

ABSTRACT

THE LEGAL POSITION OF DECREE OF HOUSE OF REPRESENTATIVE IN THE HIERARCHY OF LEGISLATION REGULATION

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The objective of this research is to find out reasons of restatement the provision of the House of Representative (or MPR) as one of law sources in the code of legislation in Law Number 12 in 2011 about the Formation of Legislation Regulation and to find out reasons of why the Decree of the House of Representative is positioned in the hierarchy of legislation regulation under Constitution of 1945 and above the law. This was a normative law research with normative approach of legal content analysis. Data were collected by literary studies. The results showed that, *first*, reasons of restating Decree of the Gouse of Representative as the law source in the code of legislation regulation in Law Number 12 in 2011 were: 1) legal security upon Article 2 and Article 4 of Decree of House of Representative Number I/MPR/2003 about Judicial Review on Materials and Legal Status of Decree of Temporary House of Representative and the Decree of the House of Representative of Indonesia Republic in 1960 to 2002; 2) it was a clear legal consequence to 8 (eight) Decrees of Temporary House of Representative/House of Representative have been prevailing up to now. *Second*, the legal position of Decree of House of Representative in the hierarchy of legislation regulation was positioned under Consitution of 1945 and above the law, because there were some Decrees of Temporry House of Representative/House of Representative have been still prevailing and they must be considered as law sources for the legislation regulation.

Keywords: Legal position, Decree, House of Representative