulled, and (c) the legal effects of annulment in order to create legal certainty.