

## SUMMARY

Dissertation on “The Constitutionality of The People's Consultative Assembly Decree in The Sort Order Legislation (Study Article 7 Paragraph (1) Item b Law of The Republic of Indonesia Number 12 Year 2011 Concerning The Establishment of Legislation)” is a scientific effort to contribute to developing The Constitutional Law, especially in the formation of legislation. This research includes the study of law/normative with juridical and historical approach to legal materials both primary and secondary which collected by library research techniques and analyzed by juridical and historical and include content analysis techniques with authentic and historical interpretation methods.

The results of this dissertation are, *first*: the implications of change in authority of The People's Consultative Assembly against The MPR decree (Tap) law product are: (1) MPR legal product that already exists and has become legislation before the amendment to The Constitution NRI 1945 referred to in Article 2 and Article 4 MPR Decree No. I/MPR/2003 is still has the power behavior (legally binding) so it can still be a source of formal law for the establishment of legislation; and (2) MPR legal product since the amendment to The Constitution NRI 1945 is the establishment of an administrative nature (*beschikking*) which are concrete and individual, namely decisions (*Tus*) regarding the appointment or dismissal of the President and/or Vice President. So now MPR legal product in the form of *Tus* by nature not a regulation which are abstract and general (*regeling*); not the kind of legislation.

*Second*, the constitutionality of the existence of MPR decree in Article 7 Paragraph (1) Item b Law No. 12/2011 is unconstitutional. The existence of MPR decree in the types and hierarchy of legislation as Article 7 Paragraph (1) Item b Law No. 12/2011 not in accordance with the constitutional values on the organization of the state which is experiencing a paradigm shift of the supremacy of the MPR became constitutional supremacy that makes all state institutions are equal as the provisions of Article 1 Paragraph (2) Constitution NRI 1945 (Amendment).

The existence of MPR decree in Article 7 Paragraph (1) Item b Law No. 12/2011 should be placed The Transitional Provisions of Law No. 12/2011. MPR decree was intended, namely the provisions of Article 2 and Article 4 MPR Decree No. 1/MPR/2003 the review of the matter and the legal status Tap MPRS 1960 up to and including 2002 can still be a source of formal law. The issuance of MPR Decree No. 1/MPR/2003 is due to changes in the institutional structure of the country, resulting in changes of positions, functions, duties, and powers of state institutions.

Before the amendment to The Constitution NRI 1945, MPR is the highest state body and authority to establish guidelines so that rising MPR decree that is *regeling*. But, after the amendment to The Constitution NRI 1945, MPR is on par with other high state institutions and is not authorized to determine the guidelines, so can only publish *Tus* MPR that is *beschikking*.

**Keywords:** Constitutionality, MPR Decree, Sort Order Legislation.