



**RECONSTRUCTION OF THE LEGISLATION HIERARCHY IN  
LAW 12 YEAR 2011 BASED ON THE VALUES OF PANCASILA  
JUSTICE**

**REKONSTRUKSI HIERARKI PERATURAN PERUNDANG-  
UNDANGAN DALAM UNDANG-UNDANG 12 TAHUN 2011  
BERBASIS NILAI KEADILAN PANCASILA**

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**ABSTRACT**

The hierarchy of laws and regulations in Indonesia is regulated in Law Number 12 of 2011 concerning the Establishment of Legislations, in principle lower regulations may not conflict with higher regulations. However, in Law Number 12 of 2011 concerning the Formation of Legislations, there are weaknesses, which have implications for the implementation of laws and regulations in Indonesia. This study uses a normative juridical approach, using a statute approach and a case approach. The finding in this article is that the reconstruction of the hierarchy of laws and regulations needs to be done by placing Pancasila as the highest basic norm, which can become the truth in the entire legal system in Indonesia.

**Keywords : Hierarchy; Legislation; Justice; Law.**

**ABSTRAK**

*Hierarki peraturan perundang-undangan di Indonesia diatur dalam Undang-Undang Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-Undangan, pada dasarnya peraturan yang lebih rendah tidak boleh bertentangan dengan peraturan yang lebih tinggi. Akan tetapi, dalam Undang-Undang Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-Undangan ini terdapat kelemahan, yang membawa implikasi bagi implementasi peraturan perundang-undangan di Indonesia. Penelitian ini menggunakan metode pendekatan yuridis normatif, dengan menggunakan pendekatan perundang-undangan (statute approach) dan pendekatan kasus*

*(case approach). Temuan dalam artikel ini bahwa dalam rekonstruksi hierarki peraturan perundang-undangan perlu dilakukan dengan menempatkan Pancasila sebagai norma dasar yang paling tinggi, yang dapat menjadi kebenaran dalam keseluruhan tata hukum di Indonesia.*

**Kata Kunci : Hierarki; Perundang-Undangan; Keadilan; Hukum.**

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## **I. INTRODUCTION**

The State of Indonesia is a legal state based on the provisions of Article 1 paragraph (3) of the Fourth Amendment to the 1945 Constitution of the Republic of Indonesia, that the State of Indonesia which is aspired to as a state of law (*rechstaat*) is not a state based on mere power (*maachstaat*). where this provision is an affirmation of the ideals of the founding father.<sup>1</sup>

Legislation in Indonesia is the implementation of the rule of law which has an important and strategic position, especially laws. This can be seen from the concept of the rule of law and the hierarchy of laws and regulations.

Currently, the hierarchy or order of laws and regulations in Indonesia still refers to Article 7 paragraph (1) of Law Number 12 of 2011 concerning the Establishment of Legislations, which states the types and hierarchies of laws and regulations, consisting of:

- 1) The 1945 Constitution of the Republic of Indonesia;
- 2) Decree of the People's Consultative Assembly;
- 3) Laws/Government Regulations in Lieu of Laws;
- 4) Government Regulations;
- 5) Presidential Regulation;
- 6) Provincial Regulations; and
- 7) Regency/City Regional Regulations.

Hierarchically and as legal norms, laws serve to further elaborate the basic provisions and rules contained in the 1945 Constitution of the Republic of Indonesia. Legislation other than those listed above, includes regulations stipulated by the People's Consultative Assembly, the People's Representative Council, the Regional Representatives Council, the Supreme Court, the Constitutional Court, the Supreme Audit Agency, the Judicial Commission, Bank Indonesia, the Minister, agency, institution, or a commission of the same level established by law or by the government by order of law, the Provincial Regional Representative Council, the Governor, the Regency/City Regional Representative Council, the Regent/Mayor, the Village Head or a similar level is recognized to exist and has binding legal force as long as it is ordered by the higher laws and regulations or formed based on the authority.

The hierarchy of laws and regulations as regulated in Law Number 12 of 2011 concerning the Formation of Legislations contains several weaknesses that can affect law enforcement. Several things that need to be considered are that from the various laws and regulations in this order, the content material regarding criminal provisions can only be contained in laws and regional regulations. This is due, among other things, that regional laws and

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<sup>1</sup> Rosyid Al Atok. (2015). Konsep Pembentukan Peraturan Perundang-Undangan, Malang, Setara Press. 1.

regulations are made by institutions that represent the people, namely the People's Representative Council and the Regional Representative Council.

In addition, the application of legal regulations in Indonesia, which is currently very fat, creates a lot of overlapping regulations, so there is a tendency for confusion to occur in applying the existing rules, especially having to choose which rules to use when in the field there is a violation. For example, in carrying out existing regulations, sometimes law enforcement is in a dilemma because institutional rules always comply with ministerial regulations, whereas there are already existing regional regulations that are not considered, while there are no laws that regulate in detail (there is no law yet). ). The ministerial regulation in Law Number 12 of 2011 concerning the Establishment of Legislation is not regulated in the provisions of Article paragraph (1). However, this type of regulation is regulated in Article 8 paragraph (1) of Law Number 12 of 2011 concerning the Establishment of Legislation.

Ministerial regulations are not listed in the hierarchy of statutory regulations, but in their application, their position is higher than regional regulations and sometimes even contradicts the law as well as the 1945 Constitution of the Republic of Indonesia, so there needs to be synchronization and clarity in the application of laws and regulations. so that there is no overlap in implementation in the field, and law enforcers do not become confused in applying existing regulations.

One of the main pillars in the administration of a country's government is the formation of good, harmonious, and easy-to-implement laws and regulations in society, for this reason the formation of legislation must be able to accommodate all the problems faced by the community and keep up with the times.

The making and development of laws or regulations that are made professionally and logically will produce legal or regulatory products that can influence and even change the joints of people's lives. Legislation can not only provide legal certainty, but also contains the value of expediency and justice. In addition, every statutory regulation that is formed must be in accordance with the values that live in society, as reflected in the values in the Pancasila precepts.

A fair rule of law will be more respected and upheld than a legal regulation that can only guarantee legal certainty, but ignores the value of justice. Justice for each person or group is different, but prioritizing justice is the most important thing. Justice based on Pancasila can be used as the basis in the formation of legislation, because the spirit of the nation can be realized and can be seen from the legal regulations that govern it. Pancasila as a source of supreme law is irrationally and as rationality is a source of national law for the Indonesian nation.

## **II. METHOD**

This study uses a normative juridical approach, using a statute approach and a case approach. The nature of the research is descriptive analytical, which reveals the laws and regulations related to the legal theory that is the object of research. The source of this research data is focused on secondary data obtained through library research.

### III. ANALYSIS AND DISCUSSION

#### a. The Current Hierarchy of Laws And Regulations According to Law Number 12 of 2011 in Indonesia

Hans Kelsen argues "The state is synonymous with law, where there is a state there is a rule of law or vice versa, where there is an order of law there must be a state". So, in principle, states are a coercive legal order.<sup>2</sup>

In general, law can be defined as a set of regulations made by the authorities, with the aim of regulating the order of social life which has the characteristics of commanding and prohibiting and has a coercive nature by imposing punitive sanctions for those who violate it.<sup>3</sup>

In a state of law, the state system or government system is regulated based on applicable and fair laws which are arranged in a constitution. Basically, the law aims to create certainty, justice and utility. Legal certainty is important to ensure the predictability of economic activities, justice is important to ensure equity, and usefulness is important to ensure that the freedoms enjoyed are measurable and orderly based on mutually agreed terms.<sup>4</sup>

One form of legal norms is a regulation or statutory regulation. The only source of legitimacy for state organs to establish legal norms in the form of regulations (regeling) are organs that work in the legislative branch of power.<sup>5</sup>

The law is valid (valid) if it is made by an institution or authority authorized to form it and is sourced and based on higher norms, so that in this case lower norms (inferior) can be formed by higher norms (superior), and law it is tiered and layered to form a hierarchy.<sup>6</sup>

Law-making that is carried out intentionally by the competent body is the most important source of law. The activities of the agency are referred to as statutory activities that produce substances whose validity is beyond doubt, which is *ipso jure*.<sup>7</sup>

In the knowledge of legal science, especially the parts that are closely related to law making and its implementation (law enforcement), the problem of legal sources is something that needs to always be understood, analyzed and problems arise and their solutions can be expected to be there is harmony with legal developments in accordance with the needs of the community.<sup>8</sup>

A statutory regulation is usually only limited to the principle which states, for example, "Lower regulations must not conflict with higher-level laws and regulations" or in the case of the Constitution there is the phrase

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<sup>2</sup> L. Amin Widodo. (1994). *Fiqih Siasah Dalam Sistem Kenegaraan dan Pemerint-tahan*, Sumbangsih Offset, Yogyakarta. 10-11.

<sup>3</sup> R. Soeroso. (2004). *Pengantar Ilmu Hukum*, Sinar Grafika, Jakarta. 38.

<sup>4</sup> Jimly Asshiddiqie. (2015). *Penguatan Sistem Pemerintahan Dan Peradilan*, Cetakan Pertama, Sinar Grafika, Jakarta. 111.

<sup>5</sup> King Faisal Sulaiman. (2017). *Teori Peraturan Perundang-Undangan Dan Aspek Pengujiannya*, Cetakan Pertama, Thafa Media, Yogyakarta. 6-46.

<sup>6</sup> Maria Farida Indrati S. (2007). *Ilmu Perundang-Undangan 1, Jenis, Fungsi dan Materi Muatan*, Cetakan Ketigabelas, Kanisius, Yogyakarta. 23.

<sup>7</sup> Satjipto Rahardjo. (2012). *Ilmu Hukum*, Cetakan Ketujuh, Citra Aditya Bakti, Bandung. 83.

<sup>8</sup> Muhkhilis Taib. (2017). *Dinamika Perundang-Undangan Di Indonesia*, Cetakan Kesatu, Bandung. 80.

“the supreme law of the land”. Among other things, because the order has consequences, even every statutory regulation must have a legal basis at a higher level statutory regulation.<sup>9</sup>

Legislation at a lower level may not conflict with legislation at a higher level. If it turns out that the lower level legislation is in conflict with the higher level legislation, then the lower level legislation can be demanded to be canceled and even null and void (*van rechtswege nietig*).<sup>10</sup>

The state is an order of rules (*nomenordening*), namely a state order (*staatsorde*). The state is an orderly system. Law is also an orderly system. Therefore, this state order is the same thing as legal order. A legal system is a hierarchical system of legal rules, the validity of legal rules from lower level groups depending on or determined by rules belonging to higher level groups.<sup>11</sup>

The state of Indonesia is a state of law, so to realize a state of law, an orderly order is needed, including the formation of laws and regulations.

Previously, the hierarchy of laws and regulations was regulated in Provisional People’s Consultative Assembly Decree No.: XX/MPRS/1996, then regulated by People’s Consultative Assembly Decree Number III/People’s Consultative Assembly/2000 then regulated in Law Number 10 of 2004 and finally regulated in Law Number 12 of 2011, in this case it has created a complexity of problems in the field of laws and regulations due to the alternation of rules governing the hierarchy of laws and regulations.

In Article 7 of Law Number 12 of 2011, it states that the types and hierarchies of statutory regulations consist of:

- 1) The 1945 Constitution of the Republic of Indonesia;
- 2) Decree of the People’s Consultative Assembly;
- 3) Laws/Government Regulations in Lieu of Laws;
- 4) Government Regulations;
- 5) Presidential Regulation;
- 6) Provincial Regulations; and
- 7) Regency/City Regional Regulations.

The purpose of the hierarchy in this Law is explained in the explanation of Article 7 paragraph (2) of Law Number 12 of 2011 concerning the Establishment of Legislations, namely the tiering of each type of legislation based on the principle that more lower level must not conflict with higher laws and regulations.

Types of laws and regulations other than those referred to in Article 7 paragraph (1) include regulations stipulated by the People’s Consultative Assembly, the People’s Representative Council, the Regional Representatives Council, the Supreme Court, the Constitutional Court, the Supreme Audit Agency, the Judicial Commission, Bank Indonesia, the Minister, agency, institution or commission of the same level established by law or by the government by order of law, the Provincial Regional Representative Council, the Governor, the Regency/City Regional Representative Council, the Regent/Mayor, the Village Head or the equivalent, this is regulated in Article

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<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

<sup>11</sup> Purnadi Purbacaraka dan Soerjono Soekanto. (1993). *Perihal Kaedah Hukum*, Cetakan Keenam, Citra Aditya Bakti, Bandung. 30.

8 paragraph (1) of Law Number 12 of 2011 concerning the Establishment of Legislations.

The binding power of a statutory regulation is explained in Article 8 paragraph (2), namely the statutory regulation as referred to in paragraph (1) is recognized for its existence and has binding legal force as long as it is ordered by a higher statutory regulation or is formed based on the authority.

The 1945 Constitution of the Republic of Indonesia is the basis for statutory regulations. The content material that must be regulated by law is stated in Article 10 of Law Number 12 of 2011 which contains, Further regulation regarding the provisions of the 1945 Constitution of the Republic of Indonesia; The order of a law to be regulated by law; Ratification of certain international agreements; Follow up on the decision of the Constitutional Court; and/or Fulfillment of legal needs in society.

In connection with the follow-up to the decision of the Constitutional Court carried out by the House of Representatives or the President. With regard to the content of Government Regulations in Lieu of Laws, the same as those contained in the Laws regulated in Article 11. Article 12 of Law Number 12 of 2011, determines that the content of Government Regulations contains material for carrying out the Act properly. Furthermore, Article 13 of Law Number 12 of 2011, regulates the material for the contents of the Presidential Regulation containing material ordered by law, material for implementing Government Regulations, or material for carrying out the administration of government power. Meanwhile, Article 14 of Law Number 12 of 2011, explains the content of Provincial Regulations and Regency/Municipal Regional Regulations which contain material in the context of implementing regional autonomy and assistance tasks as well as accommodating special regional conditions and/or further elaboration of statutory regulations. higher invitation.

The content material regarding criminal provisions can only be contained in Laws, Provincial Regulations or Regency/City Regional Regulations. However, the criminal provisions in the Provincial Regulations or Regency/Municipal Regulations are in the form of a maximum imprisonment of 6 (six) months or a maximum fine of Rp. 50,000,000.00 (fifty million rupiah).

#### **b. Weaknesses of Current Legislation**

In principle, the laws and regulations that apply in Indonesia are indeed constructed in stages with all the legal consequences. At least, this is reflected in the provisions of Article 7 and Article 8 of Law Number 12 of 2011 concerning the Establishment of Legislation.

The acceptance of the theory of tiered legal norms in Indonesia is based on the acceptance of the principle of *lex superior derogat legi inferior* in the legal system and legislation in Indonesia. The legal hierarchy adopted in the legal system and legislation in Indonesia is based on the principle that a statutory provision must not conflict with higher statutory provisions.

In this case, Muchtar Kusumaatmadja said that the hierarchy of laws and regulations based on the principle of *lex superior derogat legi inferior* is

very important for legal certainty.<sup>12</sup> The alignment of laws and regulations needs attention because in practice conflicts often arise between one legislation and another.

According to Kelsen, there is no absolute guarantee that in a unified legal order there is no conflict between the rules of legal norms with each other. This can happen because the legal organs authorized to make legal norms (wetgever) create conflicting norms so that conflicts occur between legal norms from various levels.<sup>13</sup>

The law will always lag behind developments that occur in society, besides that the laws and regulations sometimes conflict with one another and are not in accordance with the values of community justice, so that if the law is not adapted to the development of society and is not in accordance with the sense of community justice, it will cause problems. Meanwhile, there are several problems that can be seen in issues related to the hierarchy of laws and regulations, namely: <sup>14</sup>

- 1) The situation in the order of laws and regulations in Indonesia is still not standardized. The decision of the People's Consultative Assembly, for example, is still being debated whether it is necessary or not, as well as whether it belongs to the group of laws and regulations or not;
- 2) The ambiguity and non-standardity are often exacerbated by the inconsistent actions of the regulators themselves. Even though there are provisions, it turns out that there are still types of regulations that are created by the regulators themselves. This adds to the confusion of the public; and
- 3) The content for each type of legislation is also not always correct. There is material that should be contained in the law, it turns out to be contained in a lower regulation, or vice versa.

### **c. Reconstruction of The Hierarchy of Laws And Regulations Based on The Value of Pancasila Justice**

Every time there is a draft of a law, it means that a change is being made in society. If not, of course there is no need for a new draft law.<sup>15</sup> The law enforcement official concerned must ensure that legal norms that are further developed in the context of implementing the law (executive acts) do not conflict with the provisions of the law (legislative acts) and even with the basic law (constitutional as the highest legal nom). This prevention effort is very important so that the entire system of legal norms is truly in one systemic unity based on the 1945 Constitution of the Republic of Indonesia. Awareness of the values of Pancasila and the 1945 Constitution of the Republic of Indonesia among the members of the people's representative institutions (especially the People's Representative Council, the provincial Regional

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<sup>12</sup> Muchtar Kusumaatmadja, *Konsep-Konsep Hukum Dalam Pembangunan*, Alumni, Bandung, 2002, 63.

<sup>13</sup> King Faisal Sulaiman, *Op.Cit.*20.

<sup>14</sup> Mukhlis Taib, *Op.Cit.*92-94.

<sup>15</sup> Munir Fuady. (2014). *Teori-Teori Besar (Grand Theory) Dalam Hukum*, Edisi Pertama, Cetakan Ketiga, Kencana Prenada Media Group, Jakarta. 252.

Representative Council, the regency/city Regional Representative Council), and executive officials are very important to ensure that all legal norms contained in the legislation do not conflict with the values of Pancasila and 1945 Constitution of the Republic of Indonesia.<sup>16</sup>

All legal regulations made must be in accordance with the values contained in Pancasila. Pancasila is the source of all sources of law which is the basic norm of the Indonesian nation in forming laws and regulations, and Indonesia is a state based on Pancasila. The concept of the state of law Pancasila is the concept of the state of law of Indonesia which is the *staatsfundamental-norm* of the Indonesian nation. The hallmark of the concept of a state based on Pancasila is to prioritize the protection of its citizens.<sup>17</sup>

The legal regulations that are made are not only commanding, regulating, and forcing the community or its citizens. However, the legal regulations that are made must be able to bring order, provide peace and happiness in life for the community. The law of a nation is not a collection of a large number of regulations, but a building with character and meaning. So studying law is required to arrive at knowledge of the character and meaning, the character and meaning of Indonesian law can be seen from the values contained in Pancasila which contains the noble values of the nation. Gustav Radbruch said that a good law is when the law contains the values of justice, legal certainty and usefulness. If there is a conflict between legal certainty, expediency, and justice, justice will take precedence.

Thus, all regulations made by the government must be in accordance with and must not conflict with the regulations above, and are in line with other laws and regulations to realize legal certainty, benefit and justice. The laws and regulations issued as a product of state administration tend to increase quantitatively in line with the demands of society on the implementation of governmental tasks in the welfare state. Problems that may arise in connection with the increasing quantity of legislation on government products are the large differences and lack of coordination of the laws and regulations (*de grote verschei-denheid en het gebrek aan coordinatie van de wetgeving*).<sup>18</sup>

Harmonization and synchronization of laws is needed in order to realize the consistency of laws and regulations with the hierarchy of laws and regulations. Presented by L.M. Ghandi that harmonization in law includes adjustments to laws and regulations, government decisions, judges' decisions, the legal system and legal principles with the aim of increasing legal unity, legal certainty, justice and comparability, usefulness and clarity of law without obscuring and sacrificing legal pluralism.<sup>19</sup>

Harmonization of law is an effort or process of limiting differences with regard to irregularities and conflicts with the law.<sup>20</sup> Meanwhile, legal

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<sup>16</sup> Jimly Asshiddiqie, *Op.Cit.*39.

<sup>17</sup> Ferry Irawan Febriansyah. (2016). *Keadilan Berdasarkan Pancasila (Dasar Filosofis dan Ideologis Bangsa)*, Cetakan Pertama, Deepublish, Yogyakarta. 95.

<sup>18</sup> W. Riawan Tjandra. (2012). *Hukum Administrasi Negara*, Cetakan Kelima, Universitas Atma Jaya, Yogyakarta. 32.

<sup>19</sup> Juniarso Ridwan dan Achmad Sodik Sudrajat, *Hukum Administrasi Negara Dan Kebijakan Pelayanan Publik*, Cetakan Pertama, Nuansa, Bandung, 2009, 219.



synchronization is divided into vertical and horizontal synchronization. Vertical legal synchronization examines whether existing written positive laws are compatible, or whether the laws that apply to a particular field of life are not contradictory, when viewed from the point of view of the legal hierarchy. Horizontal synchronization of law, reviewing whether the legislation is equivalent to the legislation governing the same field.<sup>21</sup>

Efforts to harmonize and synchronize these legal regulations must continue to prioritize the value of justice. Thus, fair legal regulations will be accepted and implemented by all components of the nation. Justice can only be understood if it is positioned as a condition to be realized by law. Efforts to realize justice in the law is a dynamic process that takes a lot of time. This effort is often also dominated by the forces fighting within the general framework of the political order to actualize it. According to Radbruch, the law as the bearer of the value of justice is a measure of the fairness and injustice of the legal system. Not only that, justice is also the basis of law as law.<sup>22</sup>

The values of justice to be realized in the rule of law are the values of justice in accordance with the precepts of Pancasila. Because Pancasila is not only the basic norm, but also the nation's view of life, the ideology of the nation, and contains the noble values of the Indonesian nation. Pancasila has a flexible character or nature and is able to provide the demands of the times in following the globalization of changing times. In discussing justice issues that arise in society, Pancasila is able to provide answers to these problems. Pancasila is able to provide the values of justice as a legal reform in Indonesia. Legal reform in Indonesia is very much needed because there are still many new problems that cannot be reached by law.<sup>23</sup>

Pancasila is an open national ideology. Pancasila does not cover the changes that occur in society as a result of globalization. But Pancasila is a filter for the impact of globalization, so that the negative impact of globalization does not affect people's lives. These problems should be solved with one vision, mission, goals and perceptions about Pancasila in carrying out legal reform in Indonesia. In addition to new problems that have not been resolved, old problems are also problems that are also considered urgent to be resolved immediately, considering that the law is always present in people's lives to provide certainty, justice and benefits.<sup>24</sup>

Justice in Pancasila is contained in the Fifth Precept, namely Social Justice for All Indonesian People, which is also imbued with other precepts, so that one precept is always related to other precepts. The substance of Pancasila contains positive values that are able to provide change for this nation. These positive values are able to provide a foundation for the creation of justice for the Indonesian people. With relevance to justice, the value of justice contained in Pancasila can be the basic foundation for the formation

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<sup>21</sup> Soerjono Soekanto dan Sri Mamudji. (2016). *Penelitian Hukum Normatif, Suatu Tinjauan Singkat*, Edisi Pertama, Raja Grafindo Persada, Jakarta, 2007, 17-19.

<sup>22</sup> Firman Freaddy Busroh, *Teknik Perundang-Undangan (Suatu Pengan-tar)*, Cintya Press, Jakarta.

<sup>23</sup> Ferry Irawan Febriansyah, *Op.Cit.* 148.

<sup>24</sup> *Ibid.* 148-149.

of a just and civilized humane law and social justice for all Indonesian people.<sup>25</sup>

The characteristics of Pancasila justice require an understanding of the common vision, mission, goals and perceptions in creating a just law. Pancasila is flexible and can change according to the demands of the times. In interpreting the values in the substance of Pancasila, policy makers should be able to place Pancasila at a certain time and in a certain place according to the current developments. Therefore, as the highest basic norm, Pancasila can be the truth in the entire legal system in Indonesia.

The construction of the statutory system is regulated in a hierarchical or tiered manner. This shows the force of enforceability or legally binding power of each relevant legal product. The higher legal norms must be the juridical basis for the lower legal norms. Therefore, a legal product with a lower level, its content must not deviate, let alone contrast it with legal rules with a higher position.<sup>26</sup> The enforcement of the rule of law will be able to run well if the hierarchical system of laws and regulations as reflected in Law Number 12 of 2011 becomes a reference for policy makers (decision makers) and every law enforcer in Indonesia.<sup>27</sup>

#### **IV. CONCLUSION**

The hierarchy of laws and regulations according to Law Number 12 of 2011 concerning the Establishment of Legislation in Indonesia is currently regulated in Article 7. a lower level of legislation may not conflict with higher legislation, while the binding power of a statutory regulation is described in Article 8 paragraph (2) of Law Number 12 of 2011 concerning the Establishment of Legislation. The weakness of the current legislation, because in practice there are often conflicts between one legislation and another. There is no absolute guarantee that in a unified legal order there is no conflict between the rules of legal norms with each other. This can happen because the legal organs that are authorized to make legal norms create conflicting norms so that conflicts occur between legal norms from various levels. In addition, laws and regulations will always lag behind developments that occur in society and are not in accordance with the values of community justice. Meanwhile, there are several problems that can be seen in issues related to the hierarchy of laws and regulations, namely the situation of the order in which the laws and regulations in Indonesia are still not standardized, inconsistent actions of the legislators themselves, as well as the content material for each the type of legislation is also not always right. Reconstruction of the hierarchy of laws and regulations based on the value of Pancasila justice, then all legal regulations made must be in accordance with the values contained in Pancasila. Pancasila is the source of all legal sources which are the basic norms of the Indonesian nation in forming legislation. There is a need for harmonization and synchronization of laws in order to realize the consistency of laws and regulations with the hierarchy of laws and regulations. Efforts to harmonize and synchronize these legal regulations must continue to prioritize the value of justice. The values of justice to be

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<sup>25</sup> Ibid., (p.149 dan 150).

<sup>26</sup> King Faisal Sulaiman, op.cit., p.. 21.

<sup>27</sup> Ibid.

realized in the rule of law are the values of justice in accordance with the precepts of Pancasila. In discussing issues of justice that arise in society, Pancasila is able to provide answers to these problems. Pancasila is able to provide the values of justice as a legal reform in Indonesia. The value of justice contained in Pancasila can be the basic foundation for the formation of a just and civilized humane law and social justice for all Indonesian people.

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