

Drug Offenses Against Children: Is There a Conflict of Norms Related to the Time Limit for Arrest?

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Abstract

The purpose of this research is to identify and evaluate the norm contradiction between the Law of the Republic of Indonesia Number 11 Year 2012 article 30 paragraph (1): The arrest of children is carried out for the purpose of investigation for a maximum of 24 (twenty-four) hours with the Law of the Republic of Indonesia Number 35 Year 2009 article 76 paragraph (1): The implementation of the arrest authority as referred to in article 75 letter g. is carried out for a maximum of 3 x 24 (three times twenty-four) hours. Starting from the time the arrest warrant is received by the investigator. Paragraph (2): The arrest as referred to in paragraph (1) may be extended for a maximum of 3 x 24 (three times twenty-four) hours. And (2) to analyze how to resolve the conflict of norms of the two laws and regulations. The type of research used is normative legal research while the approaches used are statutory approaches and conceptual approaches. The sources of legal materials used are primary, secondary, and tertiary legal materials. The legal material collection technique used is the document study technique then the legal material is analyzed using deductive logic analysis techniques, and discussed descriptively. The results showed that the solution to resolve the conflict of norms between Law of the Republic of Indonesia Number 11 of 2012 article 30 paragraph (1) and Law of the Republic of Indonesia Number 35 of 2009 paragraph (1), (2), should be by applying the principle of legal preference, namely the principle of *lex specialist derogate legi generalis*.

Keywords: Conflict of Norms, Arrest, Arrest Time Limit, Children, Narcotics Crime.

Introduction

Indonesia as a state has a function as an organization of power as a guarantor and has a goal of advancing, prospering, regulating, ordering, and educating the people and nation of Indonesia¹. Indonesia as a State in its framework provides guarantees and to achieve these goals, of course, in exercising power the state divides it into three things, namely: Legislative Power, Executive Power, and Judicial Power, this division of power was initiated by Montesquieu in 1689 to avoid tyrannical or arbitrary State power².

Law is the best instrument used by the state to regulate society in order to create the country's goals. Law in terms of process is a political product made by the DPR RI together with the President³.

Therefore, Indonesia should make law as the most important thing to be enforced as stipulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. So as to realize this as a mandate from Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, the state has the responsibility to mobilize and carry out development, one of which is the law itself nationally which is integrated, sustainable and planned into a national-scale legal system that protects the obligations and rights of the entire community within the framework of the 1945 Constitution of the Republic of Indonesia³.

Fulfilling the need for regulations that can have a positive impact, so it is necessary to form and enact a regulation

that regulates the formation of the regulation itself appropriately and properly and is carried out with theories and legal principles related to the formation of regulations, so that the standards are good and the results are good. So, based on these reasons, the Law on Legislation was enacted.

Regarding the basic concept in the formation of Legislation in Indonesia, it has been regulated in Law Number 12 of 2011 concerning the Formation of Legislation. The definition of Legislation according to the experts themselves is very diverse, such as the opinion of Bagir Manan in Kadek Widya Antari, et.all, which states that Legislation is a written decision of the state or government that contains instructions or patterns of behavior that are and are binding in general⁴.

The term Act in Indonesia should be translated as Law according to Maria Parida Indrati, in Indonesia only Laws can be positioned both as formal regulations and material regulations because the Law is a decision (Legislation) formed by joint agreement of the DPR and the President, as well as regulations that bind the public⁴.

Indonesia recognizes the existence of a hierarchy of Laws and Regulations listed in Law Number 12 of 2011 concerning the Formation of Laws and Regulations Indonesia is a state of law, where all aspects of community activities in Indonesia are regulated by law, whether realized in the form of a Law, MPR Decree, Government Regulation, and so on. Because there are so many legal rules needed by Indonesia to meet the legal needs of the community, a legislative body was formed that has the task of making a Legislation.

Because there are so many laws and regulations made by the legislature, it does not rule out the possibility that there will be laws and regulations that overlap and are not in harmony with each other or

better known as norm conflicts, both vertical and horizontal. Vertical norm conflict is a misalignment between higher and lower norms in accordance with the hierarchical order of Laws and Regulations according to Law Number 12 of 2011 concerning the Formation of Laws and Regulations. Horizontal norm conflict is a misalignment between norms that have equal positions in the hierarchical order of Laws and Regulations Number 12 of 2011 concerning the Establishment of Laws and Regulations.

One of the overlapping and inconsistent laws is Law of the Republic of Indonesia Number 11 of 2012 Article 30 paragraph (1) on the Juvenile Criminal Justice System Law (hereinafter UUSPPA) with Law of the Republic of Indonesia Number 35 of 2009 Article 76 paragraph (1), (2), on Narcotics (hereinafter Narcotics Law).

Law of the Republic of Indonesia Number 11 of 2012 Article 30 paragraph (1) is formulated: The arrest of children is carried out for the purpose of investigation for a maximum of 24 (twenty-four) hours, while according to Law of the Republic of Indonesia Number 35 of 2009 Article 76 paragraph (1) is formulated: The implementation of the arrest authority as referred to in Article 75 letter g is carried out for a maximum of 3 x 24 (three times twenty-four) hours from the time the arrest letter is received by the investigator. Paragraph (2) is formulated: The arrest as referred to in paragraph (1) may be extended for a maximum of 3 x 24 (three times twenty-four) hours.

The form of overlapping norms that occur between Article 30 paragraph (1) of Law of the Republic of Indonesia Number 11 of 2012 and Article 76 paragraph (1), (2) of Law of the Republic of Indonesia Number 35 of 2009 related to the time limit for the arrest of children

suspected of committing narcotics crimes is very different.

In UUSPPA Article 30 paragraph (1) states that the time limit for arresting children is 24 (twenty-four) hours, while according to the Narcotics Law Article 76 paragraph (1) (2) states that the time limit for arresting children suspected of being narcotics offenders is 3 x 24 (three times twenty-four) hours and can be extended again 3 x 24 (three times twenty-four) hours. From the explanation above, the author can assume that between UUSPPA Article 30 paragraph (1) and Narcotics Law Article 76 paragraph (1), (2) related to the time limit for arresting children, there is a conflict of norms. There are rules that overlap with each other which can complicate the application of the rules concerned in society.

This article research has been reviewed by previous research. The first research from Rachmadhani Mahrufah Riesa Putri and Subekti⁵ written in the legal journal *Recidive* in 2019 with the title "Criminal Acts of Narcotics Abuse in Children in Positive Law in Indonesia." The second research from Ni Luh Putu Ari Budianingsi and I Wayan Bela Siki Layang⁶, *Kertha Desa Law Journal* in 2021 with the title "Reviewing the Conflict of Norm in the Provision of Obligations to Provide Legal Aid to Children in Conflict with the Law".

In some of the previous studies above, it can be seen that there are similar themes with this journal, namely about consumer legal protection when using health services. But there are differences in previous studies. The first study only focused on discussing the regulation of criminal acts of narcotics abuse in children in positive law in Indonesia. In addition, research in the second study only focuses on discussing legal arrangements related to the juvenile criminal justice system in Indonesia and to find out and

analyze the resolution of conflicts of norms in the provisions of the obligation to provide legal assistance to ABH. Whereas in this article the author focuses on analyzing the conflict of norms that occur between Law of the Republic of Indonesia Number 11 of 2012 Article 30 Paragraph (1) with Law of the Republic of Indonesia Number 35 of 2009 Article 76 Paragraph (1), (2) Regarding the Time Limit for Arresting Children Suspected of Narcotics Crimes and how to resolve the conflict of norms. So that the author can conclude that between previous research and this research does not have the same object of research.

The purpose of this paper is to identify and analyze the resolution of norm conflicts related to the time limit for arresting suspected drug offenders.

Research Methods

The type of research used by the author in this research is normative legal research, in principle the normative research method is that the Regulations are used as the primary research or by legal experts often referred to as law in books⁷. The approaches used are statute approach, and conceptual approach. Secondary legal materials used in this research are: Literature or reading books, research results, opinions of experts, writings from experts who have relevance to research. And tertiary legal materials used are: Legal Dictionary and Big Indonesian Dictionary. The legal material collection technique used is a document study technique by looking for books and laws and regulations in the library and relating to the norm conflict between UUSPPA article 30 paragraph (1) and the Narcotics Law article 76 paragraph (1), (2). The technical analysis of legal materials used by the author in this article uses deductive logic analysis techniques. Deductive reasoning is the analysis of legal materials in a manner that begins

with a basic explanation and leads to a more particular conclusion.

RESULTS AND DISCUSSION

A. Conflict of norms related to the time limit for arresting suspected drug offenders.

Article 30 Paragraph (1) of Law of the Republic of Indonesia Number 11 of 2012 states that children may be detained for up to 24 (twenty-four) hours for the purpose of an investigation. Meanwhile, according to Law of the Republic of Indonesia Number 35 of 2009 Article 76 Paragraph (1) is formulated: The implementation of the arrest authority as referred to in Article 75 letter g is carried out for a maximum of 3 x 24 (three times twenty-four) hours from the time the arrest letter is received by the investigator and paragraph (2) is formulated: The arrest as referred to in paragraph (1) may be extended for a maximum of 3 x 24 (three times twenty-four) hours.

Conflict of norms problems in practice often occur where there are two or more conflicting legal norms for the same regulatory object, causing legal uncertainty. This problem requires an appropriate solution because the application of one norm will result in the neglect or violation of other norms. In positive law, conflicts of norms often occur because the substance of law is complex because the substance of law covers a wide scope of regulation concerning all aspects of state life. It is dynamic because the substance of law is required to always be able to adjust to the development of the legal needs of society.

Norm conflicts can occur between lower regulations and higher regulations (vertical), between equal regulations (horizontal), or even between norms within one regulatory instrument itself (internal). The principle commonly practiced in overcoming norm conflicts is to apply the principle of legal preference, namely: *Lex superior derogate legi*

irkriori, *Lex posterior derogate legi priori* and *Lex specialist derogate legi generalis*. The principle of legal preference is a legal principle that indicates which law takes precedence to be applied, if in a related legal event or arrangement is subject to several regulations⁸.

Arrest is an investigator's action in the form of temporary restraint of the freedom of a suspect or defendant when there is sufficient evidence for the purpose of investigation or prosecution and/or trial in the case and in the manner provided for in this Law (article 1 point 20 of KUHAP) while the legal basis for arresting a suspect or defendant is expressly stated in article 16, article 17, article 18, and article 19 of KUHAP. Law No. 48 of 2009 on judicial power Article 7 stipulates that: "No one shall be subject to arrest, detention, search, and seizure, except upon a written order by a lawful authority in the cases and in the manner provided for in the Law". Furthermore, in the explanation, what is meant by legitimate authority is law enforcement officials who are authorized to conduct investigations and inquiries based on the Law. In this process of investigation and investigation, wiretapping is also included.

Coercive measures are essentially forced actions that deprive a person of their liberty, freedom, or limit their human rights⁸. Before making an arrest, it is necessary to make preparations such as: Monitoring, analyzing and collecting all available evidence so as to have a strong and clear basis for the arrest as well as the future investigation and investigation process⁹.

The time limit for arresting those who are strongly suspected of having committed a criminal offense based on article 19 paragraph (1) of the Criminal Procedure Code can be carried out for a maximum of one day, namely for twenty-four hours (article 1 point 31 of the Criminal Procedure Code), this is in accordance with the Law of the Republic

of Indonesia Number 11 of 2012 article 30 paragraph (1): Arrest of children is carried out for the purpose of investigation for a maximum of 24 (twenty-four) hours. The time limit for arrest in Law of the Republic of Indonesia Number 35 of 2009 article 76 paragraph (1), (2) is formulated: (1) The exercise of arrest authority as referred to in Article 75 letter g shall be carried out for a maximum of 3 x 24 (three times twenty-four) hours. (2) : The arrest as referred to in paragraph (1) may be extended for a maximum of 3 x 24 (three times twenty-four) hours.

The definition of a child according to Law of the Republic of Indonesia Number 11 of 2012 concerning the Child Criminal Justice System, is clearly formulated in article 1 paragraph (1) which explains: A child is a person who in the case of a delinquent child has reached the age of 8 years but has not reached the age of 18 years and has never been married. So the first requirement is: The child is limited to the age of 8 years to the age of 18 years and the second condition is: The child has never been married, meaning that he is not currently bound in marriage even though the marriage is not even 18 years old.

Narcotics crime is one of the special crimes because it does not use the Criminal Code as the basis for its regulation but is regulated in a special law outside the Criminal Code, namely Law of the Republic of Indonesia Number 35 of 2009. All narcotics abuse as regulated in Indonesian Law Number 35 of 2009 is a narcotics crime. The term criminal offense comes from the term known in Dutch criminal law, namely *Strafbaar feit*¹⁰. The definition of crime or criminal act has been stated by many criminal law experts. According to Simons, *Strafbaar feit* is an unlawful act that has been committed intentionally or unintentionally by someone who can be held accountable for his actions and by the Law has been declared as a punishable act¹¹. Every act

of drug abuse in any form that contradicts Indonesian Law Number 35 of 2009 is a narcotics crime that can be subject to criminal sanctions in accordance with what has been regulated in the Law.

From the explanation above, there has been a conflict of norms between Law of the Republic of Indonesia Number 11 of 2012 Article 30 paragraph (1) and Law of the Republic of Indonesia Number 35 of 2009 Article 76 paragraph (1), (2) related to the time limit for arresting children suspected of being drug offenders. Based on Republic of Indonesia Law Number 11 of 2012 Article 30 paragraph (1) is formulated: The arrest of children is carried out for the purpose of investigation for a maximum of 24 (twenty-four) hours. Meanwhile, based on Law of the Republic of Indonesia Number 35 of 2009 Article 76 paragraph (1), (2) is formulated: (1) The implementation of the arrest authority as referred to in Article 75 letter g is carried out 3 x 24 (three times twenty-four) hours from the time the arrest letter is received by the investigator. (2) The arrest as referred to in paragraph (1) may be extended for a maximum of 3 x 24 (three times twenty-four) hours.

Based on the decision of the Constitutional Court No.21/PUU-XII/2014, the phrase "preliminary evidence", "sufficient preliminary evidence", "sufficient evidence". In Article 1 number 14, Article 17 and Article 21 paragraph (1) of the Criminal Procedure Code as long as it is interpreted as a minimum of two pieces of evidence in accordance with Article 184 of the Criminal Procedure Code (witness testimony, expert testimony, letters, instructions, and testimony of the defendant).

For example, the case data of the arrest of a boy with the initials IKW, aged 17, by investigators of the Bali Police Drug Detection Directorate, was arrested on July 6, 2020. And on July 7, 2020 the investigator had submitted an application

for the examination of evidence belonging to the suspect suspected of being methamphetamine to Bid. Labfor Denpasar branch and on July 9, 2020 the results of the examination of the evidence belonging to the suspect were received with the result that the evidence sent by the investigator was positive (+) containing methamphetamine narcotics. Based on the example of data on the arrest of a boy with the initials IKW as mentioned above related to the time limit for arresting children suspected of committing narcotics crimes, it can be concluded as follows:

1. In Law of the Republic of Indonesia Number 11 of 2012 Article 30 paragraph (1) related to the time limit for the arrest of children suspected of being perpetrators of narcotics crimes in this case there is no legal certainty because the time provided is 24 (twenty-four) hours, there is not enough time to be able to prove the child as a suspect (sufficient preliminary evidence has not been found).
2. In Law of the Republic of Indonesia Number 35 of 2009 Article 76 paragraph (1) and paragraph (2) related to the time limit for the arrest of children suspected of being perpetrators of narcotics crimes in this case there is legal certainty because the time provided is 3 x 24 (three times twenty-four) hours and can be extended 3 x 24 (three times twenty-four) hours there is sufficient time to prove whether or not the child is determined as a suspect. As a legal fact, investigators arrested a boy with the initials IKW, age 17, who was arrested on July 6, 2020 and on July 9, 2020 the child could already be named as a suspect because a minimum of two valid

evidence has been fulfilled (sufficient preliminary evidence).

B. Resolving conflicts of norms related to the time limit for arresting suspected drug offenders.

Law of the Republic of Indonesia Number 11 of 2012 article 30 paragraph (1) with Law of the Republic of Indonesia Number 35 of 2009 paragraph (1), (2) is a conflict of norms that will lead to legal disharmony which will cause disharmony of the legislation. Disharmonization of these laws and regulations can result in laws that cannot function as social control and legal uncertainty. Factors causing disharmonization between laws and regulations is ¹²:

- a. Different institutions and frequently various times are used for establishment.
- b. Lawmakers' tenure of office and changes in their responsibilities limit their ability to create laws and regulations.
- c. The sectoral approach to legislation and regulation creation is superior to the system approach.
- d. Poor coordination between the many agencies and legal disciplines involved in the process of creating legislation
- e. Restrictions on public participation in the process of creating laws and regulations ¹³.

Disparities in the interpretation and application of laws and regulations lead to the formation of legal uncertainty, the failure of laws and regulations to be implemented effectively and efficiently, and the impossibility of the law to serve as a social control and conflict resolution mechanism ¹⁴.

Disharmonization of a legislation will result in a legal problem. In essence,

the current disharmonization problem in Indonesia cannot be separated from the factor of the large number of regulations in Indonesia¹⁵. This is also like what was stated by L.M. Lopian Gandhi who said that disharmonization is caused by differences between various laws or several laws and regulations which in terms of material overlap with each other¹⁶. In addition, the increasing number of regulations certainly makes it difficult to know or about all these regulations. Thus, the provision stating that all people are deemed to know all applicable laws is undoubtedly ineffective. The absence of harmonization between one legal product and another, both vertically and horizontally, will certainly cause chaos, so that it is no longer in line with the objectives to be realized from the application of the rules that have been enacted. The chaos is not only because there has been inconsistency in the application of the principles of the formation of good laws and regulations, but furthermore, it will trigger various tensions and conflicts at the practical level.

In order to increase legal unity, legal certainty, justice and equality, utility and legal clarity, without sacrificing legal pluralism, L.M. Lopian Gandhi defines norm conflict as including the adjustment of laws and regulations, government decisions, judge decisions, system decisions, and legal principles¹⁷.

According to Wicipto Setiadi, harmonization is an effort to align, modify, strengthen, and complete the concept of a draft law with other laws and regulations that are higher, equal, or lower, as well as with other matters other than laws and regulations so that they are arranged systematically and do not conflict with or overlap¹⁸.

There is a conflict of norms between Law of the Republic of Indonesia Number 11 of 2012 Article 30 paragraph (1) and Law of the Republic of Indonesia

Number 35 of 2009 Article 76 paragraph (1) and paragraph (2). According to Shidarta, it is due to horizontal inconsistency in terms of regulatory substance, namely several regulations that are hierarchically parallel but the substance of one regulation is more general than the substance of other regulations. The resolution instrument is to use the legal principle of *Lex Specialist Derogate Legi Generalis*, which means that regulations that are more specific in scope override more general regulations.

Law of the Republic of Indonesia Number 11 of 2012 article 30 paragraph (1) is formulated: Arrest of children is carried out for the purpose of investigation for a maximum of 24 (twenty-four) hours. Meanwhile, Law of the Republic of Indonesia Number 35 of 2009 Article 76 paragraph (1), (2) formulates: (1) The implementation of the arrest authority as referred to in Article 75 letter g shall be carried out for a maximum of 3 x 24 (three times twenty-four) hours from the time the arrest letter is received by the investigator. (2) The arrest as referred to in paragraph (1) may be extended for a maximum of 3 x 24 (three times twenty-four) hours.

The conflict of norms that occurs between Law of the Republic of Indonesia Number 11 of 2012 Article 30 paragraph (1) and Law of the Republic of Indonesia Number 35 of 2009 Article 76 paragraph (1), (2), is a horizontal norm conflict which is resolved by using the legal principle of *Lex Specialist Derogate Legi Generalis*. Regarding the time limit for the arrest of juvenile suspected drug offenders should use the legal basis of Law of the Republic of Indonesia Number 35 Year 2009 Article 76 paragraph (1), (2) with the following considerations:

1. Based on Government Regulation of the Republic of Indonesia Number 40 of 2013 concerning the implementation of Law of the Republic of Indonesia Number 35 of 2009 Article 17 paragraph (2),

formulated: Testing of confiscated goods samples at the Laboratory as referred to in paragraph (1) shall be carried out within a maximum period of 3 x 24 (three times twenty-four) hours from the time of delivery from the BNN or the Investigator of the Indonesian National Police.

2. The time limit for the arrest of children suspected of being perpetrators of narcotics crimes has legal certainty because the time provided is 3 x 24 (three times twenty-four) hours, which is sufficient time to prove whether or not the child can be determined as a suspect (whether or not a minimum of two valid pieces of evidence is met).
3. Using a legal basis outside the Criminal Procedure Code, namely a law that specifically contains a maximum arrest time limit of 3 x 24 (three times twenty-four) hours based on Article 76 paragraph (1) of Indonesian Law Number 35 of 2009 concerning Narcotics. Meanwhile, based on Law of the Republic of Indonesia Number 11 of 2012 Article 30 paragraph (1) is as follows:
 - a. The time limit for the arrest of children suspected of committing narcotics crimes lacks legal certainty because the time provided is 24 (twenty-four) hours, there is not enough time to be able to prove whether or not the child is a suspect (at least two valid pieces of evidence have not been obtained).
 - b. Using the legal basis of Article 19 paragraph (1) of the Criminal Procedure Code and Law No. 11/2012 Article 30

paragraph (1), the maximum time limit for arrest is 24 (twenty-four) hours.

Absolute legality There are two ways to comprehend legal certainty, according to Gustov Radbruch, namely legal certainty by law and legal certainty in or from law, as stated in his book Budianto. A beneficial law is one that successfully maintains societal legal certainty. Legal certainty because the law imposes other legal obligations, particularly the need for legal justice, and because the law must continue to be effective¹⁹.

It can be concluded that related to the time limit for the arrest of children suspected of being narcotics offenders according to Law of the Republic of Indonesia Number 11 of 2012 article 30 paragraph (1) there is no legal certainty while according to Law of the Republic of Indonesia Number 35 of 2009 article 76 paragraph (1), (2) there is legal certainty.

The occurrence of norm conflicts between the two laws and regulations mentioned above must certainly be resolved by using legal principles that are often used in resolving the Disharmony of laws and regulations. The legal principles are *lex superiori derogate legi inferiori*, *lex specialis derogate legi generalis*, and *lex posteriori derogate legi priori*. Based on the three legal principles, the appropriate legal principle used to determine the legal rules regarding the time limit for arresting children suspected of committing narcotics crimes is the legal principle of *Lex Specialist Derogate Legi Generalis*, which means that more specific regulations override more general regulations.

CONCLUSION

Based on the discussion of the overall results of the research conducted by the author, it can be concluded that

there is a conflict of norms related to the time limit for arresting children suspected of being narcotics offenders between Law of the Republic of Indonesia Number 11 of 2012 article 30 paragraph (1) and Law of the Republic of Indonesia Number 35 of 2009 article 76 paragraph (1), (2).

Impact of a normative conflict, among other things: Different interpretations of how the law is being applied have occurred, legal confusion has arisen, and the law is not being executed properly and efficiently.

Legal dysfunction is the inability of the law to effectively serve as a tool for social transformation, social control, conflict resolution, and behavioral norms for the public. In order to avoid the widening impact, the inconsistencies that result in norm conflicts need to be resolved as soon as possible, by resolving the norm conflicts that occur by applying the principle of legal preference, namely *Lex Specialist Derogate Legi Generalis*.

The 24 (twenty-four) hour arrest time limit based on Law of the Republic of Indonesia Number 11 of 2012 article 30 paragraph (1), related to the time limit for arresting children suspected of being perpetrators of narcotics crimes, lacks legal certainty because the time provided is 24 (twenty-four) hours is not enough time to obtain a minimum of two valid pieces of evidence or sufficient preliminary evidence is not met. This means that investigators cannot determine the child as a suspect.

The arrest time limit is 3 x 24 (three times twenty-four) hours and can be extended by 3 x 24 (three times twenty-four) hours based on Law of the Republic of Indonesia Number 35 of 2009 article 76 paragraph (1), (2) related to the time limit for arresting children suspected of committing narcotics crimes, there is legal certainty because the time provided is sufficient to prove whether or not the child can be designated as a suspect (there is / is not found at least two valid evidence).

So it is hoped that for the Legislature as the formulator of laws and regulations, it is recommended that before forming or drafting a regulation, an assessment of the rules that have relevance to the regulations to be drafted is carried out, so that this can minimize the occurrence of norm conflicts between laws and regulations.

The government is expected to develop a national legislation program in the future, this can minimize the occurrence of norm conflicts between laws and regulations. It is also necessary for the government to be alert in overcoming existing norm conflicts because the existence of norm conflicts can have implications for the difficulty of implementation in the community and reduce the level of justice and legal certainty of the legislation.

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