How to Cite:
Lutfi AR, M., Yuliandri, Y., Yuslim, Y., & Fendri, A. (2022). Policy regulation test according to government administration regulations. *International Journal of Health Sciences*, *6*(S1), 2368–2380. https://doi.org/10.53730/ijhs.v6nS1.5240

Policy Regulation Test According to Government Administration Regulations

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***Abstract*---**The policy regulation itself is one of the government instruments, tools, or facilities used by the government or state administration officials to carry out government tasks. This policy regulation is a consequence of the welfare law state, which imposes a complete task to achieve people's welfare following the welfare state's goals. However, in its development, the policy regulations that were initially intended and needed to carry out government duties cannot be separated from the conflict with other legal norms and other legal problems.

***Keywords*---**Policy Regulation Test, Government Administration Regulations.

Introduction

The quality and quantity of regulations in Indonesia have often been in the spotlight of various parties, both nationally and internationally. In 2012, The Organization for Economic Co-operation and Development (OECD) published a Study Report on Indonesian Regulatory Reform. One of the study's findings is that there is no comprehensive approach to reforming the laws and regulations in Indonesia. "Indonesia does not, however, have an explicit 'whole-of-government' policy to ensure quality in regulation and regulatory management" (Foundation for the Study of Indonesian Law and Policy (YSHK), 2019).

International Journal of Health Sciences ISSN 2550-6978 E-ISSN 2550-696X © 2022.
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Manuscript submitted: 18 Jan 2022, Manuscript revised: 09 March 2022, Accepted for publication: 27 March 2022

Several indications of regulatory problems have similarities with the problems expressed by President Joko Widodo. Some steps have been taken to resolve the issue by the current government. The 3 Years Report of Joko Widodo's Administration was published in October 2017, one of which mentions the achievements of the Economic Policy Package I–XV against several regulations. The report shows that nine regulations were repealed, 31 were revised, 49 were created, 35 were merged, and 89 were repealed old regulations. Previously, in October 2016, the Joko Widodo government also issued a policy package for legal revitalization. Three programs are planned in the policy: first, regulation arrangement; second, institutional reform; and third, the development of legal culture. Three sub-programs will be implemented regarding the regulatory restructuring program, namely strengthening the formation of laws and regulations, revitalizing the evaluation of laws and regulations, and structuring the database (Foundation for the Study of Indonesian Law and Policy (YSHK), 2019).

In a state of the law, the government's power is limited in such a way by law so that it is not carried out arbitrarily. The Anglo-Saxon tradition recognizes *the doctrine of ultra vires*, namely that the government cannot act beyond its powers. The *ultra vires* doctrine is the main principle in administrative law, showing how important the law is to limit power (Jimly Asshiddiqie, 2005).

In its development, government administration based on the principle of legal certainty based on statutory regulations encountered several obstacles at the implementation level, especially in terms of the *legal gap* between existing laws and regulations and the reality faced by the government (Shidarta, 2013). This is because, in essence, there is no perfect law; there must be shortcomings and limitations in it. There is no complete, complete, or clear law regulating all human activities. According to Shidarta, this is because positive law, as a legal product, is always perceived as photographing the community at a particular time (synchronous). The results of this portrait show the legal system as a *momentary legal system*.

On the other hand, consciously or unconsciously, society is always in process, while legal products tend to crystallize (Shidarta, 2013). Does the rule of law not provide a loophole for the government to take legal action or make regulations without authority? What if, in a forced situation, legal action must be taken or a regulation issued while there is no legal basis on which to base it?

To overcome these conditions, the government has free authority (*Vrije bevoegdheid*) or what is commonly called *discretionary power* (discretion) (Echols, JM 2006). Discretion is one means that provides space for state administration officials or agencies to take action without being fully bound by the law (Suratno, SB 2017). The manifestation of Discretion often used in governance is in the form of policy regulations (*beleidsregels*).

Having free authority (*Vrije bevoegdheid*) has its consequences in the field of Legislation, namely the handover of legislative power to the government so that under certain circumstances and in certain portions and levels, the government can issue Legislation (legislation products) without prior approval from

parliament. The existence of free Armisen means that some of the power held by the legislature is transferred to the government/state administration as the executive body (Basah, S., 1989).

In such conditions, Discretion becomes essential as a guide for the government to take action. Just as a judge cannot refuse to hear a case because there is no law, the government cannot refuse to take action in an emergency because there is no legal basis. The legal product that is the output of this Discretion is in the form of policy regulations (*beleidsregels* or *policy rules*). Theoretically, the government could issue a policy regulation based on Discretion, but that does not mean that there are theoretical problems in it as well. However, on the one hand, the government's activity in seeking public welfare must always be based on the General Principles of Good Governance (Ridwan, HR 2011), especially the principle of legal certainty, namely the principle in a state of law that prioritizes the basis for the provisions of laws and regulations, propriety, constancy, and justice in every policy of government administration (Hamidi, J. 1999).

Policy regulations (*beleidsregel*) were born because the higher hierarchical laws and regulations only regulate things of a fundamental nature. Further elaboration, both technically and administratively, is needed to implement these regulations, so this is where space is needed for policy regulations. In addition, policy regulations (*beleidsregel*) can also fill legal voids in emergency and urgent situations to suit the interests and needs of the community. The reason that justifies the use and determination of policy regulations (*beleidsregel*) by the government lies in the room for guidance (*beoordelingsruimte*) given by legislators to government officials to take their initiative in taking a public legal action that is a regulatory, stipulation, or real positive action in terms of solving problems in governance (Aminuddin, 2014).

The existence of policy regulations cannot be released with free authority (*Vrije bevoegheid*), which is one of the means that provides space for officials or State administrative bodies to take action without being fully bound by the law. However, this Discretion is not present as an opponent of the principle of legality; this Discretion is present as a complement to the principle of legality in the administration of the State. This principle provides a wide range of motion for the government to issue a policy as long as the policy has a good impact on the community's welfare (Fri Anggriani, 2012).

Based on the background of the problem, this research is to find out more about; 1) the theory and practice of policy regulations cannot be categorized as statutory regulations, 2) which are the basis for government action to issue policy regulations in carrying out government administration, 3) the Supreme Court cq the State Administrative Court has the authority to cancel policy regulations in the form of testing mechanism.

Method

Research is legal research (*legal research*). From the point of view of the legal science layer (legal dogmatics, legal theory, and legal philosophy), this research is located at the dogmatic legal layer (*rechtswetenschap* in a broad sense), whose

tasks are not only description, systematization, and certain cases explanation of positive law but also the existence of the legal theory *(rechtstheorie* in the narrow sense) which serves to explain the law explanation (Hadjon and Djatmiati, 2005). In this study, several approaches were used, including the *statutory approach*, which is carried out by examining various laws and regulations related to legal issues in the problems in this research; considering the problematics of legal discovery, interpretation legislation, in turn, embodies a significant research field (Gijssels & Van Hoecke, 1982). Related to this, Sudikno Mertokusumo said that interpreting the law to find the law is not only done by judges but also by law scholars (Mertokusumo and Pitlo, 1993).

This research also uses a historical approach. Hartono (1980) states that when researching the history of legal norms, the normative research method and the historical method are used. The historical approach is used to understand the changes and developments in the philosophy that underlies the rule of law. The historical approach is also used to identify the stages of legal development, particularly the development of Legislation. The development related to this research is the development of laws and regulations, which are the government's authority informing policy regulations.

Discussion

Understanding policy regulations

Regulations in the Netherlands, known as *beleidregels,* have been regulated in the Government Administration Act or Algemene Wet Bestuursrecht (AWB), which translates into English as the *General Administrative Law Act* (GALA). The policy rules are set out in Article 1:3(4) of the AWB: (Nalle, 2016).

> Bestudder beleidsregel wordt verstaan: een bij besluit vastgestelde algemene regel, niet zijnde een algemeen verbindend voorschrift, omtrent de afweging van belangen, de vaststelling van feiten of de uitleg van wettelijke bi voorsch van belangen. (GALA translation: 'Policy rule' means an order, not being a generally binding regulation, which lays down a general rule for weighing interests, determining facts or interpreting statutory regulations in the exercise of a power of an administrative authority).

Besluit or order [as referred to by Article 1:3(4)] in Article 1:3 (1) is defined as “a written decision of an administrative body when the written decision establishes a public legal action.” Full Article 1:3 (1) stated: "Onder besluit wordt verstaan: een schriftelijke beslissing van een bestuursorgaan, inhoudendeeen publiekrechtelijke rechtshandeling ('Order' means a written decision of an administrative authority constituting a public law act). Beleidsregel, when referring to the AWB, emphasizes its role as a regulation to interpret regulations (Nalle, 2016).

The definition of policy regulations *(beleidsregels)* in the Netherlands, according to Bruinsma, cannot be separated from the concept of 'beleid,' which is difficult to translate into other languages because the concept is an integral part of Dutch society. The term 'policy' only covers part of the meaning of 'beleid.' 'Beleid' means managing and governing based on principles and policies. This aspect relates to top-down planning. 'Beleid' can also mean considering all related aspects and

solving a problem. These two meanings can be contradictory. In the first sense, a decision taken can be against the wishes of one of the parties. In the second sense, the decisions are mutually beneficial for the two parties involved. In theory and practice, 'beleid' is a mixture of meanings (Darumurti, 2012).

The importance of understanding the concept of 'policy' in policy regulations was also stated by Hoogerwerf as quoted by Tollenaar. According to Hoogerwerf, the policy aims to achieve specific goals based on existing choices. The definition of 'policy' shows that policy is related to two aspects: goals and choices. The 'choice' aspect, according to the author, shows a close relationship between 'policy' and 'discretion.' Discretion, in this case, is the authority of government agencies or officials that allows them to make choices in taking legal actions and concrete actions within the scope of government actions. The government owns Discretion because the government must play an active role in interfering with the socio-economic life of the community *(public service),* which results in the government not refusing to make decisions or acting on the pretext of a legal void (Darumurti, 2012).

These definitions also show that the *policy rule* in the United States implies the discretionary power owned by the government in running the government. The regulation of policy regulations in the Netherlands and the United States shows the character of policy regulation, namely that there is no need for delegation of authority from the Act to form policy regulations. Although there is no delegation of authority to form it, government practice shows the need for the authority of government officials to provide interpretations of laws with unclear norms (Darumurti, 2012).

It has been mentioned above that policy regulations originate from discretionary authority (Armisen). Therefore, Policy Regulations have a different character from Legislative Regulations. A. Hamid Attamimi mentions several similarities between the Policy Regulations and the Legislation in the following table:

Table 1
Differences between Policy Regulations and Legislation

No	Equality	Difference
1.	Binding in general 'Algemeen binding because the affected community can do nothing but follow it	Legislation is sourced from the State's legislative and executive functions, which are indeed necessary for the implementation of 'bound' government policies (gebonden beleid), while policy regulations are sourced only from state executive function in the field of implementing government policies that are not bound (vrijbeleid)
2.	Regulatory authority comes from a general and public authority	Even though it is public, the source of the authority of the Legislation comes from the written rules (UU or the Constitution), while the policy regulations

		come from the discretionary authority.
3.	From its form and format, it is often complete with an opening in the form of a 'consideration' and legal basis for 'remembering,' a body in articles, sections, chapters, and closings.	However, the forms and formats are also often different; policy regulations sometimes appear in forms such as official notes, circulars, operational guidelines, technical guidelines, announcements, etc. It even appears in verbal instructions (to subordinates) which do not have form and format.
4.	The need for a modern legal state: as long as there is state intervention in people's lives, regulations (laws and regulations and policy regulations) will continue to exist, continue to be formed, continue to be changed, perfected, revoked, and new ones are formed.	

(Source: Data obtained from A. Hamid S. Attamimi, pp. 4-16)

Acting basis for issuing policy regulations in running government administration

Policy Regulation *(Beleidsregels)* is not a statutory regulation concerning the concept of beleidregels which is adapted to the conditions of the Indonesian legal State based on Pancasila and the 1945 Constitution, citing Marcus Lukman's opinion, policy regulations in the Indonesian national legal system at a macro level have general characteristics and types as follows: (Marcus Lukman, 1996).

Table 2
General Features of Policy Regulation *(Beleidsregels)*

No.	General Characteristics *Beleidsregels* (Policy Regulation)
1.	Basis of establishment authority: a. Freedom to consider intra-legal originating from statutory regulations can give birth to: (1) intra-legal policy regulations; (2) counter-legal policy regulations. These two types of policy regulations have the degree of being statutory regulations. Its validity. can be tested based on the norms and principles that apply to the examination of laws and regulations, as well as based on the doelmatigheid principle and general principles of proper governance b. Freedom to consider extralegal is not strictly regulated by laws and regulations but is possible based on; constitutional conventions, administrative customs, doelmatigheid principles, and general principles of proper governance. Can give birth; (1) extralegal policy regulations; and (2) counter-legal policy regulations, both types of Legislation. its validity can only be tested solely based on;

	constitutional conventions, administrative customs, doelmatigheid principles, and general principles of proper governance
2.	Authorized Subjects: officials or state administrative bodies at the central and regional levels
3.	Purpose/needs: Provide rules, guidelines, or instructions in general and administrative technicalities to the implementing apparatus in the state administration environment.
4.	Binding strength: can be general abstract, general concrete, and general concrete directly or indirectly, internal or external.
5.	Address: public administration and citizens.
6.	Shape: Regulations, decrees, joint instructions, circulars, and official letters

Based on the above opinion, the construction of the concept of policy regulations in Indonesia, it can be concluded it has several characteristics that serve as benchmarks, among others: First, the content (material) of policy regulations regulates and binds citizens, but the form is not always stated in the form of specific official regulations. Second, the subject authorized to make policy regulations is a government agency or TUN official based on discretionary authority, and its enforcement is in the best (bestuurgebied) field. Third, it is a product of state administrative actions that aim to apply outward in written form (naar buiten gedracht schricftelijk beleid) and is always stated in written form (Sjachran Wet, 2014).

The exercise of Discretion or Freies ermessen by state administrative officials is limited by 4 (four) among others, first, in the event of a legal vacuum; second, the existence of freedom of interpretation; third, there is a legislative delegation; fourth, for the sake of fulfilling the public interest. The principle of freies ermessen or the principle of Discretion can be seen as a principle that aims to fill deficiencies or complement the principle of legality so that the ideals of a secular law state can be realized. This is because the freies Armisen principle gives the government the freedom to act to carry out its duties without being bound by law. Indroharto called discretionary authority a facultative authority, which does not require state administrative bodies or officials to exercise their authority but provides choices even if only in some instances as specified in the primary regulations (Alfian Ratu, 2012).

There are three reasons or conditional circumstances that allow the government to take discrete actions or actions on its initiative: first, there are no laws and regulations governing the concrete settlement of a problem, even though the problem requires an immediate solution. Second, the laws and regulations that form the basis for the actions of government officials have provided complete freedom. Third, there is a legislative delegation, namely granting the power to regulate itself to the government, owned by a higher-level apparatus (Alfian Ratu, 2012).

Law Number 30 of 2014 concerning Government Administration has embraced the expansion of the meaning of Discretion. The provisions regarding Discretion are regulated in the law starting from Article 25 to Article 32. The provisions contained in these articles at least provide more apparent legal certainty regarding the procedure for the use of Discretion. Apart from that, it also regulates the limits on the use of Discretion by Government administrative agencies/officials. This provision is undoubtedly a spirit for government officials to freely make decisions in serving and fulfilling the interests of the people. Article 26 regulates the procedure for the use of Discretion, among others: (a) Officials who use Discretion as referred to in Article 25 paragraph (1) and paragraph (2) are required to describe the purpose, objective, substance, and administrative and financial impacts; (b) The Official who uses the Discretion as referred to in paragraph (1) must submit a written application for approval to the Official's superior; (c) Within 5 (five) working days after the application file is received, the Official's Superior determines approval, improvement instructions, or rejection; and (d) If the superior of the Official as referred to in paragraph (3) refuses, the superior of the Official must provide the reasons for the refusal in writing.

Law Number 30 of 2014, article 6 paragraph (1) provides limitations on Discretion by stating that government officials and or other legal entities who use Discretion in making decisions must consider the purpose of the Discretion itself, the laws and regulations that form the basis of Discretion and the principles of Discretion. -General principles of good governance. Furthermore, paragraphs (2) and (3) state that the use of Discretion must be accounted for by superior officials and the public harmed by the discretionary decisions taken and can be tested through administrative efforts or lawsuits at the State Administrative Court. This provision means that the Government Administration Draft Law.

Testing as a form of cancellation of policy regulations according to Indonesian positive law

The government-owned policy regulations are a form of free authority (Discretion). The making of policy regulations does not have a firm basis in the 1945 Constitution and ceremonial laws either directly or indirectly. This means that policy regulations are not based on the authority to make laws and do not include Legislation (Ridwan, 2014).

Policy regulations are a kind of shadow law of statutes or laws. Therefore, this regulation is also called pseudo-wetgeving (pseudo Legislation) or spigelrecht (shadow law/mirror) (Ridwan, 2014). According to Jimmy, it is called a policy because it cannot be formally called or it is not in the form of official regulation. For example, a circular letter from a minister or a Director-General addressed to all levels of civil servants who are within the scope of his (internal) responsibility can be stated in an ordinary letter, not in the form of an official such as a ministerial regulation. However, its contents are regulatory (Ridwan, 2014).

Normatively, considering that the policy regulation is not a statutory regulation, ideally, the examination cannot use the mechanism of testing legislation or judicial review, which is the authority of the Supreme Court, namely to examine

the Legislation under the law against the law, or which is the authority of the Constitutional Court in terms of reviewing the law against the 1945 Constitution (Article 24C paragraph (1) of the 1945 Constitution and Article 29 paragraph (1) letter an of Law Number 48 of 2009 concerning Judicial Power).

However, the next question is, if the policy regulations conflict with higher regulations, can it be left alone? Is it not possible for such policy regulations to be brought up in court? In practice, in some developed countries, such as England, these cases have occurred and can be resolved in the best possible way by the courts. A policy regulation is seen as testable because the policy rule is contrary to human rights. Although the form is only a policy regulation, if it violates human rights, the judge can examine the constitutionality of the norms contained in the policy regulation for humanitarian and justice reasons (Articles 7 and 8 of Law Number 12 of 2011 concerning the Establishment of Legislation).

Policy regulations can also be tested in court based on their content; for example, if the content of the regulation should be formally stated in the regulation, but the relevant government officials put it in a policy regulation, then this can also be tested in the Supreme Court formally **(**MA Circular dated February 25, 1977, No. MA/Pemb/0159/77). In addition to human rights reasons and the material content of policy regulations, testing of policy regulations through a court mechanism can be carried out if there are elements of arbitrariness (willekeur) and abuse of authority (detournement de pouvoir) in the policy regulations. This is because there is a prohibition against abuse of authority by government agencies and officials, which include: 1) prohibition of exceeding authority, 2) prohibition of mixing authority: and 3) prohibition of acting arbitrarily **(**Article 17 paragraph (2) of Law Number 30 of 2014 concerning Government Administration).

The one authorized to examine the existence of violations of authority committed by government agencies and officials in the State Administrative Court/High Court of State Administration (referred to as PTUN/PTTUN) **(**Article 21 paragraph (1) and paragraph (4) of Law Number 30 of 2014 concerning Government Administration) . It is just that if we look at the definition of the prohibition of abuse of authority which is limited to decisions and actions issued/performed by government agencies and officials (Article 18 and Article 19 of Law Number 30 of 2014 concerning Government Administration), even though it does not rule out the possibility of abuse of authority by Government Officials occurring with the formation of a circular letter by the Official, it is necessary to reformulate the authority of the PTUN/PTTUN in testing for violations of authority.

Not only on decisions and actions issued/performed by government agencies and officials but also includes policy regulations established by those officials. If based on the concept of a circular letter which is a form of policy regulation born of free authority (Discretion), then the addition of the PTUN/PTTUN authority in examining the element of abuse of authority in policy regulations is essentially following the prohibition on the use of Discretion that exceeds authority, mixing authority and arbitrarily (Articles 30, 31 and 32 of Law Number 30 of 2014 concerning Government Administration).

Of the three judicial review mechanisms, the basis for testing is written in the law and unwritten law, in this case, the AAUPB. This is because testing of Discretion using written regulations is considered inadequate. After all, the use of Discretion is more related to authority that is not explicitly stated in the Legislation. In addition to the judicial mechanism, the testing of circulars can also be carried out by the issuer of the circular letter or by the supervisor of the issuer. We can find this concept in Article 33 paragraph (2) of the Government Administration Law, namely, decisions and actions that are determined and carried out by the competent Government Agency and Official remain in effect until the end or revocation of the Decision or termination of Action by the Agency and or an authorized Government Official **(**Article 66 paragraph (3) of Law Number 30 of 2014 concerning Government Administration).

Conclusion

- In daily practice, the government, as the implementation of state administrative tasks, issues many policies that are outlined in various forms such as; circulars, warrants or instructions; work guidelines or manuals, implementation instructions (juklak), operational instructions/technical instructions (juknis), instructions, announcements, guide books or "guidance" (guidance), terms of reference or Terms of Reference (TOR), and work designs or project designs (project design) whose materials are generally regulatory and binding. In theory, these policies are called policy regulations *(beleidsregel)*. This policy regulation was born because the higher hierarchical laws and regulations only regulate matters of a fundamental nature so. Further elaboration, both technically and administratively, is needed to implement these regulations, so this is where space is needed for policy regulations. In addition, policy regulations *(beleidsregel)* can also fill legal voids in emergency and urgent situations to suit the interests and needs of the community. Policy regulations are not statutory regulations. Policy regulations are a kind of shadow law of statutes or laws. Therefore, this regulation is also known as *pseudo-wetgeving* (pseudo Legislation) or *spigelrecht* (shadow law/mirror). Policy because it cannot be formally called or it is not in the form of official regulation. For example, a circular letter from a minister or a Director-General addressed to all levels of Civil Servants who are within the scope of his (internal) responsibility can be stated in an ordinary letter, not in the form of an Official, such as a ministerial regulation. However, its contents are regulatory (regeling). Policy regulations cannot be equated with laws and regulations as regulated in Law Number 12 of 2011 concerning the Establishment of Legislations which have been amended by Law Number 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning Formation of Legislation. Therefore, these policy regulations are easily distinguished from statutory regulations. In this case, the format of the policy regulation is more straightforward than the format of the Legislation, such as official notes, circulars, implementation instructions, technical instructions, announcements. Because even though the Policy Regulations have legal relevance and *regulatory nature*, they are not enough to be equated with laws and regulations. There are very significant differences, namely in the content of the material, the purpose and function of its formation, and the authority of its formation. Law Number 12 of 2011 does not provide a comprehensive

understanding of policy regulations. The absence of such a regulator is sufficient to show that policy regulations are not a legal issue that, is the content of Law Number 12 Year 2 011.

- The basis for government action to issue policy regulations in government administration is based on the authority of freedom of action *(freies ermessen)*. This principle provides a wide range of motion for the government in issuing a policy as long as the policy has a good impact on the community's welfare. The existence of policy regulations cannot be separated from the free authority *(Vrije bevoegheid)* from the government, which is often called freies Ermessen/discretion power. Freies Ermessen (Discretion), namely the independence of the government to be able to act on its initiative in solving social problems. Freies Ermessen *(discretionary)* is one of the means that provides space for state administration officials or agencies to take action without being fully bound by the law. However, the Freiesermessen (Discretion) principle is not present as an opponent of the legality principle; the Freiesermessen (Discretion) principle is present as a complement to the legality principle in the administration of the State. State administration officials conduct free policies to resolve a situation (concrete problem) that has no rules or has not been regulated by law (statutory regulations). To enforce the principle of consistency, the policies of state administration officials who are free need to be stated in a standard form or a specific format commonly called policy regulations. Thus, policy regulations are free policy products set by state administration officials in carrying out government duties. The policies of state administration officials are then outlined in a specific format to be applied in general (applies equally to every citizen). The formation of policy regulations in the practice of government administration is a common thing. Thus, it is clear that there is a close relationship between the discretionary principle or the freies Armisen principle and policy regulations. Policy regulations are a standard form of policy set by state administration officials based on the discretionary principle.
- The Supreme Court cq the State Administrative Court has accepted and decided on the review of policy regulations, namely; (1) examination of the Circular Letter of the Director-General of Mineral, Coal, and Geothermal, Ministry of Energy and Mineral Resources of the Republic of Indonesia Number 03.E/31/DJB/2009 dated January 30, 2009, concerning Mineral and Coal Mining Licensing, (2) examination of the Letter of Circular of the Supreme Court Number 07 of 2014 concerning the Application for Judicial Review in Criminal Cases, and (1) examination of the Circular of the Director-General of Mineral, Coal, and Geothermal, Ministry of Energy and Mineral Resources of the Republic of Indonesia Number 03.E/31/DJB/2009. The decisions of the Supreme Court judges, namely Decisions Number 23 P /HUM/2009 and Number 03 P/ HUM /2009, State that policy regulations are statutory regulations, and their review is the authority of the Supreme Court. This cannot change the position and authority of the Examination of Policy Regulations in Indonesia. There are also Supreme Court Decisions Number 27 P/HUM/2015 and 48 P/HUM2016 which, in essence, do not grant the material test there is a policy regulation because it is not a statutory regulation. Normatively, considering that the policy regulation is not a statutory regulation, ideally, the examination cannot use the mechanism of testing legislation or judicial review, which is the authority of the Supreme

Court, namely to examine the Legislation under the law against the law, or which is the authority of the Constitutional Court in terms of reviewing the law against the 1945 Constitution Based on the limitations provided by Article 8 paragraph (2) of Law Number 12 of 2011, policy regulations in the form of circulars, instructions, and other regulations that use the nomenclature of policy regulations cannot be tested by the Supreme Court because they are not statutory regulations.

Acknowledgments

The most profound gratitude goes to colleagues, academic supervisors, and editors who have contributed their thoughts and time to writing this paper. Likewise, appreciation and thanks to donors, in this case, the Minister of Education Department-Directorate of Higher Education and Research. Hopefully, this assistance will complete the writing of this project on time.

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