

Research Horizon

Vol. 3, no. 3, (2023), 182-191

Website: <https://journal.lifescifi.com/index.php/RH/index>

Internalization of Pancasila Values in Formulating Sustainable Village Regulations

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Abstract

This study aims to ascertain whether the formulation of village regulations in the Pringgasela Sub-district has internalized Pancasila values during the process of regulation-making. Additionally, this research examines the strategic steps undertaken to internalize Pancasila values into village regulations within the Pringgasela Sub-district. This study adopts a normative research approach that employs the statutory approach, conceptual approach, and sociological approach. The findings reveal that the formulation of village regulations in the Pringgasela Sub-district has not fully addressed the legal needs of the local community. These regulations have not been developed using appropriate methodologies and techniques aligned with Pancasila values. Meanwhile, to internalize Pancasila values in the formulation of village regulations in the Pringgasela Sub-district, several strategies are employed. These strategies include education and awareness of Pancasila values, community participation in village regulation formation, integration of Pancasila values into village regulation texts, oversight and law enforcement, collaboration and synergy with relevant institutions, training and capacity building of village officials, development of Pancasila-based programs and activities, and ongoing evaluation and improvement of village regulations.

Keywords

Village regulations, Pancasila values, Internalization, Sustainable legal development

Received : 29 February 2023

Revised : 1 May 2023

Accepted : 28 June 2023

1. Introduction

History records that the formulation of Pancasila approved by PPKI (*Panitia Persiapan Kemerdekaan Indonesia* or Committee for Preparatory Work for Indonesian Independence) differed from the formulation of Pancasila stated in the Jakarta Charter. This difference emerged due to demands from representatives acting on behalf of the Eastern Indonesian community, who met with Bung Hatta and questioned the seven words following the word "Ketuhanan" (Belief in God), namely "dengan kewajiban menjalankan syariat Islam bagi pemeluk-pemeluknya" ("with the obligation to uphold the Islamic sharia for its adherents"). This demand was responded to thoughtfully by the founding fathers of the nation, resulting in an agreed-upon change: the removal of the seven words that were deemed to pose future obstacles, replaced by the term "Yang Maha Esa" (The Almighty). The consensus to use the phrase "Ketuhanan Yang Maha Esa" (Belief in the One and Only God) and the subsequent principles, according to Nurcholish Madjid, is the "Kalimah Sawa" or "Common Platform" for the various religions in Indonesia, which have diverse ethnicities, cultures, and beliefs. The concept of "Kalimah Sawa" was taken by Nurcholish Madjid (*a.k.a.* Cak Nur) from QS. 3:64.

The framers of the 1945 Constitution deliberately positioned Pancasila in two roles simultaneously: as the Ideal of Law and as the highest Legal Norm (Indriati, 2021). This forms the basis for Dardji Darmodiharjo's placement of Pancasila as the source of all Indonesian legal sources, derived from Hans Kelsen's concept of basic norm (Rahayu, 2014). The values of Pancasila as a paradigm for development and legal formation in Indonesia are drawn from the spirit and culture of the nation and were agreed upon by the founding fathers long before Indonesia's independence (Latief et al, 2018). The internalization of Pancasila values through the legal formation process is carried out by authorized legal institutions, guided by the nation's ideals and other factors in accordance with the changing times. The philosophical and constitutional paradigm that must be met in rulemaking should at least involve four elements: 1) The Preamble of the 1945 Constitution; 2) Pancasila; 3) The 1945 Constitution; and 4) The Unitary State of the Republic of Indonesia (Tan & Sudirman, 2020).

In practice, internalizing Pancasila values into reality (*das sein*) is not easy and not always ideal. The internalization of Pancasila values through legal formation is always influenced by extrajudicial factors, such as interests or power, present in the existence of legal norms. According to Mahfud MD, the statement "law is a political product" in the sense that law is conceived as legislation is indeed true. In practice, if law is conceived as legislation created by the legislative body, no one can deny that law is a political product, as it is the crystallization, formalization, or legalization of political will that competes through political compromise or through the domination of the greatest political power (Mahfud, 2012).

Therefore, the formation of law, which may be laden with interests and may not align with Indonesia's legal tradition and ideal, Pancasila, needs to be guided. This means that every law formation process should take Pancasila values as the guiding star (*Leitstar*). Thus, the internalization of Pancasila values since August 18, 1945, has been accepted as a way of life (*mode vivendi*) and legal ideal within Indonesia's legislative system, with the hope that it will bring justice, certainty, and the benefits of the law for the greatest prosperity of the Indonesian nation (Suharto, 2020).

Pancasila's position as a source of material law is explicitly regulated in the DPR-GR Memorandum of June 9, 1966. The Memorandum states that Pancasila is the national worldview that has been refined and solidified by PPKI on behalf of the Indonesian nation, becoming the foundation of the Republic of Indonesia. Pancasila's position as the source of all legal sources also received legitimacy through MPR Decree No. XX/MPRS/1966 concerning the DPR-GR Memorandum on the Sources of Legal Order and the Sequence of Regulations in the Republic of Indonesia (Thontowi, 2016)

Since the fall of the New Order regime, the presence and role of Pancasila has been perceived by many to be marginalized and neglected. However, after the reform era, the existence and status of Pancasila were reaffirmed in Article 2 of Law No. 10 of 2004 concerning the Formation of Legislation, which states that "Pancasila is the source of all sources of state law (Thontowi, 2016)." Law No. 10 of 2004 was subsequently replaced by Law No. 12 of 2011 concerning the Formation of Legislation, which retained Article 2, stating "Pancasila is the source of all sources of state law." Thus, the position and function of Pancasila as the source of all sources of Indonesian state law cannot be denied, requiring all legislation in Indonesia to be rooted in Pancasila as its legal foundation and its foundational values.

Despite clear regulations requiring all legislation in Indonesia to consider Pancasila as a guiding star, its application in practice is difficult due to the abstract nature of Pancasila, making it challenging to translate into village regulations. Additionally, the human resources available in villages may not possess the same ability to create regulations, leading to regulations that may not align with Pancasila. Based on the above explanations, the researcher will delve deeper to examine whether the formation of village regulations in the Pringgasela Sub-district has internalized Pancasila values, and what strategic steps have been taken to internalize these values in village regulations in the Pringgasela Sub-district.

2. Methods

This research is aimed at addressing the formulated problem through socio-legal investigation, representing the interconnection between the legal context and its surrounding environment. When conducting socio-legal studies, researchers utilize social theories for analysis not to emphasize sociology or other social sciences, but to focus on the legal and legal study aspects. This socio-legal research aims to provide a more profound and holistic understanding of the raised issues, encompassing both empirical and normative aspects. Aligned with this research approach, the author employs several methodological approaches: the Statuta Approach involves analyzing all relevant legal regulations and provisions, the Conceptual Approach examines legal viewpoints and doctrines to uncover pertinent concepts and principles, and the Sociological Approach delves into the sociological facets of village regulation formation and its encompassing elements. In essence, these methodologies are integrated to comprehensively address the socio-legal concerns under consideration.

3. Results and Discussion

3.1 Village Regulations in the Legal System of Indonesia

Article 1, paragraph 2 of Law No. 12 of 2011 concerning the Formation of Legislation provides the definition of legislation as written rules established by authorized state institutions or officials and are generally binding (Indonesia, 2011). According to Attamimi (1990), legislation refers to the rules of the state, both at the central and regional levels, formed based on legislative authority, whether by attribution or delegation. Attamimi further states that legislation encompasses all legal norms established by various institutional levels in a specific form, typically accompanied by procedures and sanctions, and is universally applicable and binding on the people. This perspective aligns with Bagir Manan's understanding that legislation encompasses written decisions issued by authorized officials or offices that contain universally binding rules of conduct (Manan & Susanto, 2021).

In the Indonesian dictionary, "perundang-undangan" is defined as anything related to laws or intricacies of the law. "Undang-undang" is defined as regulations and laws of the state created by the government (ministers, executive bodies, etc.), approved by the parliament (people's representative council, legislative bodies, etc.), signed by the head of state (president, head of government, king), and possess binding authority. From the above definitions of legislation, it can be concluded that the characteristics of legislation, as defined, include being in written form, created by authorized state institutions or officials, and having a general binding effect. Because the subjects it regulates are of a general nature, legislation is also abstract in nature. Hence, the commonly known characteristics of legislative rules are abstract-general or general-abstract. This is intended to distinguish them from written decisions made by authorized officials or offices that are individual concrete in nature, commonly referred to as "ketetapan" or "penetapan" (decree)

Throughout the history of positive law in Indonesia, various types of legislation can be found in regulations such as the MPRS Decree No. XX/MPRS/1966 regarding the Memorandum of the People's Consultative Council on the Source of Legal Order of the Republic of Indonesia and the Sequence of Legislation, which regulate the various types or categories of legislation. According to the MPRS Decree No. XX/MPRS/1966, these include the 1945 Constitution, People's Consultative Assembly Decree (MPR Decree), Laws or Government Regulations in Lieu of Law (Perpu), Government Regulations, Presidential Decisions, and their implementing regulations, such as Ministerial Regulations, Ministerial Instructions, and others.

However, the journey to define these types of legislation faced challenges, leading to the issuance of MPR Decree No. III/MPR/2000 on the Source of Law and the Sequence of Legislation, which redefined the types of legislation to include the 1945 Constitution, Laws, Government Regulations in Lieu of Law (Perpu), Government Regulations, Presidential Decisions, and Regional Regulations.

Subsequently, with the enactment of Law No. 10 of 2004 concerning the Formation of Legislation, which repealed MPR Decree No. III/MPR/2000, the types of legislation were further revised to include the 1945 Constitution, Laws/Government Regulations in Lieu of Law (Perpu), Government Regulations, Presidential Regulations, and Regional Regulations, encompassing Provincial and District/City Regulations as well as Village Regulations.

Finally, Law No. 12 of 2011 concerning the Formation of Legislation reaffirms the types of legislation recognized today: the 1945 Constitution, People's Consultative Assembly Decree (MPR Decree), Laws/Government Regulations in Lieu of Law (Perpu), Government Regulations, Presidential Regulations, Provincial Regulations, and District/City Regulations.

The prolonged debate on the types of legislation underscores the difficulty of categorizing them due to the challenge of determining whether a rule constitutes legislation. While the Law No.12 of 2011 concerning the Formation of Legislation does not explicitly mention Village Regulations as one of the types of legislation in the hierarchy outlined in Article 7, it does recognize the existence of Village Regulations within the framework provided in Article 8, paragraph 1. This states that the types of legislation, in addition to those specified in Article 7, paragraph 1, encompass regulations established by various authorities, including the Village Chief, the Village Consultative Body, and others. This clarification confirms that Village Regulations are considered legislation and possess legal binding authority as long as they are established in accordance with higher legislation or granted authority (Elviandri & Indra, 2021).

Therefore, the formulation of Village Regulations should adhere to several fundamental principles outlined in Article 6 (Suambara & Budiarta, 2023). These include the clarity of purpose, appropriate institutional or official authority, consistency between type, hierarchy, and content, feasibility of implementation, usefulness and effectiveness, clear and precise wording, openness, and the incorporation of principles such as protection, humanity, nationalism, community involvement, national integration, diversity acknowledgment, justice, equality, legal order, and balance.

In accordance with Article 1, paragraph 7 of the Law of the Republic of Indonesia No. 6 of 2014 concerning Villages, Village Regulations are stipulated by the Village Chief after being discussed and agreed upon with the Village Consultative Body. This means that Village Regulations, established through a democratic and participatory process, constitute the legal and policy framework for governing the Village's administration and development. These regulations must align with higher-level legal provisions. As a political product, Village Regulations involve community participation, allowing the villagers to propose ideas or provide input during the drafting process. The implementation of Village Regulations, which govern Village authority, is monitored by the Village community and the Village Consultative Body to ensure its alignment with local needs.

Should any violations occur regarding the implementation of established Village Regulations, the Village Consultative Body is responsible for reminding and addressing these violations within its authority. This function of oversight is one of the responsibilities of the Village Consultative Body. Additionally, the Village community holds the right to participate in the oversight and evaluation of Village Regulation implementation in a participatory manner. Other types of regulations in the Village include Chief's Regulations and Joint Chief's Regulations.

3.2 The Formation of Village Regulations in the Pringgasela Sub-District

The Governance of the Village is an activity carried out by the Village Government and the Village Consultative Body (BPD). The Village Government consists of the Village Head along with other Village Apparatuses, with their implementation guided by Village Regulations. Village

Regulations are determined by the Village Head after being discussed and agreed upon with the Village Consultative Body.

Article 26 of the Republic of Indonesia Law No. 6 of 2014 concerning Villages states that the Village Head is responsible for conducting Village Governance, carrying out Village Development, community development in the Village, and empowering the Village community. In performing these duties, one of the authorities of the Village Head is to establish Village Regulations. Additionally, the Village Head has the right to propose and establish Village Regulations.

Article 55 of the Republic of Indonesia Law No. 6 of 2014 concerning Villages states that the Village Consultative Body has the functions of: a. discussing and agreeing on Draft Village Regulations together with the Village Head; b. receiving and conveying the aspirations of the Village community; and c. supervising the performance of the Village Head.

The authority of the Village Consultative Body (BPD) in the formation of village regulations includes the following: Receiving and channeling the aspirations of the village community in drafting village regulations; Formulating and establishing village regulations together with the Village Head; Performing legislative functions by establishing village regulations; and Exercising oversight functions over the implementation of village governance (Awaeh et al, 2017).

In exercising the authority, the Village Head proposes village regulations while considering the aspirations and participation of the village community. The Village Head collaborates with the Community Empowerment Institution (LPM), which collects community aspirations before they reach the Village Head. The Community Empowerment Institution carries out its tasks by conducting Village Development Planning Meetings (Musrembangdes) at the neighborhood (RT) level. The outcomes of these RT-level meetings are taken to the Village Development Planning Meetings at the hamlet (Dusun) level. The results of these Dusun-level meetings then feed into the Village Development Planning Meeting at the village level (Perdana, 2021).

This village-level meeting is used to discuss complaints, suggestions, inputs, and other matters collected from the community through the RT and Dusun-level Musrembangdes in order to plan and formulate a Village Regulation. The draft village regulation is refined in collaboration with the Village Head and the Village Consultative Body (BPD). Thus, the role of the Village Head in proposing Village Regulations is crucial for enhancing human resources, meeting community aspirations, and guiding the village towards greater independence and autonomy, as envisioned by the Unitary State of the Republic of Indonesia.

The Deputy District Head of Pringgasela, East Lombok Regency, explains that there are various challenges faced by villages in creating village regulations. He notes that there are many village regulations that should be established at the village level, such as rules related to local levies, social and community matters, and traditional practices or marriages that require official regulation. However, the process of turning these into regulations can be challenging. He also mentions changes in the relationship between villages and higher government levels after changes in local government laws. With villages now directly accountable to the Regent, the coordination between the sub-district (Kecamatan) and villages has decreased. As a result, villages might not respond to programs initiated by the sub-district.

Therefore, it suggests that training programs related to the creation of village regulations should be coordinated with the Department of Community Empowerment and Village (DPMD)

of East Lombok Regency. He believes that if the DPMD instructs villages to conduct training on creating village regulations, the response will be quicker and can be funded through village budgets. This is because the DPMD is considered the authority over villages.

As for the DPMD's tasks, it assists the Regent in governing community empowerment and village affairs within the jurisdiction of the region. Its functions include: 1) Formulating technical policies related to community empowerment and village affairs; 2) Executing technical support tasks related to community empowerment and village affairs; 3) Monitoring, evaluating, and reporting on technical support tasks related to community empowerment and village affairs; 4) Technically guiding the implementation of support functions for community empowerment and village affairs; and 5) Carrying out other tasks assigned by the Regent in accordance with its duties and functions.

Based on interviews with Sofian, the Village Secretary of South Pringgasela Village, East Lombok Regency, the process of creating village regulations in South Pringgasela has relied on existing regulations. He emphasizes the need for new village regulations to not conflict with higher-level laws. He mentions that sometimes changes in higher-level laws require adjustments, as seen during the COVID-19 pandemic. Despite referencing higher-level regulations, Sofian admits that village officials and the BPD lack the technical expertise in creating regulations. Additionally, regulations suggested by the BPD haven't been realized, unlike those proposed by the Village Head, which have resulted in several Village Regulations.

The Village Secretary of Pringgasela Village, East Lombok Regency, echoes similar sentiments. He explains that current village regulations are focused on matters related to village governance, levies, and other specific issues. Imam hopes for guidance and training from the East Lombok Regency government in the creation of village regulations. The situation is similar in East Pringgasela Village, where Safoan, a village staff member, points out the lack of human resources skilled in drafting regulations. This hampers the initiative to establish village regulations. Safoan emphasizes the importance of legal training and guidance from the district government.

From the information provided above, the process of creating village regulations in the Pringgasela Sub-District does not seem to fully meet the legal needs of the community. The regulations lack proper structure and technique, and their content often deviates from the established guidelines. Although a few village regulations align with national principles, the overall process requires improvement and better guidance.

3.3 Strategic Steps to Internalize Pancasila Values in the Formation of Village Regulations in Pringgasela Sub-District

Internalizing the values of Pancasila in the formation of village regulations is a crucial step towards establishing good governance and a foundation rooted in the noble values of the Indonesian nation. One of the best ways for Indonesia to achieve its goal of becoming a Pancasila society, where Pancasila values serve as the basis for all actions and interpersonal relationships, is through the creation of legislation grounded in Pancasila values, including village regulations.

Experts in sociology and law have long recognized that law is a tool of social engineering, capable of effectively altering societal behavior. This is due to the enforceable sanctions inherent

in the legal system that other norms lack. Social norms, morality, religion, and customs lack the enforceable sanctions possessed by the law (Fernando et al, 2022).

Given the aforementioned context, strategic steps that can be taken to internalize Pancasila values in the formation of village regulations in Pringgasela Sub-District include education and awareness of Pancasila values. This involves conducting socialization and education to raise awareness among the community about Pancasila values, their significance, and their application in daily life. Workshops, seminars, or public discussions involving religious figures, cultural experts, and intellectuals can be organized to discuss Pancasila values in the local context.

Community participation in village regulation formation is another key step. Encouraging active community participation in the formulation and discussion of village regulations, as well as arranging public consultation forums or village assemblies, helps gather views and aspirations from the community regarding proposed village regulations.

The integration of Pancasila values into village regulation texts is essential. Ensuring that Pancasila values are explicitly reflected in the drafted village regulations and developing principles and norms based on Pancasila values to guide the formulation of village regulations helps solidify their incorporation.

Oversight and law enforcement play a vital role. Establishing oversight mechanisms involving active community participation to monitor the implementation of village regulations and adherence to Pancasila values, as well as ensuring clear sanctions for violations of village regulations that deviate from Pancasila values, are crucial aspects.

Collaboration and synergy with relevant institutions are important for success. Involving religious leaders, customary leaders, and community figures in the village regulation formation process to integrate local values and coordinating with relevant parties such as sub-district government, district government, and other relevant agencies contribute to effective implementation.

Training and capacity building for village officials help them grasp the importance of Pancasila values in decision-making and governance tasks, as well as understand how to interpret and apply Pancasila values in practical contexts. The development of programs and activities based on Pancasila values, such as social, cultural, educational, and economic initiatives, is instrumental in translating values into action.

Continuous evaluation and improvement are integral to the process. Regular evaluations of the implementation of Pancasila values in village regulations and their impact on the community, followed by necessary adjustments and enhancements, ensure ongoing progress. By following these steps, it is anticipated that the community in Pringgasela Sub-District can internalize Pancasila values more deeply in the formation of village regulations. This, in turn, will contribute to building a more cultured, inclusive, sustainable community founded on the noble values of the Indonesian nation.

4. Conclusion

The formation of village regulations in Pringgasela Sub-District has not addressed the legal needs of the rural community. Looking at the current state of regulation formation in Pringgasela Sub-District, village regulations have not been drafted according to the proper procedures and techniques for creating valid legislation. This deficiency also affects the substance of the village

regulations that are established. To the extent of this research, only one village regulation, Village Regulation of South Pringgasela No. 4 of 2021 concerning the Protection of Women and Children, explicitly states in Article 2 that the provision of protection for women and children is based on Pancasila and the 1945 Constitution. However, many village regulations do not align with the East Lombok District Regulation No. 3 of 2011 concerning Guidelines for the Formation and Mechanisms of Village Legal Product Development. This indicates that village regulations are often crafted through copying and pasting (taking examples from the internet), leading to regulations that do not conform to the designated structure. The East Lombok District Regulation No. 3 of 2011 outlines the preparation, discussion, approval, enactment, communication, and dissemination processes of village regulations, all designed to uphold the principles of sound legislative formation.

Strategic steps that can be taken to internalize Pancasila values in the formation of village regulations in Pringgasela Sub-District include, among others, Education and Awareness of Pancasila Values; Community Participation in Village Regulation Formation; Integration of Pancasila Values into Village Regulation Texts; Oversight and Law Enforcement; Collaboration and Synergy with Relevant Institutions; Training and Capacity Building for Village Officials; Development of Programs and Activities Based on Pancasila Values; and Continuous Evaluation and Improvement of Village Regulations.

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