

CHAPTER V

CONCLUSION AND RECOMMENDATION

A. Conclusion

Based on the discussion in the previous chapter, there are two mechanisms of nullification of local regulation:

1. It was done through the Ministry of Home Affairs which is called as executive review.
2. It was made through the Supreme Court which is called as judicial review. Then the issues of nullification of local regulation have resulted legal vacuum in local government, unsynchronization of Indonesian legislation, and decreasing of economic growth in the region after nullification of local regulation.

B. Recommendation

Based on the result of the research, the author suggests some recommendations to the local government.

1. To solve dualism regulations on nullification of local regulations. First, the regency/city filed judicial review of local regulation to the Supreme Court. Second, the central government considers local regulation which are contrary to higher legislation, public interest, and decency submitted to the Supreme Court for material and formal review because the Minister of Home Affairs can not nullify local

regulations based on the Constitutional Court Decision number 137/PUU-XIII/2015 on 5th April 2017.

2. In terms of legal vacuum in local government, unsynchronization of Indonesian legislation, and decreasing of economic growth in the region after nullification of local regulation, the author suggest some points of improvements, as follows:
 - a. Synchronization of legislation so that for the nullification regulations under the law (local regulation) is done only one gate policy that is only in the Supreme Court as review of law only done in the Constitutional Court.
 - b. The Minister of Home Affairs and the Governor shall restrict preventive supervision. In this case, there is an evaluation of the draft local regulation before promulgation (executive preview). While for repressive supervision, when a local regulation has been enacted, it should be submitted to the Supreme Court through a judicial review mechanism.
 - c. To prevent legal vacuum in the region then procedure should be selected. First, through judicial review to the Supreme Court the applicant performed by the government or state institutions, society and non governmental organization as long as have legal standing. Second, through legislative review means that Regional People's Representative Assembly and Regional Heads of Government are need discuss again the problem of local regulation.

d. The nullification of local regulation done by the Minister of Home Affairs in third quarter of 2016 had not been able to improve the economy in all region. Since fourth quarter of 2016 only Papua and Sumatera has increased their economic growth. Many factors had caused the decreasing economic growth. One of them is complicated problems on licensing systems in the region that cause investors to be lazy to invest in the region so local regulations that hamper economic growth should be nullified and replaced by easy and simple regulation.