

LEGAL ALERT

Indonesia
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Solving Conflicting Regulations through Non-Litigation System

Due to many overlapping and conflicting laws and regulations in Indonesia particularly in relation to regional government regulations with the central government regulations, the Ministry of Laws and Human Rights (“**Ministry**”) issued a Regulation No. 32 of 2017 on Settlement Procedure for Laws and Regulations Dispute through Non-Litigation System, which entered into force on 8 December 2017.

Scope of Dispute

Laws and Regulations Disputes mean laws and regulations that are contrary with one another both vertically or horizontally and consequently create:

- Conflict of legal norms;
- Conflict of authority between governmental institutions/bodies, or government institution and local government;
- Unfairness to the public and business players; and
- Inhibit investment climate, business and economic activities locally or nationally (“**Dispute**”).



Dispute Settlement Procedure		
Initiation	Submission of a Dispute request to the Minister by: <ul style="list-style-type: none"> • an individual group; • governmental body or institution, ministries, non-ministry institution, local government; and • private or public entity. 	Minister's own initiation to assign the General Director of Laws and Regulation to examine certain laws and regulations.
Application request	The application request must contain the following: <ul style="list-style-type: none"> • personal identity information; • laws and regulations in questions; • basis for the request; and • issues that are requested to be solved. 	
Examination Process	The Ministry through the General Director of Laws and Regulation will examine the request by: <ul style="list-style-type: none"> • summoning the applicant for substantive examination; • summoning the relevant parties concerning the request; • hearing of legal expert testimonies; • conclusion and result of examination 	
Examination Process period	14 days and can be extended in certain circumstances.	
Result Examination Recipient	<ul style="list-style-type: none"> • the Ministry; • the Applicant; and • the relevant Government Institution/Body or Local Government. 	President
Ministry Recommendation to President	The recommendation can be in the following forms: <ul style="list-style-type: none"> • to revoke the laws and regulations in question; • to amend the laws and regulations in question; or to formulate a new law or regulation. 	

This regulation gives an additional option to individuals or business players in the event they want to challenge the Ministerial or Local Government Regulations. Nonetheless, the result of this challenge is not in the form of final and binding decision, but recommendation, which is different if they challenge the laws and regulations through court. On another note, the Minister's own initiation does not give period of time to examine the conflicts laws and regulations which may lead to uncertainty.

If you have any questions or require any additional information, please contact [Afriyan Rachmad](#) and [Sianti Candra](#) or the ZICO Law Partner you usually deal with.

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