

MEASURING THE IMPORTANCE OF MATERIAL TESTING OF LEGISLATION IN INDONESIA

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ABSTRACT

Indonesia adheres to the continental European legal system. One of its features is codified law. If it is considered contrary, material testing can be carried out. Judicial review can be conducted in the Constitutional Court if the law contradicts the Constitution of the Republic of Indonesia in 1945. Test the material in the Supreme Court if the regulation of its position under the law is contrary to the law. About any legislation under the order of legislation consisting of the Constitution of the Republic of Indonesia in 1945, the provisions of the People's Consultative Assembly, laws/government regulations in lieu of legislation, government regulations, presidential regulations, provincial regulations, Perda Regency/City. Legal standing must be met to conduct trials both in the Supreme Court and the Constitutional Court, one of which is if the constitutional rights are harmed. The procedural law applicable in testing laws in the Constitutional Court is in accordance with the rules of the Constitutional Court. As is known, all authorities in the Constitutional Court have their procedural laws made internally in the form of Constitutional Court regulations for all authorities. Related to the right of judicial review in the Constitutional Court is the Constitutional Court Regulation No. 2 of 2021 on the procedure for proceeding in cases and testing the law in the Supreme Court in the form of Supreme Court Regulation No. 1 of 2011 on the right of judicial review. Judicial review in the Constitutional Court and the Supreme Court is carried out to maintain the supremacy of the Constitution, strengthen legal consistency, develop laws, and increase public confidence. The method in this study is juridical-normative.

Keywords: Law; Procedural Law; Right Of Trial

ABSTRAK

Indonesia menganut sistem hukum Eropa Kontinental. Salah satu cirinya adalah hukum yang dikodifikasi. Jika dianggap bertentangan maka bisa dilakukan uji materi. Uji materi bisa dilakukan di Mahkamah Konstitusi jika Undang-undang bertentangan dengan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. Uji materi di Mahkamah Agung jika peraturan kedudukannya di bawah Undang-Undang bertentangan dengan Undang-Undang. Tentang apa saja peraturan perundang-undangan sesuai dengan tata urutan perundangan yang terdiri dari Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Ketetapan Majelis Permusyawaratan Rakyat, Undang-Undang/Peraturan Pemerintah Pengganti Undang-Undang, Peraturan Pemerintah, Peraturan Presiden, Peraturan Daerah Provinsi, Perda Kabupaten/Kota. *Legal standing* yang harus dipenuhi untuk melakukan uji materi baik di Mahkamah Agung maupun di Mahkamah Konstitusi, salah satunya adalah jika hak konstitusionalnya dirugikan. Hukum Acara yang berlaku dalam pengujian Undang-Undang di Mahkamah Konstitusi sesuai dengan peraturan Mahkamah Konstitusi. Sebagaimana diketahui seluruh kewenangan di Mahkamah Konstitusi mempunyai Hukum Acara masing-masing yang di buat internal berupa Peraturan Mahkamah Konstitusi untuk semua kewenangan. Terkait Hak Uji materi di Mahkamah Konstitusi yaitu Peraturan Mahkamah Konstitusi No. 2 tahun 2021 Tentang Tata Beracara Dalam Perkara. Pengujian Undang-Undang sedangkan di Mahkamah Agung berupa Peraturan Mahkamah Agung Nomor 1 tahun 2011 tentang Hak Uji Materi. Uji materi di Mahkamah Konstitusi dan Mahkamah Agung dilakukan agar menjaga keluhuran konstitusi, memperkuat konsistensi hukum, mengembangkan hukum dan meningkatkan kepercayaan publik. Metode dalam penelitian ini yuridis-normatif.

Kata Kunci : Undang-Undang; Hukum Acara; Hak Uji Materi

A. BACKGROUND

The legal system in Indonesia draws attention to following continental European principles, which are particularly marked by the adoption of codified laws. Legal codification refers to drafting and arranging laws into generally applicable written documents, which provide clarity and legal certainty.

One of the main characteristics of a legal system that follows the principles of continental Europe is the presence of clear and detailed rules of law. In Indonesia, this is reflected in various codifications of laws such as the Civil Code, the Criminal Code, and various other laws that govern specific areas such as corporate law, commercial law, and family law.

In addition, the Indonesian legal system has a judicial review mechanism that allows for testing the constitutionality of legislation. This mechanism allows the Constitutional Court to assess whether a particular law or regulation is under the basic principles of the 1945 Constitution of the Republic of Indonesia. If it is found that a law is contrary to the Constitution

of the Republic of Indonesia of 1945, the Constitutional Court has the authority to cancel or declare the law invalid.

This judicial process is part of the judicial authority that aims to maintain the supremacy of the Constitution and protect human rights and democratic principles. With this mechanism, the legal system in Indonesia not only serves as a tool to enforce rules but also as a mechanism to ensure that any regulations applied do not conflict with the fundamental values adopted by the state.

The codification of laws and material trials are characteristic features that show how the legal system in Indonesia seeks to ensure justice, legal certainty, and protection of citizens' fundamental rights. Thus, this legal system serves not only to regulate and resolve conflicts but also to maintain harmony between legislation and the fundamental principles of the Constitution.

The judicial power is part of this task, which aims to assess whether rights are violated or unintentional or negligent in fulfilling the mandatory, as well as to give orders for the recovery of said disorders and the performance of neglected obligations. This process is carried out through the judicial system, so the judicial power is also known as judicial power.¹

At the highest level, the Constitutional Court played an essential role in conducting material tests against laws contrary to the Constitution of the Republic of Indonesia in 1945. The Constitutional Court assesses whether a law follows the basic principles outlined in the 1945 Constitution of the Republic of Indonesia. If it is found that a law is contrary to the Constitution of the Republic of Indonesia of 1945, the Constitutional Court has the authority to cancel or declare the law invalid. This process is one of the crucial mechanisms in maintaining the supremacy of the Constitution and ensuring that all applicable laws are under the fundamental values adopted by the state. On the other hand, the Supreme Court also has a crucial role in the Indonesian legal system. The Supreme Court has the authority to conduct material tests on regulations whose position is under the law, such as government regulations, presidential regulations, local regulations, and others that are considered contrary to the law. In

¹ Bintan, R. S. (1977). Masalah Kekuasaan Kehakiman di Indonesia. *Jurnal Hukum dan Pembangunan*, Vol.7 (6), hlm. 422

this case, the Supreme Court judges whether the regulations follow applicable law. The Supreme Court can overturn or declare the rule invalid if a discrepancy is found.

Judicial review procedures in both the Constitutional Court and the Supreme Court provide an essential mechanism for maintaining consistency and fairness of law in Indonesia. With these two levels of judicial review, the Indonesian legal system ensures that the law and all regulations under it must conform to the hierarchy of applicable laws and regulations. It aims to ensure that any regulations applied do not conflict with the basic principles established by the Constitution of the Republic of Indonesia in 1945 and other laws.

In addition, constitutional testing of laws is an assessment of compliance with constitutional principles, both in formal and substantial terms. This is a crucial difference between the powers of the Constitutional Court and the Supreme Court. Some opinions say the Constitutional Court is tasked with testing constitutionality, while the Supreme Court only checks the legality of laws without testing aspects of their constitutionality.²

Testing of legislation is a process that allows assessing the conformity or incompatibility of a rule of law with a rule of law with a higher degree of validity.³ This test, often called judicial review, keeps the Constitution from being violated or ignored by legislative or executive actions. In other words, such testing is necessary to maintain the supremacy of the Constitution and ensure that the rule of law remains following the higher legal framework.⁴

According to the Constitution of Indonesia, the Constitution of the Republic of Indonesia in 1945, there are 2 (two) that have the authority to test legislation, which is the authority of both the Supreme Court and the Constitutional Court⁵. The Supreme Court has the authority to adjudicate cases of Cassation and test the legislation by comparing it with the law, per Article 24 a paragraph (1) of the Constitution of the Republic of Indonesia in 1945. On the other hand, the Constitutional Court is authorized to adjudicate cases of the first and last instance, where the decision is final, to test the law against the Constitution of the Republic of Indonesia in 1945,

² Jimly, A., & Safa'at, M. (2006). Teori Hans Kelsen Tentang Hukum. Retrieved from Perpustakaan Mahkamah Konstitusi: <https://simpus.mkri.id/opac/detail-opac?id=10333>

³ Machmud, A. (2010). Pengujian Peraturan Perundang-Undangan dalam Sistem Perundang-Undangan di Indonesia. *Jurnal Konstitusi*, Vol. 7 (5), hlm.127.

⁴ Lutfil, A. (2018). *Pengujian Peraturan Perundang-Undangan*. Malang: Setara Press, hlm.VII

⁵ Antoni, P. (2018). Dualisme Pengujian Perundang-Undangan oleh Mahkamah Konstitusi. *Jurnal Legislasi Indonesia*, Vol.15 (2), 69-79.

as well as resolve disputes about the authority of state institutions established by the Constitution of the Republic of Indonesia year 1945, as stipulated in Article 24 C paragraph (1). These two judicial institutions have complementary powers but also pose various problems. One of them is the potential for institutional conflicts between the Supreme Court and the Constitutional Court, as well as the discrepancy between the applicable legislation and the existing hierarchy of legal regulations.

In addition, there is confusion in certain types of legislation, such as the provisions of the People's Consultative Assembly, where it is not clear who is authorized to test them, which has the potential to cause constitutional problems.⁶ *Legal standing*⁷ must be met to conduct a material test. There are many requirements, including if the constitutional rights of a person or group are questioned or harmed by the regulations in question. This ensures that the legal testing process has a clear basis and is not carelessly carried out.

Despite the established procedure, there is debate about the effectiveness of control over the decisions of the Constitutional Court. This is due to the full authority possessed by the institution, which is often considered an obstacle to ensuring balanced justice. However, the existence of the Supreme Court as an institution that has the authority to examine each case with the established procedural law provides a more distributed and focused control over legal decisions.

Not only that, unlike the Constitutional Court, which has its procedural law, the Supreme Court handles cases with specific procedural laws according to the type of case being heard⁸. This includes the Code of Criminal Procedure for criminal cases, the Code of Civil Procedure for civil cases, and the law on state administration for disputes in State Administration.

If perceived injustices exist in the system, evaluating the applicable procedural law is essential, especially in the Constitutional Court. This evaluation must be carried out periodically and thoroughly, considering aspects of justice and control that ensure the legal process runs

⁶ Meidiana. (2019). Integrasi Pengujian Peraturan Perundang-Undangan oleh Mahkamah Konstitusi. *Jurnal Hukum*, Vol. 2 No. 2, 381-408, DOI: 10.22437/ujh.2.2.381-408.

⁷ Fienso, S. (2010). *Kamus Hukum*. Jonggol: Vandetta Publishing, hlm. 21.

⁸ Sulistyowati, et.al. (2023). Urgensi Pembuatan Undang-Undang Hukum Acara di Mahkamah Konstitusi. *Jurnal Sosial dan Budaya Syar-i*, Vol 10 (5), hlm. 1427-1438.

fairly and proportionately. Thus, it is hoped that the justice system in Indonesia can continue to improve its quality and provide better justice for all parties involved.

B. RESEARCH METHODOLOGY

The term "methodology" comes from the word "method," which contains the meaning of "way or path". Nevertheless, in a scientific context, a method is often defined as a set of possibilities or specific steps used in the research and evaluation process.⁹ Research methodology is the discipline that studies the necessary steps in undergoing a research process or the field of study that focuses on the scientific methods used to discover, develop, and test the validity of specific knowledge. In this context, the knowledge in question is often related to the area of law.¹⁰

The legal research method chosen is the juridical-normative method with the literature study approach. This method utilizes an approach that refers to a way of thinking based on applicable laws and regulations.¹¹ This approach is chosen to explore a deep understanding of the legal issues discussed by carefully examining the theories and concepts present in the relevant literature. With an emphasis on theoretical analysis, this study has the direction that a solid framework is built to explain and interpret the legal phenomena that are the focus of the study.

The study adopts a deductive and qualitative approach in carrying out this methodology. The deductive approach tests the validity of existing theories by applying them to the specific context being investigated in the research. Meanwhile, the qualitative approach allows researchers to explore the complexity of legal phenomena in greater depth by carefully analyzing qualitative data from literature and other sources. By combining these two approaches, the study is expected to provide a comprehensive and diverse insight into the legal topic under study.

⁹ Soerjono, S. (2012). Pengantar Penelitian Hukum. Jakarta: Universitas Indonesia Press, hlm. 5.

¹⁰ Rianto, A. (2004). Metodologi Penelitian Sosial dan Hukum. Jakarta: Graniat, hlm. 1

¹¹ Bambang S. (2003). Metodologi Penelitian Hukum. Jakarta: PT. Raja Grafindo, hlm. 32.

In addition, in carrying out the analysis, legal concepts and theories are the relevant concentrations of this research found in the literature in question. The analysis draws on a solid theoretical foundation to explain the different aspects of the law under study. Thus, this approach provides a solid and detailed framework for understanding and interpreting the legal data collected in the study.

C. FINDING & DISCUSSION

The legal system in Indonesia is like a vast ocean that stores a wealth of history, Pancasila values, and local wisdom. Because the legal system is based on well-arranged written rules, it is clear that we adhere to the continental European legal system. In some literature, it is called Civil Law¹². However, he continued to experience the dynamics and adaptation coloring his journey and even, in some ways, began to adopt the Anglo-Saxon system or so-called Common Law, for example, to implement public participation because our system is a Dutch heritage that does not know it¹³. In the continental European system, the sources of law derive from written legislation, which is the main, structured, and comprehensive source of law. Judges are bound to the law and tasked with interpreting and applying it consistently¹⁴. Another feature is that the previous judge's decision can be a reference but not absolutely binding. Codification of law in Indonesia, such as the Civil Code, Criminal Law, Village law, etc.

Unlike the legal system in Indonesia, which follows continental European principles, the Common Law or Anglo-Saxon legal system has a very different philosophy. The main philosophy of the Common Law legal system centers on the concept of precedent, known as *stare decisis*. In this system, previous judges' decisions become the primary law source and greatly influence subsequent decisions. Thus, courts in the Common Law system often refer to

¹² Firdaus, M. I. (2022). Kontribusi Civil Law (Eropa Kontinental) Terhadap Perkembangan Sistem Hukum di Indonesia. *Jurnal Dialektika Hukum*, Vol. 4 (2), hlm. 180-198

¹³ Nurul Ghufron, "Meningkatkan Peran LPSK Sebagai Pendorong Perubahan Paradigma dari Alat Bukti Menuju Partisipasi dalam Sistem Peradilan Pidana", hlm. 16.

¹⁴ Muhammad, E. (2021, April 7). Sistem Civil Law. Retrieved from Universitas Jambi: <https://eriton.staff.unja.ac.id/2021/04/07/sistem-civil-law/>

previous decisions to determine the outcome of new cases that have similar facts.¹⁵ Laws are not thoroughly codified; many laws are unwritten and come from precedents.

One of the distinctive features of the Common Law system is the flexibility and ability of the law to adapt to the Times. As judges' rulings continue to evolve based on new cases, the law in this system can more easily adapt to social, economic, and technological changes. This contrasts continental European legal systems, where laws are codified in detail and inscribed in laws that are more difficult to change.

In the Common Law system, not all laws are thoroughly codified. Most of the law consists of court rulings documented in various Case Reports. Although some written laws exist, unwritten laws derived from precedents play a crucial role. Judges in this system have a more active role in developing law, as they must interpret and apply existing legal principles to new cases. For example, many important legal principles are derived from court rulings rather than laws passed by legislatures in the United States and the United Kingdom. It creates a system in which law can develop organically and respond to changes in society.

Another key difference is that in the Common Law system, the law is considered more pragmatic and based on the concrete reality of the cases faced in court. This was in contrast to the continental European system, which was more theoretical and based on systematically compiled law codes. Thus, the Common Law legal system offers a different approach to the formation and application of law, emphasizing the importance of precedent and the flexibility of law to adapt to the times while still providing legal certainty through the courts' decisions.

In Indonesia, the codification of regulations is carried out by the House of Representatives and the president. As is known, Indonesia adheres to the division of power, adopting the Trias Politica by Montesquieu. In his theory, he believes the separation of powers is a solid bulwark against the abuse of absolute power, namely the existence of legislative, executive, and judicial institutions. Each has a task—legislative lawmakers representing the

¹⁵ Praise, J. W. (2022). Perbandingan Sistem Hukum Civil Law dan Common Law dalam Penerapan Yurisprudensi Ditinjau dari Politik Hukum. Dharmaisya Jurnal Program Magister Hukum FHUI, Vol. 2 (37), hlm. 1027-1036.

people's voice and knitting regulations that guide the nation. The executive executor of laws, translating regulations into concrete actions, drives the wheels of government. Judicial interpreters and law enforcers judge fairly and indiscriminately to maintain the dignity of justice.

There is no absolute separation in Indonesia, but there is a division of power. Although there is a division of the executive, legislative, and judicial, in terms of law-making, it is not the absolute authority of the legislature but also carried out by the executive. In Indonesia, law-making is carried out by the president and the House of Representatives.¹⁶ The order of our legislation, namely the Constitution of the Republic of Indonesia in 1945, the statutes of the People's Consultative Assembly, laws/government regulations in lieu of laws, government regulations, presidential regulations, provincial regulations, and district/city regulations. The question arises of whether the existing legislation is always correct and does not contradict the above rules. What if there is a conflict?

Disputes between rules can be categorized into two main types. The first is normative disagreement, which occurs when two or more rules contain provisions that contradict each other, generating confusion and legal uncertainty. Second, hierarchical conflict occurs when lower rules (e.g., presidential decrees) conflict with higher rules (e.g., laws). This can lead to chaos and human rights violations.

Several things contradict this hierarchy. In addition to the law with the test stone of the Constitution of the Republic of Indonesia in 1945, there are also rules under the law with the test stone included in the legislation order. However, it is never mentioned that the law can be carried out the right of judicial review, which is related to the provisions of the People's Consultative Assembly. This becomes a problem in itself.

Beyond the provisions of the People's Consultative Assembly, the Constitutional Court applies procedural law to exercise its authority. The procedural law of the Constitutional Court is different from other procedural laws, which are generally in the form of laws. The procedural

¹⁶ *Op.cit*, Firdaus Muhamad Iqbal (2022).

law applicable in the Constitutional Court is in the form of Constitutional Court Regulations¹⁷. Likewise, the testing of laws using Constitutional Court Regulation No.2 Of 2021 On The Procedure For Proceeding In Cases Testing Legislation. The right to test laws in the Constitutional Court can be submitted by several parties, namely the first individual citizens of Indonesia. Second, the unity of indigenous peoples who are still alive and following the development of society and the principles of the Unitary State of the Republic of Indonesia as stipulated in the law. Third, public legal entities or private legal entities.¹⁸

It is important to note that the Supreme Court's jurisdiction of the right of judicial review differs from that of the Constitutional Court. The Constitutional Court is authorized to test the laws and regulations under the law against the Constitution of the Republic of Indonesia of 1945, while the Supreme Court is only authorized to test the laws and regulations under the law against the law above it. Some argue that dualism testing of legislation is inadequate even though the scope is different.¹⁹

The Constitutional Court is regulated in law No. 24 of 2003 on the Constitutional Court, which has the authority to test laws against the Constitution—resolving disputes over the authority of state institutions whose authority is provided by the Basic Law. Decide on the dissolution of political parties and resolve disputes about the results of elections. General elections consist of presidential, local, and legislative elections. Beyond this authority, the Constitutional Court is obliged to decide on applications related to the impeachment process carried out by the House of Representatives against the president.²⁰

Although the authority of the right of judicial review is not explicitly stated in the Constitution of the Republic of Indonesia in 1945, the Supreme Court (MA) has interpreted Article 24A paragraph (1) of the Constitution of the Republic of Indonesia in 1945 which states that the Supreme Court has the authority to "judge at the Cassation level" in a progressive

¹⁷ Sulistyowati. (2023). *Hukum Acara Mahkamah Konstitusi*. Jakarta: Serat Alam Media, hlm. 85.

¹⁸ Sulistyowati. (2023). *Hukum Konstitusi*. Jakarta: Serat Alam Media., hlm. 130.

¹⁹ *Ibid*

²⁰ Su Sulistyowati, & Dewi, N. M. (2022). Tantangan dan Evaluasi Sengketa Perselisihan Hasil Pemilihan Umum. *Jurnal Prosiding Seminar Nasional Hukum Tata Negara*, hlm. 325.

manner. This interpretation allows the Supreme Court to conduct material trials of regulations under the act deemed contrary to the law. Using this progressive approach, the Supreme Court utilizes its authority to review and decide cases at the Cassation level and ensure that existing regulations align with higher legal principles and provisions. This approach reflects the efforts of the Supreme Court in upholding the rule of law and maintaining the consistency of the hierarchy of laws and regulations in Indonesia so that any regulation under the law that does not comply can be canceled or declared invalid. Through this progressive interpretation, the Supreme Court demonstrates its active role in safeguarding justice and legal certainty and protecting human rights and democratic principles governed by the law and the 1945 Constitution. Through a series of rulings, the Supreme Court broadened its interpretation, stating that its authority to "adjudicate at the Cassation level" includes the authority to:

1. Testing the rule of law under the law against the law²¹ : The Supreme Court may overturn a statutory regulation under a law that conflicts with a law above it.
2. Test court decisions related to legislation under the law against the law: MA may cancel Court decisions that are contrary to the law.
3. Supreme Court affirmed the right of judicial review through Supreme Court Regulation No. 1 of 2011 on the right of judicial review.²² If the right to judicial review in the court can only be filed in the court directly different from the application for judicial review, in addition to being able to go directly to the Supreme Court, it can also be through the district court that oversees the jurisdiction of the applicant's place of residence.²³

The parties are entitled to submit a test material, namely:

1. Individual citizen of Indonesia: any individual with rights and obligations as a citizen has the right to file a judicial review if he feels that the laws and regulations violate his constitutional rights.
2. Unity of Indigenous peoples: groups of indigenous peoples who are recognized for their

²¹ Asep Nursobah. (2021). Pengujian Peraturan Perundang-Undangan di Bawah Undang-Undang. Mahkamah Agung RI, Sekretariat Jenderal dan Kepaniteraan.

²² Berdasar Pasal 1 Ayat 1 Peraturan Mahkamah Agung Nomor 1 Tahun 2011 tentang Hak Uji Materil

²³ *Ibid*, Pasal 2 Peraturan Mahkamah Agung Nomor 1 Tahun 2011 tentang Hak Uji Materil

existence and have a unique Indigenous legal system have the right to submit to judicial review to protect the rights and peculiarities of their customs.

3. Public legal entities: state institutions established by law, such as ministries, non-ministerial institutions, and state-owned enterprises (SOEs), have the right to file a material test to ensure that their authority and functions run under the Constitution.
4. Private law entities: organizations or companies established under civil law, such as limited liability companies and foundations, have the right to file a material test if they feel that their interests are harmed by legislation.

The thing that must be considered if you are going to do the first material test right is interest, meaning that the applicant must have interests harmed by the laws and regulations you want to test. Second, fulfill the procedures and procedures specified in the relevant laws, including completing the necessary documents and evidence. Third, apply to the appropriate institution, i.e., should the Constitutional Court test the laws and regulations under the laws against the Constitution of the Republic of Indonesia in 1945, and the Supreme Court test the laws under the laws against the laws above it?

The consequences, if not observed, can be rejected before the subject matter is judged. The legislation issue, indeed, if there is a conflict with each other, must be resolved immediately. Otherwise, it will lead to severe implications. Firstly, legal uncertainty causes people to be confused about which rules must be obeyed, inhibiting activity in all fields. Second, Human Rights Violations. This means that inconsistent enforcement of the law can harm the rights of specific individuals and groups. Third, the weakness of the rule of law. The consequences can cause people's trust in the law to decline, potentially triggering lawlessness and chaos. The problem is solved by the mechanism that must be done through the institutions authorized for it, namely the Constitutional Court and the Supreme Court.

A judicial review in the Constitutional Court and the Supreme Court needs to be done to maintain the supremacy of the Constitution. The Constitutional Court ensures that laws and regulations are in harmony with the Constitution and protect the human rights and sovereignty of the people. Secondly, to strengthen the consistency of the law, the Supreme Court ensures

that the legislation under the law is consistent with the law above it, creating legal certainty for the public and business actors. Third, developing law material testing encourages a progressive and dynamic interpretation of the law, adapting to the Times and the needs of society. Fourth, enhance public confidence. The material test demonstrates the government's commitment to the rule of law and the rights of the people, enhancing public confidence in the legal system.

For the material test to be carried out optimally, various strategic steps involve socialization and education to the community about the rights and mechanisms of material testing. One primary step is organizing socialization activities through various media, such as seminars, workshops, and publications. Seminars and workshops can be held in various cities to reach more people, involving legal experts and practitioners to explain the test procedure comprehensively. Publications in the form of brochures, guidebooks, and articles in the mass media can also help disseminate information about the rights and mechanisms of material testing.

Cooperation with civil society organizations and educational institutions is essential in improving people's understanding of the material test. Civil society organizations, such as non-governmental organizations (NGOs), can be crucial in disseminating information and assisting the public in material testing. Educational institutions, such as universities and law schools, can also contribute through education and training programs focusing on constitutional rights and judicial review. By engaging students and academics, these programs can expand the reach of education and build a more law-conscious generation.

In addition, an increase in informative and easily accessible websites and social media is needed. The official website of the judicial institution should provide complete and detailed information on the procedure for testing the material, including a step-by-step guide, the necessary forms, and examples of cases. Social Media can be used to disseminate information quickly and widely, as well as to interact directly with the community through question-and-answer sessions and online discussions.

Building an integrated information system is also crucial in facilitating the registration, trial, and administration of trial cases. The system should be designed to provide easy and transparent access to the public, allowing them to monitor the status of cases in real time and provide online assistance services. With an efficient information system, the material testing process can run more smoothly and reduce the administrative burden that is often an obstacle. Through these steps, it is hoped that the public will better understand the rights and mechanisms of material testing and be better able to use their rights to submit material testing for the achievement of justice and legal certainty in Indonesia.

D. CONCLUSIONS AND RECOMMENDATIONS

The right to judicial review is fundamental to maintaining the Constitution. Thus creating a sense of comfort and order in the community. Trials can be conducted in the Constitutional Court for laws that conflict with the Constitution of the Republic of Indonesia in 1945, while in the Supreme Court for the rules under the law against the law above it. To increase the effectiveness of the material test, it is necessary to carry out maximum socialization and education related to the right to test the material, in addition to, of course, improving the facilities and infrastructure for the implementation of it must be continuously improved so that public confidence is widespread and restores confidence that the Constitutional Court and the Supreme Court are.

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