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**THE PROPOSED  
FORMS OF CONTENT  
FOR AN ONLINE  
INDONESIAN LAW  
DATABASE**

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## PREFACE

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This monograph proposes forms of content for an online Indonesian law database that are more diverse than those proposed in research by the Ministry of National Development Planning of the Republic of Indonesia / the National Development Planning Body of the Republic of Indonesia (Kementerian Perencanaan Pembangunan Nasional Republik Indonesia / Badan Perencanaan Pembangunan Nasional Republik Indonesia) entitled *Koordinasi Strategis Pengembangan Studi Kelayakan Database Peraturan Perundang-undangan Tahun 2010* (The strategic coordination on the development of the feasibility study of laws and regulations database year 2010) and compared to selected existing online Indonesian law databases.

This monograph proposes what should be increased in terms of variation of the forms of content for an online Indonesian law database based on and by developing the definition of law documents under Article 1 Number 2 of the President of the Republic of Indonesia Regulation Number 33 Year 2012 concerning the National Network of Law Documentation and Information (Peraturan Presiden Republik Indonesia Nomor 33 Tahun 2012 tentang Jaringan Dokumentasi dan Informasi Hukum Nasional). Due to the nature of the forms of content of an online Indonesian law database which are always developing, the proposed forms of content need to

be updated regularly and other new forms of content also need to be found and developed.

# 1. INTRODUCTION

## 1.1. Previous Research on an Indonesian Laws and Regulations Database

A report by the Ministry of National Development Planning of the Republic of Indonesia / the National Development Planning Body of the Republic of Indonesia (Kementerian Perencanaan Pembangunan Nasional Republik Indonesia / Badan Perencanaan Pembangunan Nasional Republik Indonesia) (hereafter: NDPB) entitled *Koordinasi Strategis Pengembangan Studi Kelayakan Database Peraturan Perundang-undangan Tahun 2010* (The strategic coordination on the development of the feasibility study of laws and regulations database year 2010) (hereafter: NDPB Research) found that—based on all the criteria proposed by the NDPB—there is no online Indonesian laws and regulations (*peraturan perundang-undangan*) database that can fulfil all the pertinent criteria.<sup>1</sup>

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<sup>1</sup> Kementerian Perencanaan Pembangunan Nasional / Badan Perencanaan Pembangunan Nasional (Direktorat Analisa Peraturan Perundang-undangan), *Koordinasi Strategis Pengembangan Studi Kelayakan Database Peraturan Perundang-undangan Tahun 2010* [The strategic coordination on the development of the feasibility study of laws and regulations database year 2010] (Laporan Akhir) (Kementerian Perencanaan Pembangunan Nasional / Badan Perencanaan Pembangunan Nasional), 129 (hereafter: NDPB Research). For the legal basis of the establishment of the team for the feasibility study of the laws and regulations database, see: (1) Keputusan Menteri Perencanaan Pembangunan Nasional / Kepala Badan Perencanaan Pembangunan Nasional Nomor KEP.21/M.PPN/HK/03/2010 tentang Pembentukan Tim Koordinasi Strategis Pengembangan Studi Kelayakan *Database* Peraturan Perundang-undangan [Minister of National Development Planning / Head of National Development Planning Body Decision Number KEP.21/M.PPN/HK/03/2010 concerning the Establishment of Strategic Coordination Team on the Development of the Feasibility

There are a number of criteria set out by the NDPB,<sup>2</sup> which can be divided according to two main characteristics. The first is more to do with explaining what an online Indonesian laws and regulations database should be from a big picture perspective, including the prescriptions to be harmonious, integrated, synchronised, and systematic.<sup>3</sup> The second is more from a technical perspective, which are that it should be chronological, have a catalogue with or without script, it should mention the legal status, be thematic, and “up-to-date.”<sup>4</sup> Other criteria that are also mentioned in the NDPB Research are that an Indonesian laws and regulations database should be comprehensive and complete (big picture perspective) as well as accurate, hierarchical, and “user friendly” (technical perspective).<sup>5</sup>

It should be pointed out that the NDPB Research was conducted during the period from January to December 2010.<sup>6</sup> Thus, the NDPB Research did not use

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Study of Laws and Regulations Database] (stipulated 2 March 2010); and (2) Keputusan Menteri Perencanaan Pembangunan Nasional / Kepala Badan Perencanaan Pembangunan Nasional Nomor KEP.39/M.PPN/HK/05/2010 tentang Perubahan atas Keputusan Menteri Perencanaan Pembangunan Nasional / Kepala Badan Perencanaan Pembangunan Nasional Nomor KEP.21/M.PPN/HK/03/2010 tentang Pembentukan Tim Koordinasi Strategis Pengembangan Studi Kelayakan *Database* Peraturan Perundang-undangan [Minister of National Development Planning / Head of National Development Planning Body Decision Number KEP.39/M.PPN/HK/05/2010 concerning the Amendment of Minister of National Development Planning / Head of National Development Planning Body Decision Number KEP.21/M.PPN/HK/03/2010 concerning the Establishment of Strategic Coordination Team on the Development of the Feasibility Study of Laws and Regulations Database] (stipulated 12 May 2010).

<sup>2</sup> Ibid., NDPB Research, 21.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid., 129 and 12.

<sup>6</sup> Ibid., 10.



the concept of laws and regulations under the Law of the Republic of Indonesia Number 12 Year 2011 concerning the Establishment of Laws and Regulations (Undang-Undang Republik Indonesia Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-undangan) (hereafter: Law 12/2011) in particular Article 1 Number 2, Article 7 (and its explanation), and Article 8 (and its explanation).<sup>7</sup> The law that was in force at the time of the research was the Law of the Republic of Indonesia Number 10 Year 2004 concerning the Establishment of Laws and Regulations (Undang-Undang Republik Indonesia Nomor 10 Tahun 2004 tentang Pembentukan Peraturan Perundang-undangan), and this law has different definitions and forms regarding laws and regulations compared to the Law 12/2011.<sup>8</sup> It is also important to note that a number of online Indonesian law databases that were analysed in the NDPB Research actually included more than just laws and regulations.<sup>9</sup> Nonetheless, the NDPB Research tends to limit the forms of content of a proposed database by using the term

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<sup>7</sup> (1) *Ibid.*, 4 and 10; and (2) Undang-Undang Republik Indonesia Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-undangan [Law of the Republic of Indonesia Number 12 Year 2011 concerning the Establishment of Laws and Regulations] (LNRI Year 2011 Number 82, TLNRI Number 5234) (authorised 12 August 2011, promulgated 12 August 2011), Article 1 Number 2, Article 7 (and its explanation), Article 8 (and its explanation), and Article 102 (hereafter: Law 12/2011).

<sup>8</sup> *Ibid.*, NDPB Research. Compare: (1) Undang-Undang Republik Indonesia Nomor 10 Tahun 2004 tentang Pembentukan Peraturan Perundang-undangan [Law of the Republic of Indonesia Number 10 Year 2004 concerning the Establishment of Laws and Regulations] (LNRI Year 2004 Number 53, TLNRI Number 4389) (authorised 22 June 2004, promulgated 22 June 2004), Article 1 Number 2 and Article 7 Paragraphs (1), (2) (and its explanation), and (4) (and its explanation) (hereafter: Law 10/2004); and (2) *Ibid.*, Law 12/2011, Article 1 Number 2, Article 7 Paragraph (1) (and its explanation), and Article 8 (and its explanation).

<sup>9</sup> *Ibid.*, NDPB Research, 12-73.

“*peraturan perundang-undangan*” (laws and regulations) in its research.<sup>10</sup> It should be noted that the object of the NDPB Research is laws and regulations at the national / central government and local level.<sup>11</sup>

The NDPB Research found a number of weaknesses from various aspects in terms of existing online Indonesian law databases at the time of the research.<sup>12</sup> These weaknesses are related to content, finance, human resources, legal, management, organisation, and technical aspects.<sup>13</sup>

The NDPB Research also provided recommendations<sup>14</sup> that can be classified according to four aspects. The first is the legal aspect which recommends that the legal basis of managing laws and regulations in Indonesia should be clarified.<sup>15</sup> The NDPB Research criticised the President of the Republic of Indonesia Decision (Keppres) Number 91 Year 1999 (91/1999) concerning the National Network of Law Documentation and Information (Keputusan Presiden Republik Indonesia (Keppres) Nomor 91 Tahun 1999 (91/1999) tentang Jaringan Dokumentasi dan Informasi Hukum Nasional) (hereafter: President Decision 91/1999) as well as the President of the Republic of Indonesia Regulation Number 1 Year 2007 concerning the Authorisation, Promulgation, and Dissemination of Laws and Regulations (Peraturan Presiden Republik Indonesia Nomor 1 Tahun 2007 tentang Pengesahan,

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<sup>10</sup> Ibid., v, 7, and see in general: the NDPB Research. For the definition and the scope of laws and regulations as well as decisions under the Law 10/2004, see: Law 10/2004 (n. 8), Article 1 Number 2, Article 7 (and its explanation), Article 54 (and its explanation), and Article 56.

<sup>11</sup> Ibid., NDPB Research, v and 7.

<sup>12</sup> Ibid., vi-viii.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid., 130.

<sup>15</sup> Ibid.

Pengundangan, dan Penyebarluasan Peraturan Perundang-undangan) (hereafter: President Regulation 1/2007).<sup>16</sup> The President Decision 91/1999 has expired and has been replaced by the President of the Republic of Indonesia Regulation Number 33 Year 2012 concerning the National Network of Law Documentation and Information (Peraturan Presiden Republik Indonesia Nomor 33 Tahun 2012 tentang Jaringan Dokumentasi dan Informasi Hukum Nasional), while the President Regulation 1/2007 has expired and has been replaced by the President of the Republic of Indonesia Regulation Number 87 Year 2014 concerning the Implementing Regulation of the Law Number 12 Year 2011 concerning the Establishment of Laws and Regulations (Peraturan Presiden Republik Indonesia Nomor 87 Tahun 2014 tentang Peraturan Pelaksanaan Undang-Undang Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-undangan).<sup>17</sup>

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<sup>16</sup> Ibid., vi-viii, 99, and 130. See: (1) Keputusan Presiden Republik Indonesia (Keppres) Nomor 91 Tahun 1999 (91/1999) tentang Jaringan Dokumentasi dan Informasi Hukum Nasional [President of the Republic of Indonesia Decision (Keppres) Number 91 Year 1999 (91/1999) concerning the National Network of Law Documentation and Information] (LNRI Year 1999 Number 135) (stipulated 30 July 1999, promulgated 30 July 1999); and (2) Peraturan Presiden Republik Indonesia Nomor 1 Tahun 2007 tentang Pengesahan, Pengundangan, dan Penyebarluasan Peraturan Perundang-undangan [President of the Republic of Indonesia Regulation Number 1 Year 2007 concerning the Authorisation, Promulgation, and Dissemination of Laws and Regulations] (stipulated 25 January 2007).

<sup>17</sup> (1) Ibid., NDPB Research; (2) Peraturan Presiden Republik Indonesia Nomor 33 Tahun 2012 tentang Jaringan Dokumentasi dan Informasi Hukum Nasional [President of the Republic of Indonesia Regulation Number 33 Year 2012 concerning the National Network of Law Documentation and Information] (LNRI Year 2012 Number 82) (stipulated 20 March 2012, promulgated 20 March 2012), Article 13 (hereafter: President Regulation 33/2012); and (3) Peraturan Presiden Republik Indonesia Nomor 87 Tahun 2014 tentang Peraturan Pelaksanaan Undang-

The second is the organisational aspect which recommends the establishment of technical partnership details between institutions.<sup>18</sup>

The third is the technical technological aspect which recommends the use of integrated “software” and “hardware” to establish a standard system between institutions and the use of a “web-based” system to manage the online Indonesian laws and regulations database.<sup>19</sup>

The fourth is the development aspect which recommends the identification of problems or potential problems in laws and regulations by using and creating analytical “tools.”<sup>20</sup>

## **1.2. Existing Online Indonesian Law Databases**

This monograph will not discuss all the existing online Indonesian law databases in Indonesia; rather, it will select and only limited to basically three databases. There are at least three online Indonesian law databases that stand out in particular because of their national collections of laws and regulations as well as other products such as decisions (non-court decisions) and policy regulations.<sup>21</sup> The first is an online Indonesian law

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Undang Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-undangan [President of the Republic of Indonesia Regulation Number 87 Year 2014 concerning the Implementing Regulation of the Law Number 12 Year 2011 concerning the Establishment of Laws and Regulations] (LNRI Year 2014 Number 199) (stipulated 1 September 2014, promulgated 3 September 2014), Article 190.

<sup>18</sup> Ibid., NDPB Research, 130.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> The three online Indonesian law databases are: (1) Sistem Informasi Direktorat Jenderal Peraturan Perundang-undangan, Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia ([www.peraturan.go.id](http://www.peraturan.go.id)) (hereafter: [Peraturan.go.id](http://www.peraturan.go.id)), accessed 7 July 2018, <http://peraturan.go.id/>; (2) “Pusat Data Peraturan & Putusan

database owned and managed by the Central Government of the Republic of Indonesia (Pemerintah Pusat Republik Indonesia) (hereafter: Central Government): [www.peraturan.go.id](http://www.peraturan.go.id) (hereafter: [Peraturan.go.id](http://Peraturan.go.id)).<sup>22</sup> As of 7 July 2018, this online Indonesian law database had 49,277 “*peraturan*” (regulations) (although it actually includes more than just regulations).<sup>23</sup>

The second is an online Indonesian law database owned and managed by a private company: [www.hukumonline.com](http://www.hukumonline.com) (hereafter: [Hukumonline.com](http://Hukumonline.com)).<sup>24</sup> As of early 2018, this database collected more than 75,000 “*peraturan dan putusan pengadilan*” (regulations and court decisions) (although, in fact the database includes more than just regulations and court decisions).<sup>25</sup>

The third is an online Indonesian law database—part of the National Network of Law Documentation and Information (Jaringan Dokumentasi dan Informasi Hukum Nasional or JDIHN) system—which is owned and managed by the Central Government: [www.jdihn.id](http://www.jdihn.id) (the integrated JDIHN) (hereafter: [JDIHN.id](http://JDIHN.id)).<sup>26</sup> Nonetheless, as of 7 July 2018 the exact or approximate numbers of “*dokumen*” (hereafter in this context: documents) or

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Pengadilan” [The data centre for regulations & court decisions], PT Justika Siar Publika ([www.hukumonline.com](http://www.hukumonline.com)) (hereafter: [Hukumonline.com](http://Hukumonline.com)), accessed 7 July 2018, <http://produk.hukumonline.com/pusat-data-peraturan-putusan.php>; and (3) Badan Pembinaan Hukum Nasional, Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia (hereafter: [JDIHN.id](http://JDIHN.id)), accessed 7 July 2018, <http://jdihn.id/artikel/search>.

<sup>22</sup> *Ibid.*, [Peraturan.go.id](http://Peraturan.go.id), <http://Peraturan.go.id/>.

<sup>23</sup> (1) *Ibid.*; and (2) “Direktori” [Directory], [Peraturan.go.id](http://Peraturan.go.id), accessed 7 July 2018, <http://Peraturan.go.id/direktori.html>.

<sup>24</sup> “Pusat Data Peraturan & Putusan Pengadilan,” [Hukumonline.com](http://Hukumonline.com) (n. 21).

<sup>25</sup> (1) *Ibid.*; and (2) “Pusat Data” [Data centre], [Hukumonline.com](http://www.hukumonline.com), accessed 7 July 2018, <http://www.hukumonline.com/pusatdata>.

<sup>26</sup> [JDIHN.id](http://JDIHN.id), accessed 7 July 2018, <http://JDIHN.id/>.

“data” (hereafter in this context: data) are not straightforwardly stated due to the lack of effective information on the website—although it should be noted that the label on the tab of the website is written “*peraturan perundang-undangan*” (laws and regulations).<sup>27</sup> If we leave the search bar blank and then click the search icon, the result of documents/data as of 7 July 2018 was 115,474 (actually more than just laws and regulations).<sup>28</sup> Although it should be pointed out that there are inter alia documents/data that should be counted as one item, not a number of different items.<sup>29</sup> Furthermore, the details of the forms of content in JDIHN.id are not clearly organised due to the lack of a directory for the database.<sup>30</sup>

One of the important parts of the integrated JDIHN.id database, <http://jdihn.bphn.go.id/> (hereafter: JDIHN.BPHN.go.id), had 36,913 “*peraturan perundang-undangan*” (laws and regulations) as of 7 July 2018 (actually more than just laws and regulations).<sup>31</sup> This is said to be “integrated” because the database of JDIHN.id will be linked to other Networks of Law Documentation and Information such as JDIHN.BPHN.go.id above when a search is being made.<sup>32</sup>

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<sup>27</sup> (1) Ibid.; and (2) JDIHN.id, <http://jdihn.id/artikel/search> (n. 21).

<sup>28</sup> (1) Ibid.; and (2) See: footnotes 31-32.

<sup>29</sup> The documents/data are in the forms of appendices that are separated from the core documents/data, see: JDIHN.id, accessed 7 July 2018, <http://jdihn.id/artikel/search/lampiran>.

<sup>30</sup> JDIHN.id, <http://jdihn.id/> (n. 26).

<sup>31</sup> Jaringan Dokumentasi dan Informasi Hukum Nasional, Badan Pembinaan Hukum Nasional, Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia (<http://jdihn.bphn.go.id/>) (hereafter: JDIHN.BPHN.go.id), accessed 7 July 2018, <http://jdihn.bphn.go.id/list/peraturan>.

<sup>32</sup> For example: (1) JDIHN.id, accessed 7 July 2018, [http://jdihn.id/artikel/search?tahun=2017&no=&jenis=Undang-undang&owner\\_id=](http://jdihn.id/artikel/search?tahun=2017&no=&jenis=Undang-undang&owner_id=) will be linked with (2) “Undang-Undang Nomor 6 Tahun

It is assumed that the forms of content in JDIHN.id are not as wide as those of Peraturan.go.id and Hukumonline.com.<sup>33</sup> For example, JDIHN.id does not include inter alia court decisions in its online database.<sup>34</sup>

It can be predicted that the actual number of laws and regulations as well as other products such as decisions (non-court decisions) and policy regulations would be higher than the numbers collected by the online databases mentioned earlier, and thus these numbers should be increased.<sup>35</sup> One of the indicators for this is, for example, that the pertinent online databases have a low number of provincial, regency, and city regulations.<sup>36</sup> It should be pointed out that Indonesia has 34 provinces and more than 500 regencies and cities.<sup>37</sup>

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2017 tentang Arsitek” [Law Number 6 Year 2017 concerning Architects], JDIHN.BPHN.go.id, accessed 7 July 2018, <http://jdihn.bphn.go.id/detail/22316/ARSITEK/17uu006.pdf>.

<sup>33</sup> Compare: (1) JDIHN.id, accessed 7 July 2018, <http://jdihn.id/artikel/search/putusan> (not available); (2) “Direktori,” Peraturan.go.id (n. 23) (see the section for court decisions on the left side); and (3) “Pusat Data” [Data centre], Hukumonline.com, accessed 7 July 2018, <http://www.hukumonline.com/pusatdata/view/npts/1t49f14ebb299bb>.

<sup>34</sup> Ibid.

<sup>35</sup> For a statement by Saldi Isra, outside the context of online databases, that said there is no consistent figure for the number of regulations whether 42,000 or 62,000 and thus the number of regulations could be stated by a party as high as 80,000 or 100,000 (criticised and guessed by Saldi Isra due to the lack of a consistent number of regulations), see: Moh. Nadlir (editor: Farid Assifa), “UU Masih Kurang, Indonesia Dianggap Belum Alami Obesitas” [Laws still less, Indonesia is considered not obese], *Kompas.com*, published 11 November 2017, <https://nasional.kompas.com/read/2017/11/11/16240241/uu-masih-kurang-indonesia-dianggap-belum-alami-obesitas-r-regulasi>.

<sup>36</sup> (1) “Direktori,” Peraturan.go.id (n. 23); (2) “Pusat Data Peraturan & Putusan Pengadilan,” Hukumonline.com (n. 21); and (3) JDIHN.id, <http://jdihn.id/artikel/search> (n. 21).

<sup>37</sup> (1) “Provinsi” [Province], Kementerian Dalam Negeri, accessed 7 July 2018, <http://www.kemendagri.go.id/pages/profil-daer>

It can be assumed that—at the time of writing of this article—there is no single person or institution that knows the exact number of laws and regulations as well as other products such as decisions (non-court decisions) and policy regulations that exist in Indonesia.<sup>38</sup> The Central Government does not have a united voice on the number of regulations.<sup>39</sup> The President of the Republic of Indonesia (Presiden Republik Indonesia), Joko Widodo, has said on various occasions that the number of regulations in Indonesia is about 42,000.<sup>40</sup> President Joko

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ah/provinsi; and (2) “Kabupaten” [Regency], Kementerian Dalam Negeri, accessed 7 July 2018, <http://www.kemendagri.go.id/pages/profil-daerah/kabupaten>.

<sup>38</sup> For a similar opinion in the context of regulations, see: Saldi Isra’s opinion in: Moh. Nadlir (editor: Farid Assifa), “UU Masih Kurang, Indonesia Dianggap Belum Alami Obesitas,” *Kompas.com* (n. 35). For a similar opinion in the context of laws and regulations, see: NDPB Research (n. 1), 5.

<sup>39</sup> For similar opinions, see: (1) *ibid.*, Saldi Isra’s opinion in: Moh. Nadlir (editor: Farid Assifa), “UU Masih Kurang, Indonesia Dianggap Belum Alami Obesitas,” *Kompas.com*; and (2) The author’s opinion in: Muhamad Bari Baihaqi, “Memahami Hukum Lewat Aplikasi LawblePedia” [Understanding the law through the lawblepedia application], *Harian Ekonomi Neraca*, published 9 March 2018, <http://www.neraca.co.id/article/98266/memahami-hukum-lewat-aplikasi-lawblepedia>. For the difference on the number of regulations, see: footnotes 40-43.

<sup>40</sup> (1) “Pengarahannya Presiden Jokowi [*sic*] Widodo [p]ada Penyerahan Daftar Isian Pelaksanaan Anggaran (DIPA) dan Penganugerahan Daerah Berprestasi Penerima Dana Insentif Daerah (DID) Tahun 2016, di Istana Negara, Jakarta, 14 Desember 2015” [The direction of President [Joko] Widodo on the submission of the Budget Implementation Entry List (DIPA) and the local achievement awards of the Local Incentive Recipient (DID) year 2016, at the State Palace, Jakarta, 14 December 2015], Sekretariat Kabinet Republik Indonesia, published 14 December 2015, <http://setkab.go.id/pengarahannya-presiden-jokowi-widodo-pada-penyerahan-daftar-isian-pelaksanaan-anggaran-dipa-dan-penganugerahan-daerah-berprestasi-penerima-dana-insentif-daerah-did-tahun-2016-di-istana-negara-jakar/>; (2) “Sambutan Presiden Joko Widodo [p]ada Pembukaan Musyawarah Nasional IV Asosiasi DPRD Kabupaten Seluruh Indonesia, di Hotel



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Pullman, Jakarta, 17 Desember 2015” [The greeting of President Joko Widodo at the opening of the 4<sup>th</sup> National Congress of the Association of Regency DPRD All Over Indonesia, at Pullman Hotel, Jakarta, 17 December 2015], Sekretariat Kabinet Republik Indonesia, published 17 December 2015, <http://setkab.go.id/sambutan-presiden-joko-widodo-pada-pembukaan-musyawarah-nasional-iv-asosiasi-dprd-kabupaten-seluruh-indonesia-di-hotel-pullman-jakarta-17-desember-2015/>; (3) “Pidato Sambutan Presiden Joko Widodo pada Peluncuran Program Investasi Menciptakan Lapangan Kerja Tahap III dan Peresmian Pabrik PT Nesia Pan Pacific Clothing serta Peresmian Akademi Komunitas Industri Tekstil dan Produk Tekstil Surakarta, 22 Januari 2016” [The speech of President Joko Widodo at the launch of the Investment Programme to Create Employment Opportunities Phase III and the inauguration of PT Nesia Pan Pacific Clothing’s factory as well as the inauguration of the Community Academy of Textile Industry and Surakarta’s textile products, 22 January 2016], Sekretariat Kabinet Republik Indonesia, published 26 January 2016, <http://setkab.go.id/pidato-sambutan-presiden-joko-widodo-pada-peluncuran-program-investasi-menciptakan-lapangan-kerja-tahap-iii-dan-peresmian-pabrik-pt-nesia-pan-pacific-clothing-serta-peresmian-akademi-komunitas-industr/>; (4) “Sambutan Presiden Joko Widodo [p]ada Peresmian Bandar Udara Internasional Juwata, Kota Tarakan, Kalimantan Utara, 23 Maret 2016” [The greeting of President Joko Widodo at the inauguration of Juwata International Airport, Tarakan City, Kalimantan Utara, 23 March 2016], Sekretariat Kabinet Republik Indonesia, published 24 March 2016, <http://setkab.go.id/sambutan-presiden-joko-widodo-pada-peresmian-bandar-udara-internasional-juwata-kota-tarakan-kalimantan-utara-23-maret-2016/>; (5) “Sambutan Presiden Joko Widodo pada Pembukaan Konvensi Nasional Indonesi [*sic*] Berkemajuan, Senin, 23 Mei 2016 Pukul 14.00 WIB, di Universitas Muhammadiyah Yogyakarta, Bantul, Daerah Istimewa Yogyakarta” [The greeting of President Joko Widodo at the opening of the National Convention on [Indonesia] Progress, Monday, 23 May 2016 at 14.00 WIB, at Universitas Muhammadiyah Yogyakarta, Bantul, Special Province Yogyakarta], Sekretariat Kabinet Republik Indonesia, published 23 May 2016, <http://setkab.go.id/sambutan-presiden-joko-widodo-pada-pembukaan-konvensi-nasional-indonesi-berkemajuan-senin-23-mei-2016-pukul-14-00-wib-di-universitas-muhammadiyah-yogyakarta-bantul-daerah-istimewa-yogyakarta/>; and (6) “Arahan Presiden Joko Widodo [S]aat menerima [*sic*] Menerima Dewan Pengurus Pusat Asosiasi Kontraktor Listrik dan Mekanikal Indonesia (AKLI) & Pengurus Pusat Asosiasi Profesionalis Elektrikal Indonesia (APEI) di Istana

Widodo mentioned in one of his speeches that the number of 42,000 regulations was obtained from the Head of the NDPB.<sup>41</sup> However, according to the Minister of Law and Human Rights of the Republic of Indonesia (Menteri Hukum dan Hak Asasi Manusia Republik Indonesia), Yasonna H. Laoly, Indonesia has around 62,000 regulations.<sup>42</sup> The difference between these two numbers has a wide range: 20,000 regulations.<sup>43</sup>

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Negara, Rabu 15 Juni 2016” [The direction of President Joko Widodo when he [received] the Central Executive Council of the Association of Indonesian Electrical and Mechanical Contractors (AKLI) & the Central Executive of the Association of Indonesian Electrical Professionals (APEI) at the State Palace, Wednesday 15 June 2016], Sekretariat Kabinet Republik Indonesia, published 15 June 2016, <http://setkab.go.id/arahan-presiden-joko-widodo-saat-menerima-menerima-dewan-pengurus-pusat-asosiasi-kontraktor-listrik-dan-mekanikal-indonesia-akli-pengurus-pusat-asosiasi-profesionalis-elektrikal-indonesia-apei-d/>. For the statements of President Joko Widodo regarding his support for the laws and regulations database, see: “Pengantar Presiden Joko Widodo pada Rapat Terbatas mengenai Lanjutan Pembahasan Reformasi Hukum, 17 Januari 2017, di Kantor Presiden, Jakarta” [The introduction of President Joko Widodo at the Limited Meeting concerning the Continued Discussion on the Legal Reform, 17 January 2017, at the Presidential Office, Jakarta], Sekretariat Kabinet Republik Indonesia, published 17 January 2017, <http://setkab.go.id/pengantar-presiden-joko-widodo-pada-rapat-terbatas-mengenai-lanjutan-pembahasan-reformasi-hukum-17-Januari-2017-di-kantor-presiden-jakarta/>.

<sup>41</sup> Ibid., “Pidato Sambutan Presiden Joko Widodo pada Peluncuran Program Investasi Menciptakan Lapangan Kerja Tahap III dan Peresmian Pabrik PT Nesia Pan Pacific Clothing serta Peresmian Akademi Komunitas Industri Tekstil dan Produk Tekstil Surakarta, 22 Januari 2016,” Sekretariat Kabinet Republik Indonesia. Saldi Isra mentioned that the number of 42,000 regulations is based on the Ministry of Home Affairs of the Republic of Indonesia (Kementerian Dalam Negeri Republik Indonesia), see: Saldi Isra’s opinion in: Moh. Nadlir (editor: Farid Assifa), “UU Masih Kurang, Indonesia Dianggap Belum Alami Obesitas,” *Kompas.com* (n. 35).

<sup>42</sup> Menteri Hukum dan Hak Asasi Manusia Republik Indonesia (Yasonna H. Laoly), “Perkembangan dan Tantangan Pengelolaan Regulasi di Indonesia” [The development and challenges

Research conducted by the NDPB—which was based on and developed using data from the State Secretariat of the Republic of Indonesia (Sekretariat Negara Republik Indonesia) and Hukumonline.com—found 12,471 regulations (more than just regulations) at the national level (from 2000 until 2015).<sup>44</sup> Furthermore, this research also mentioned that there are 28,752 regulations at the provincial, regency, and city levels (from the Reformation Era in 1998 until 2015) based on data from the Network of Law Documentation and Information of the Ministry of Home Affairs of the Republic of Indonesia (Kementerian Dalam Negeri Republik Indonesia).<sup>45</sup> Using a similar argument as explained earlier, it may also be predicted that the actual number of regulations will be higher than the numbers mentioned earlier.<sup>46</sup>

Nonetheless, there has been a positive development towards an online Indonesian law database

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of regulatory management in Indonesia] (Scientific oration at the opening of the 4<sup>th</sup> National Conference on Constitutional Law, Jember, Indonesia, 10 November 2017), 5. For a similar statement as above, see also: Asosiasi Pengajar Hukum Tata Negara dan Hukum Administrasi Negara (APHTN-HAN), Pusat Studi Konstitusi (Pusako) Universitas Andalas, dan Pusat Pengkajian Pancasila dan Konstitusi (Puskapsi) Universitas Jember, “Siaran Pers Konferensi Nasional Hukum Tata Negara (KNHTN) ke-4, Tema: Penataan Regulasi di Indonesia, 10-12 November 2017” [The press release of the 4<sup>th</sup> National Conference on Constitutional Law, theme: the regulations arrangement in Indonesia, Jember, 10-12 November 2017], press release, 1.

<sup>43</sup> See: footnotes 40-42.

<sup>44</sup> Kementerian Perencanaan Pembangunan Nasional / Badan Perencanaan Pembangunan Nasional, *Strategi Nasional Reformasi Regulasi: Mewujudkan Regulasi yang Sederhana dan Tertib* [The national strategy for regulatory reform: Establishing simple and orderly regulations] (Kementerian Perencanaan Pembangunan Nasional / Badan Perencanaan Pembangunan Nasional, 2015), 5.

<sup>45</sup> *Ibid.*, 7.

<sup>46</sup> See: footnotes 35-37.

in the judicial context (in terms of court decisions)—although it should be noted that this is outside the scope of the NDPB Research on online Indonesian laws and regulations databases.<sup>47</sup> An online Indonesian law database at: <https://putusan.mahkamahagung.go.id/> (hereafter: [Putusan.mahkamahagung.go.id](https://putusan.mahkamahagung.go.id/)) under Mahkamah Agung Republik Indonesia (Supreme Court of the Republic of Indonesia) (hereafter: Supreme Court) had 2,747,747 court decisions as of 7 July 2018.<sup>48</sup> Although the number of court decisions in the pertinent database ([Putusan.mahkamahagung.go.id](https://putusan.mahkamahagung.go.id/)) is being claimed as the largest number of decisions available online in the world according to a report of the Supreme Court,<sup>49</sup> it is important to underline that the number of Indonesian court decisions is actually estimated to be far higher than 2.5 million.<sup>50</sup>

### 1.3. Objectives and Limitations

The proposed forms of content in the NDPB Research are focused on laws and regulations in its online

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<sup>47</sup> NDPB Research (n. 1).

<sup>48</sup> Kepaniteraan Mahkamah Agung Republik Indonesia (Direktori Putusan Mahkamah Agung Republik Indonesia) (<https://putusan.mahkamahagung.go.id/>), accessed 7 July 2018, <https://putusan.mahkamahagung.go.id/>.

<sup>49</sup> Mahkamah Agung Republik Indonesia (Tim Pokja Laporan Tahunan MARI), *Laporan Tahunan 2017 Mahkamah Agung Republik Indonesia* [The 2017 annual report of the Supreme Court of the Republic of Indonesia] (Jakarta: Mahkamah Agung RI, 2018), 75 (as of late 2017, <https://putusan.mahkamahagung.go.id/> has 2,511,865 court decisions).

<sup>50</sup> For the number of court decisions in Indonesia in 2015 until 2017, see: (1) *Ibid.*, 11-12, and see also in general: 13-60; and (2) Mahkamah Agung Republik Indonesia (Pokja Laporan Tahunan MARI), *Laporan Tahunan 2016 Mahkamah Agung Republik Indonesia* [The 2016 annual report of the Supreme Court of the Republic of Indonesia] (Jakarta: Mahkamah Agung RI, 2017), 87-98.

database as mentioned earlier.<sup>51</sup> The forms of content should be more than just laws and regulations. This monograph will propose forms of content for an online Indonesian law database that are more diverse than those proposed in the NDPB Research. The proposed forms of content in this monograph are based on and by developing the definition of law documents under the President of the Republic of Indonesia Regulation Number 33 Year 2012 concerning the National Network of Law Documentation and Information (Peraturan Presiden Republik Indonesia Nomor 33 Tahun 2012 tentang Jaringan Dokumentasi dan Informasi Hukum Nasional) (hereafter: President Regulation 33/2012).

There are limitations of this monograph. First, the forms of content of an ideal online Indonesian law database are always developing. The law can be changed and it can be developed. Thus, the forms of content that are proposed in this monograph need to be regularly updated. The monograph will not claim the proposed forms of content are comprehensive and complete. Rather, the monograph focuses on developing and contributing variations of the forms of content that need to be developed from time to time. The monograph is also not claiming to have entirely new forms of content to offer. Some of the proposed forms of content in this monograph are already mentioned in Article 1 Number 2 of the President Regulation 33/2012. Furthermore, the other proposed forms of content are a development of Article 1 Number 2 of the President Regulation 33/2012. What the monograph offers is to gather together the relevant forms of content for an online Indonesian law database.

Second, this monograph has no intention to achieve a similar goal as the NDPB Research, which set out to develop a “grand design” for a laws and regulations

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<sup>51</sup> See: footnote 10.

database in Indonesia<sup>52</sup>—this monograph will focus only on the proposed forms of content.

Third, this monograph will not discuss technical issues such as: technology-related issues, how to gather the sources into the online Indonesian law database, and who will develop the pertinent database.

Fourth, the use and development of an online Indonesian law database, for example by using artificial intelligence and blockchain technologies,<sup>53</sup> will not be the focus of the monograph, and will not be discussed in detail. It should be noted that the development of primary sources of data such as laws and regulations in an online Indonesian law database is also important.<sup>54</sup> The NDPB Research mentioned that to identify a problem or potential problem in laws and regulations, analytical “tools” are

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<sup>52</sup> NDPB Research (n. 1), v, 7, and Chapter V.

<sup>53</sup> For a further discussion on artificial intelligence, see: (1) Dame Wendy Hall and Jérôme Pesenti, *Growing the Artificial Intelligence Industry in the UK*, 27. This report was published in 2017, see: “Independent Report: Growing the Artificial Intelligence Industry in the UK,” Crown (Gov.uk), published 15 October 2017, <https://www.gov.uk/government/publications/growing-the-artificial-intelligence-industry-in-the-uk>; and (2) Executive Office of the President, *Artificial Intelligence, Automation, and the Economy* (The U.S. Government, 2016). For an explanation regarding the use of artificial intelligence in the context of the NDPB Research on the online Indonesian law database, see: *ibid.*, NDPB Research, 92, 100, 106, and 127-128. For a further discussion on blockchain, see: (1) Government Office for Science (The UK Government Chief Scientific Adviser), *Distributed Ledger Technology: Beyond Block Chain* (London: Crown, 2016); (2) IBM, *Reimagine and Disrupt Your Industry with IBM Blockchain* (IBM Corporation, 2017); (3) “Blockchain,” U.S. General Services Administration, accessed 7 July 2018, <https://www.gsa.gov/technology/government-it-initiatives/emerging-citizen-technology/blockchain>; and (4) IBM, *How IBM Blockchain Can Improve Government Services and Ensure Trust* (IBM Corporation, 2017).

<sup>54</sup> *Ibid.*, NDPB Research, 100-102 and 129.

needed to assist the government.<sup>55</sup> These “tools”<sup>56</sup> can only be maximally developed if the quality and quantity as well as the variation of the forms of content in an online Indonesian law database are optimal. The NDPB Research also mentioned the need to have “value[-]added services” in an online Indonesian law database.<sup>57</sup> For example, the NDPB Research proposed an “on-line [online] consultation.”<sup>58</sup> It should be noted that Hukumonline.com has been implementing the above example with its online legal clinic.<sup>59</sup> It is important to note that the future development of an online Indonesian law database could be related to the use of artificial intelligence and blockchain technologies.<sup>60</sup> It should be pointed out that Hukumonline.com has also launched a chatbot called LIA (Legal Intelligent Assistant).<sup>61</sup> An online Indonesian law database with many and varied forms of content will be a good starting point for the development of law and technology (lawtech) in Indonesia.

Fifth, a comparison with advanced online law databases outside Indonesia that are not specialised in Indonesian law is not the focus of the monograph.<sup>62</sup> This

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<sup>55</sup> Ibid., 130 and 101-102.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid., 101-102.

<sup>58</sup> Ibid.

<sup>59</sup> (1) Ibid.; and (2) “Klinik” [Clinic], Hukumonline.com, accessed 7 July 2018, <http://www.hukumonline.com/klinik>.

<sup>60</sup> See: footnote 53.

<sup>61</sup> Aida Mardatillah, “LIA, Chatbot Hukum Pertama Indonesia Resmi Diluncurkan” [LIA, the first law chatbot in Indonesia is officially launched], *Hukumonline.com*, published 8 August 2018, <http://hukumonline.com/berita/baca/lt5b6a4dcab1765/1ia--chatbot-hukum-pertama-indonesia-resmi-diluncurkan>.

<sup>62</sup> For examples of these databases: (1) Heinonline, accessed 7 July 2018, <https://home.heinonline.org/>; (2) Thomson Reuters (Westlaw), accessed 7 July 2018, <https://legalsolutions.thomsonreuters.com/law-products/westlaw-legal-research/all-content>; and (3)

monograph will use the NDPB Research as one of its focuses and starting points. Nonetheless, it should be noted that advanced online law databases outside Indonesia<sup>63</sup> could be a model for developing an online Indonesian law database as long as no intellectual property law or other relevant laws are violated.

Sixth, law products of laws and regulations under Article 1 Number 2 of the President Regulation 33/2012 are available on Peraturan.go.id, Hukumonline.com, and JDIHN.id—but the number should be increased.<sup>64</sup> However, not all the forms of law products other than laws and regulations under Article 1 Number 2 of the President Regulation 33/2012 are available in Peraturan.go.id, Hukumonline.com, and JDIHN.id.<sup>65</sup> Furthermore, not all the forms of law products other than laws and regulations based on the expansion of court-related products, pre-regulation-related products, and secondary source products as well as other forms besides court-related products, pre-regulation-related products, and secondary source products that will be explained in the next chapter are available in Peraturan.go.id, Hukumonline.com, and JDIHN.id.<sup>66</sup> Even if there are forms of law products other than laws and regulations that are available on the pertinent databases, it does not mean that the quantities of the pertinent forms are complete.<sup>67</sup> It should be noted that this monograph will not focus on the status of the quantities and the completeness as well as the qualities of the pertinent forms. This monograph also will not make a comparison between Peraturan.go.id, Hukumonline.com, and JDIHN.id or between other

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“Legal Solutions,” LexisNexis, accessed 7 July 2018, <https://www.lexisnexis.com/en-us/legal-solutions/default.page>.

<sup>63</sup> Ibid.

<sup>64</sup> See: footnotes 22-37.

<sup>65</sup> Ibid. This will be discussed in Chapter 2.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.



relevant databases mentioned in this monograph regarding their quantities and completeness as well as the qualities of the pertinent forms. This monograph only intends to provide information about the availability of the forms without mentioning their quantities and the completeness as well as the qualities of the pertinent forms. Thus, further research is needed to check the quantities and completeness as well as the qualities of the pertinent forms.

Furthermore, the status of the availability of a form which will be mentioned in Chapter 2 has a risk of inaccuracy due to at least two reasons. First, the limitations of search engine quality and the overall quality of the pertinent databases that make the forms were difficult to be found. Second, the human error caused by the author that might missed a form in the pertinent databases. Moreover, unlike [Peraturan.go.id](http://Peraturan.go.id) and [Hukumonline.com](http://Hukumonline.com), [JDIHN.id](http://JDIHN.id) linked the forms of content in its database to other databases under the National Network of Law Documentation and Information.<sup>68</sup> In other words, it can be said that [JDIHN.id](http://JDIHN.id) performance depends on these other databases under the National Network of Law Documentation and Information.<sup>69</sup> There is a risk that some of the forms of content of [JDIHN.id](http://JDIHN.id) cannot be accessed if other databases that are linked to [JDIHN.id](http://JDIHN.id) cannot be accessed or errors.<sup>70</sup> It should also be underlined that the content of [JDIHN.id](http://JDIHN.id) that will be discussed in this monograph is limited only to [JDIHN.id](http://JDIHN.id) as the main website. Other materials in other databases under the National Network of Law Documentation and Information will not be the scope of the search unless the

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<sup>68</sup> See: footnotes 31-32.

<sup>69</sup> For examples of data that cannot be downloaded, see: footnotes 113 and 117 (see on the below, in the context of [JDIHN.id](http://JDIHN.id) and [Basarnas](http://Basarnas)).

<sup>70</sup> *Ibid.*

pertinent material is directly referred to by the search engine as a result of a search.

It should also be pointed out that the term “online Indonesian law database” should be interpreted in a broad perspective. An “online Indonesian law database” might not only have a product that has a characteristic of a law product, but might also include a product that has a characteristic of a policy product as well as a supporting product for law and policy products, which will be discussed in the next chapter.<sup>71</sup> Furthermore, an “online Indonesian law database” should not be interpreted as only a single online database. In the context of Indonesia as a state, ideally a single online Indonesian law database having all the proposed forms of content would be preferable.<sup>72</sup> However, in the context of a private entity, there could be more than one online Indonesian law database.

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<sup>71</sup> See: Chapter 2.

<sup>72</sup> For a discussion of a single database in the context of the NDPB Research, see: NDPB Research (n. 1), 85.

## 2. THE PROPOSED FORMS OF CONTENT

### 2.1. Law Documents: Law Products of Laws and Regulations and Law Products Other than Laws and Regulations

Law documents, according to Article 1 Number 2 of the President Regulation 33/2012, can be classified into: (1) law products of laws and regulations, and (2) law products other than laws and regulations.<sup>73</sup> Basically, law products of laws and regulations as well as law products other than laws and regulations under Article 1 Number 2 of the President Regulation 33/2012<sup>74</sup> should be the forms of content of an online Indonesia law database.

Law products of laws and regulations are clear; they take the form of laws and regulations.<sup>75</sup> Law products of laws and regulations are law products that are stated and explained in Article 7 Paragraph (1) (and its explanation) and Article 8 (and its explanation) of the Law 12/2011.<sup>76</sup> Law products of laws and regulations can only be developed as long as they are in accordance with in particular Article 8 (and its explanation) of the Law 12/2011.<sup>77</sup> It should be noted that the definition of laws and regulations under Article 1 Number 4 of the President Regulation 33/2012 is in verbatim with the definition under Article 1 Number 2 of the Law 12/2011.<sup>78</sup>

On the contrary, the forms of law products other than laws and regulations could be widely expanded due

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<sup>73</sup> President Regulation 33/2012 (n. 17), Article 1 Number 2.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>76</sup> (1) Ibid., President Regulation 33/2012, Article 1 Number 2; and (2) Law 12/2011, Article 7 Paragraph (1) (and its explanation) and Article 8 (and its explanation) (n. 7).

<sup>77</sup> Ibid.

<sup>78</sup> (1) Ibid., Law 12/2011, Article 1 Number 2; and (2) Ibid., President Regulation 33/2012, Article 1 Number 2.

to the use of the phrase “*yang meliputi namun tidak terbatas*” (including but not limited to) in Article 1 Number 2 of the President Regulation 33/2012.<sup>79</sup> This monograph will focus on developing the forms of law products other than laws and regulations rather than on law products of laws and regulations.

The law products other than laws and regulations that are explicitly mentioned in Article 1 Number 2 of the President Regulation 33/2012<sup>80</sup> can be classified into three forms. First, they could be court-related products which are court decisions and jurisprudences.<sup>81</sup> Second, they also could be pre-regulation-related products which are academic scripts and drafts of laws and regulations.<sup>82</sup> Third, they could be in the form of secondary source products which are articles in law magazines, law books, and law monographs as well as in wider forms labeled as legal research and legal reviews.<sup>83</sup> These court-related products, pre-regulation-related products, and secondary source products could still be expanded into more sub-products. Other forms besides court-related products, pre-regulation-related products, and secondary source products could still also be expanded. The expansion of the forms that are explicitly mentioned in Article 1 Number 2 of the President Regulation 33/2012 and other forms outside the forms that are explicitly mentioned in Article 1 Number 2 of the President Regulation 33/2012 will be described in this chapter.

There are three characteristics that could be related in the context of the definition of law documents under

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<sup>79</sup> For the definition of law documents and examples of law products other than laws and regulations, see: *ibid.*, President Regulation 33/2012, Article 1 Number 2.

<sup>80</sup> *Ibid.*

<sup>81</sup> *Ibid.*

<sup>82</sup> *Ibid.*

<sup>83</sup> *Ibid.*

Article 1 Number 2 of the President Regulation 33/2012.<sup>84</sup> The first is the characteristic of a law product. The second is the characteristic of a policy product. The third is the characteristic of a supporting product for law and policy products.

In this monograph the term “law products” under Article 1 Number 2 of the President Regulation 33/2012<sup>85</sup> and a law product in the context of a characteristic of a product will be distinguished. The discussion of a law product in the context of the characteristic will be clearly stated in order to avoid confusion due to the similar term. Law products other than laws and regulations that have characteristics of policy products or supporting products for law and policy products should be interpreted under the classification of “law documents” in particular under law products other than laws and regulations based on Article 1 Number 2 of the President Regulation 33/2012.<sup>86</sup> In this context, the term “law documents” under Article 1 Number 2 of the President Regulation 33/2012<sup>87</sup> should be interpreted from a broad perspective.

In the context of characteristics, law products of laws and regulations under Article 1 Number 2 of the President Regulation 33/2012<sup>88</sup> can be classified as law products. However, not all the forms of law products other than laws and regulations under Article 1 Number 2 of the President Regulation 33/2012<sup>89</sup> are actually can be classified as law products. Pre-regulation-related products (academic scripts and drafts of laws and regulations) as well as secondary source products (articles in law

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<sup>84</sup> For the definition of law documents, see: *ibid.*

<sup>85</sup> *Ibid.*

<sup>86</sup> For the definition of law documents and examples of law products other than laws and regulations, see: *ibid.*

<sup>87</sup> For the definition of law documents, see: *ibid.*

<sup>88</sup> *Ibid.*

<sup>89</sup> For the definition of law documents and examples of law products other than laws and regulations, see: *ibid.*

magazines, law books, and law monographs as well as legal research and legal reviews)<sup>90</sup> are basically not law products. The characteristics of pre-regulation-related products as well as secondary source products<sup>91</sup> depend on whether or not the documents or products *inter alia* are officially produced or supported by Indonesia as a state and whether they have become Indonesian policies. In this context, pre-regulation-related products as well as secondary source products<sup>92</sup> are classified as policy products if they are produced or supported by Indonesia. If they<sup>93</sup> are not produced or supported by Indonesia it is more suitable to classify them as supporting products for law and policy products.

It is important to note in the context of the classification of the characteristics (a law product, a policy product, and a supporting product for law and policy products) of law products other than laws and regulations, one should always look at the content of the pertinent product. For example, a product that has a characteristic as a policy product could also have a characteristic of a law product that is legally binding if it has been cited and supported by existing and valid laws and regulations.

## **2.2. The Development of Law Products Other than Laws and Regulations**

### **2.2.1. The Forms that Are Not Explicitly Listed in Article 1 Number 2 of the President Regulation 33/2012**

There are a number of forms that are not explicitly listed in Article 1 Number 2 of the President Regulation

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<sup>90</sup> Ibid.

<sup>91</sup> Ibid.

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

33/2012. The pertinent forms mentioned in this section should be included in an online Indonesian law database. The first form is an unwritten customary law in the context of Indonesian law (*adat* law).<sup>94</sup> Although court decisions based on the original *adat* law principles have been decreasing,<sup>95</sup> as long as an *adat* law still exists it needs to be included in an online Indonesian law database.<sup>96</sup> We need to distinguish between an Indonesian customary law that is regulated and has become for example a part of laws and regulations, and an unwritten Indonesian customary law that has not been regulated by laws and regulations or by any other forms that have the characteristic of a law or policy product. The pertinent unwritten Indonesian customary laws are not available in Peraturan.go.id, Hukumonline.com, and JDIHN.id, but Indonesian customary laws that are regulated and become for example a part of laws and regulations are available on the pertinent databases.<sup>97</sup> The pertinent unwritten

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<sup>94</sup> For the legal basis of an *adat* law in Indonesia, see: Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 [The Constitution of the State of the Republic of Indonesia Year 1945], Article 18B Paragraph (2). For a further discussion on *adat* law, see: (1) Jimly Asshiddiqie, *Konsolidasi Naskah UUD 1945: Setelah Perubahan Keempat* [The consolidation of UUD 1945 script: After the fourth amendment], 2<sup>nd</sup> printed edition (Jakarta: Yarsif Watampone, 2003), 32-33; and (2) M. Solly Lubis, *Ilmu Pengetahuan Perundang-undangan* [The science of laws] (Bandung: CV Mandar Maju, 2009), 39.

<sup>95</sup> Sudikno Mertokusumo, *Sejarah Peradilan dan Perundang-undangannya di Indonesia sejak 1942 dan Apakah Kemanafaatannya bagi Kita Bangsa Indonesia* [The history of the judiciary and its laws in Indonesia since 1942 and what is the utilisation for us the Indonesian nation] (Yogyakarta: Universitas Atma Jaya Yogyakarta, 2011) (based on Mertokusumo's doctoral dissertation in 1971), 289.

<sup>96</sup> See: footnote 94.

<sup>97</sup> Search for the words "*hukum adat*" (customary law) (and after that—only for Hukumonline.com—select "*peraturan*" [regulations] on the left side): (1) Peraturan.go.id, accessed 7 July

Indonesian customary laws need to be written in order for them to be added to an online Indonesian law database.

The second form is a decision but not in the context of a judicial or quasi-judicial decision.<sup>98</sup> Decisions are available in Peraturan.go.id, Hukumonline.com, and JDIHN.id.<sup>99</sup>

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2018, [http://peraturan.go.id/search/cari.html?jenis\\_peraturan=&keyword=adat&tahun=](http://peraturan.go.id/search/cari.html?jenis_peraturan=&keyword=adat&tahun=); (2) Hukumonline.com, accessed 7 July 2018, [http://search.hukumonline.com/id/search/browse?q=adat&category=kutu\\_peraturan&sort=fixedDate&order=desc](http://search.hukumonline.com/id/search/browse?q=adat&category=kutu_peraturan&sort=fixedDate&order=desc); and (3) JDIHN.id, accessed 7 July 2018, <http://jdihn.id/artikel/search/adat>. See also: (1) Peraturan.go.id, accessed 7 July 2018, <http://peraturan.go.id/adat.html>; and (2) Hukumonline.com, accessed 7 July 2018, <http://www.hukumonline.com/pusatdata/view/node/lt51ca94b86dcd4>. See also in general: (1) Peraturan.go.id, <http://peraturan.go.id/> (n. 21); (2) “Direktori,” Peraturan.go.id (n. 23); (3) Hukumonline.com, accessed 7 July 2018, <http://www.hukumonline.com/>; (4) “Pusat Data,” Hukumonline.com, <http://www.hukumonline.com/pusatdata> (n. 25); and (5) JDIHN.id, <http://jdihn.id/> (n. 26) (all together from number [1] until number [5], hereafter: Peraturan.go.id, Hukumonline.com, and JDIHN.id in footnote 97).

<sup>98</sup> A decision is classified as a law instrument, see: Peraturan Menteri Hukum dan Hak Asasi Manusia Republik Indonesia Nomor 02 Tahun 2013 tentang Standardisasi Pengelolaan Teknis Dokumentasi dan Informasi Hukum [Minister of Law and Human Rights of the Republic of Indonesia Regulation Number 02 Year 2013 concerning the Standardisation of Technical Management of Law Documentation and Information] (BNRI Year 2013 Number 218) (stipulated 6 February 2013, promulgated 8 February 2013) (hereafter: MLHR 02/2013), Appendix II, Chapter II, B.

<sup>99</sup> Search for the word “*keputusan*” (decision) (and after that—only for Hukumonline.com—select “*peraturan*” [regulations] on the left side): (1) Peraturan.go.id, accessed 7 July 2018, [http://peraturan.go.id/search/cari.html?jenis\\_peraturan=&keyword=keputusan&tahun=](http://peraturan.go.id/search/cari.html?jenis_peraturan=&keyword=keputusan&tahun=); (2) Hukumonline.com, accessed 7 July 2018, [http://search.hukumonline.com/id/search/browse?q=keputusan&category=kutu\\_peraturan&sort=fixedDate&order=desc](http://search.hukumonline.com/id/search/browse?q=keputusan&category=kutu_peraturan&sort=fixedDate&order=desc); and (3) JDIHN.id, accessed 7 July 2018, <http://jdihn.id/artikel/search/keputusan>. See also: (1) Peraturan.go.id, accessed 7 July 2018, <http://peraturan.go.id/keppres.html>; and (2) Hukumonline.com, accessed 7 July 2018, <http://www.hukumonline.com/pusatdata/view/nprt/548>. See in



The third form is a policy regulation.<sup>100</sup> A policy regulation could be in many forms.<sup>101</sup> The forms could be named as an instruction or a circular letter.<sup>102</sup> Instruction letters are available in Peraturan.go.id, Hukumonline.com, and JDIHN.id.<sup>103</sup> However, circular letters are only available in Hukumonline.com and JDIHN.id, not in Peraturan.go.id.<sup>104</sup>

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general: Peraturan.go.id, Hukumonline.com, and JDIHN.id in footnote 97.

<sup>100</sup> For a further discussion on policy regulations, see: Jimly Asshiddiqie, *Perihal Undang-Undang* [Regarding laws], 3<sup>rd</sup> printed version (Jakarta: PT Rajagrafindo Persada, 2014), 14, 263, and 274. For critics on policy regulations, see: Mukhlis Taib, *Dinamika Perundang-undangan di Indonesia* [The dynamic of laws in Indonesia] (Bandung: Refika Aditama, 2017), 93-94.

<sup>101</sup> For other forms of policy regulations, see: *ibid.*, Asshiddiqie.

<sup>102</sup> An instruction and a circular letter are classified as “law instruments,” see: MLHR 02/2013 (n. 98), Appendix II, Chapter II, B.

<sup>103</sup> Search for the word “*instruksi*” (instruction) (and after that—only for Hukumonline.com—select “*peraturan*” [regulations] on the left side): (1) Peraturan.go.id, accessed 7 July 2018, [http://peraturan.go.id/search/cari.html?jenis\\_peraturan=&keyword=instruksi&tahun=](http://peraturan.go.id/search/cari.html?jenis_peraturan=&keyword=instruksi&tahun=); (2) Hukumonline.com, accessed 7 July 2018, [http://search.hukumonline.com/id/search/browse?q=instruksi&category=kutu\\_peraturan&sort=fixedDate&order=desc](http://search.hukumonline.com/id/search/browse?q=instruksi&category=kutu_peraturan&sort=fixedDate&order=desc); and (3) JDIHN.id, accessed 7 July 2018, <http://jdihn.id/artikel/search/instruksi>. See also: (1) Peraturan.go.id, accessed 7 July 2018, <http://peraturan.go.id/inpres.html>; and (2) Hukumonline.com, accessed 7 July 2018, <http://www.hukumonline.com/pusatdata/view/nprt/550>. See in general: Peraturan.go.id, Hukumonline.com, and JDIHN.id in footnote 97.

<sup>104</sup> Search for the words “*surat edaran*” (circular letter) (and after that—only for Hukumonline.com—select “*peraturan*” [regulations] on the left side): (1) Peraturan.go.id, accessed 7 July 2018, [http://peraturan.go.id/search/cari.html?jenis\\_peraturan=&keyword=surat+edaran&tahun=](http://peraturan.go.id/search/cari.html?jenis_peraturan=&keyword=surat+edaran&tahun=) (not available); (2) Hukumonline.com, accessed 7 July 2018, [http://search.hukumonline.com/id/search/browse?q=surat+edaran&category=kutu\\_peraturan&sort=fixedDate&order=desc](http://search.hukumonline.com/id/search/browse?q=surat+edaran&category=kutu_peraturan&sort=fixedDate&order=desc); and (3) JDIHN.id, accessed 7 July 2018, <http://jdihn.id/artikel/search/surat+edaran>. Actually there is a folder for a circular letter in Peraturan.go.id, but there is no circular letter in it, see:

The fourth form is existing and valid colonial laws such as Burgerlijk Wetboek (Indonesian Civil Code).<sup>105</sup> Burgerlijk Wetboek is available in Peraturan.go.id and Hukumonline.com, but not in JDIHN.id.<sup>106</sup> It should be

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Peraturan.go.id, accessed 7 July 2018, <http://peraturan.go.id/se-dirjen-minerba.html>. See in general: Peraturan.go.id, Hukumonline.com, and JDIHN.id in footnote 97.

<sup>105</sup> For the translated version of Burgerlijk Wetboek (Indonesian Civil Code) in Indonesian, see: R. Subekti dan R. Tjitrosudibio, trans., *Kitab Undang-Undang Hukum Perdata = Burgerlijk Wetboek: Dengan Tambahan Undang-Undang Pokok Agraria dan Undang-Undang Perkawinan* [The Civil Code = Burgerlijk Wetboek: With extra on the Law on Basic Agrarian and the Law on Marriage], 35<sup>th</sup> printed version (Jakarta: Pradnya Paramita 2004) (it should be noted that not all the content [other than Burgerlijk Wetboek] has been translated by Subekti and Tjitrosudibio in the pertinent book). For the Guidelines for Creating Titles for the Main Entry of Regulations and the Guidelines for Deciding Uniform Titles that mentioned colonial laws, see: MLHR 02/2013 (n. 98), Appendix III, Chapter III, Guidelines for Creating Titles for the Main Entry of Regulations and the Guidelines for Deciding Uniform Titles.

<sup>106</sup> Search for the words “burgerlijk wetboek” (and after that—only for Hukumonline.com—select “*peraturan kolonial*” [colonial regulations] on the left side): (1) Peraturan.go.id, accessed 7 July 2018, [http://peraturan.go.id/search/cari.html?jenis\\_peraturan=&keyword=burgerlijk+wetboek&tahun=](http://peraturan.go.id/search/cari.html?jenis_peraturan=&keyword=burgerlijk+wetboek&tahun=); (2) Hukumonline.com, accessed 7 July 2018, [http://search.hukumonline.com/id/search/browse?q=burgerlijk+wetboek&category=kutu\\_peraturan\\_kolonial&sort=fixeDate&order=desc](http://search.hukumonline.com/id/search/browse?q=burgerlijk+wetboek&category=kutu_peraturan_kolonial&sort=fixeDate&order=desc); and (3) JDIHN.id, accessed 7 July 2018, <http://jdihn.id/artikel/search/burgerlijk+wetboek> (not available). Search also for the words “Kitab Undang-Undang Hukum Perdata” and “KUHPer” in JDIHN.id: (1) JDIHN.id, accessed 7 July 2018, <http://jdihn.id/artikel/search/Kitab+Undang-Undang+Hukum+Perdata> (not available); and (2) JDIHN.id, accessed 7 July 2018, <http://jdihn.id/artikel/search/KUHPer> (not available). See also: (1) Peraturan.go.id, accessed 7 July 2018, <http://peraturan.go.id/kolonial.html>; and (2) Hukumonline.com, accessed 7 July 2018, <http://www.hukumonline.com/pusatdata/view/nprt/lt49f130360d8fe>. See in general: Peraturan.go.id, Hukumonline.com, and JDIHN.id in footnote 97.

noted that Indonesia must provide an official translation of existing and valid colonial laws to the public.<sup>107</sup>

The fifth form is existing and valid former laws and regulations under the law concerning laws and regulations before the Law 12/2011 which are not included under the Law 12/2011 as laws and regulations.<sup>108</sup> These existing and valid former laws and regulations are available in [Peraturan.go.id](http://Peraturan.go.id), [Hukumonline.com](http://Hukumonline.com), and [JDIHN.id](http://JDIHN.id).<sup>109</sup>

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<sup>107</sup> For a legal warning in the context of KUHP (Indonesian Criminal Code), see: Tim Advokasi KUHP Berbahasa Indonesia Resmi (Yayasan Lembaga Bantuan Hukum Indonesia (YLBHI), Institute Criminal Justice Reform (ICJR), & Lembaga Bantuan Hukum (LBH) Masyarakat), *Peringatan Hukum/Somasi* [Legal warning/somasi] (Jakarta, 11 March 2018).

<sup>108</sup> For the legal basis, see: (1) Law 12/2011 (n. 7), Article 7 Paragraph (1) (and its explanation), Article 8 (and its explanation), Article 100, and Article 102; (2) Law 10/2004 (n. 8) Articles 56-57; and (3) Ketetapan Majelis Permusyawaratan Rakyat Republik Indonesia Nomor III/MPR/2000 tentang Sumber Hukum dan Tata Urutan Peraturan Perundang-undangan [People's Consultative Assembly of the Republic of Indonesia Decree Number III/MPR/2000 concerning Sources of Law and Order of Laws and Regulations] (stipulated 18 August 2000).

<sup>109</sup> Ibid. For example: a President Decision. Search for the words "*keputusan presiden*" (president decision) in [Peraturan.go.id](http://Peraturan.go.id) and after that select 2001 on the left side: [Peraturan.go.id](http://Peraturan.go.id), accessed 7 July 2018, [http://peraturan.go.id/search/cari.html?keyword=keputusan+presiden&tahun%5B2001%5D=2001&order\\_by=&limit\\_page=20](http://peraturan.go.id/search/cari.html?keyword=keputusan+presiden&tahun%5B2001%5D=2001&order_by=&limit_page=20). Search for the words "*keputusan presiden 2001*" (president decision 2001) in [Hukumonline.com](http://Hukumonline.com), select "*peraturan*" (regulations) on the left side, and click page 4: [Hukumonline.com](http://Hukumonline.com), accessed 7 July 2018, [http://search.hukumonline.com/id/search/browse?q=keputusan+presiden+tahun+2001&regulationType=%22keppres%22&category=\(kutu\\_peraturan\\_kolonial%20OR%20kutu\\_rancangan\\_peraturan%20OR%20kutu\\_peraturan\)&regulationSelected=1&sort=fixedDate&order=desc&page=4](http://search.hukumonline.com/id/search/browse?q=keputusan+presiden+tahun+2001&regulationType=%22keppres%22&category=(kutu_peraturan_kolonial%20OR%20kutu_rancangan_peraturan%20OR%20kutu_peraturan)&regulationSelected=1&sort=fixedDate&order=desc&page=4). Search for the words "*keputusan presiden*" (president decision) in [JDIHN.id](http://JDIHN.id), select "JDHIN BPHN" on the right side, and after that put the year 2001 on the left side: [JDIHN.id](http://JDIHN.id), accessed 7 July 2018, [http://jdihn.id/artikel/search/keputusan+presiden?tahun=&no=&jenis=&owner\\_id=11309](http://jdihn.id/artikel/search/keputusan+presiden?tahun=&no=&jenis=&owner_id=11309). See also: (1) [Peraturan.go.id](http://Peraturan.go.id), accessed 7

The sixth form is a national partnership document, in the form of inter alia of a memorandum of understanding between Indonesian state-related entities<sup>110</sup> that has a public impact. Memorandums of understanding between Indonesian state-related entities are not available in Peraturan.go.id but it is available in Hukumonline.com, and JDIHN.id.<sup>111</sup>

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July 2018, <http://peraturan.go.id/keppres.html> (n. 99); and (2) Hukumonline.com, <http://www.hukumonline.com/pusatdata/view/npr/t/548> (n. 99). See in general: Peraturan.go.id, Hukumonline.com, and JDIHN.id in footnote 97.

<sup>110</sup> For the legal basis of a memorandum of understanding as other law information in the context of the Network of Law Documentation and Information of the Ministry of Home Affairs of the Republic of Indonesia, see: Peraturan Menteri Dalam Negeri Republik Indonesia Nomor 2 Tahun 2014 tentang Pengelolaan Jaringan Dokumentasi dan Informasi Hukum Kementerian Dalam Negeri dan Pemerintah Daerah [Minister of Home Affairs of the Republic of Indonesia Regulation Number 2 Year 2014 concerning the Management of the Network of Law Documentation and Information of the Ministry of Home Affairs and Local Governments] (BNRI Year 2014 Number 33) (stipulated 7 January 2014, promulgated 9 January 2014), Article 5 Paragraph (2) Letters d and I (hereafter: MHA 2/2014). For the legal basis of a partnership agreement as a law information material in the context of the Network of Law Documentation and Information of the Ministry of Tourism of the Republic of Indonesia (Kementerian Pariwisata Republik Indonesia), see: (1) Peraturan Menteri Kebudayaan dan Pariwisata Republik Indonesia Nomor: PM.83/HK.201/MKP/2011 tentang Jaringan Dokumentasi dan Informasi Hukum di Lingkungan Kementerian Kebudayaan dan Pariwisata [Minister of Culture and Tourism of the Republic of Indonesia Regulation Number: PM.83/HK.201/MKP/2011 concerning the Network of Law Documentation and Information in the Ministry of Culture and Tourism's Environment] (stipulated 17 October 2011), Article 9, Letters n and o (hereafter: MCT PM.83/HK.201/MKP/2011); and (2) "Tentang Kami" [About us], Jaringan Dokumentasi dan Informasi Hukum Kementerian Pariwisata RI, accessed 7 July 2018, <http://jdih.kemenpar.go.id/page/content/tentang-kami>.

<sup>111</sup> Search for the words "*nota kesepahaman*" (memorandum of understanding) (and after that for Hukumonline.com select

The seventh form is an international agreement that becomes legally binding on Indonesia and another party (or parties) besides through the establishment of laws and regulations products (law and president decision/regulation).<sup>112</sup> The pertinent international agreements are not available in Peraturan.go.id and Hukumonline.com but it is “available” in JDIHN.id although it cannot be accessed.<sup>113</sup> The pertinent

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“*peraturan*” [regulations] on the left side, and for JDIHN.id select page 5): (1) Peraturan.go.id, accessed 7 July 2018, [http://peraturan.go.id/search/cari.html?jenis\\_peraturan=&keyword=nota+kesepahaman&tahun=](http://peraturan.go.id/search/cari.html?jenis_peraturan=&keyword=nota+kesepahaman&tahun=) (not available); (2) Hukumonline.com, accessed 7 July 2018, [http://search.hukumonline.com/id/search/browse?q=nota+kesepahaman&category=kutu\\_peraturan&sort=fixedDate&order=desc](http://search.hukumonline.com/id/search/browse?q=nota+kesepahaman&category=kutu_peraturan&sort=fixedDate&order=desc); and (3) JDIHN.id, accessed 7 July 2018, <http://jdihn.id/artikel/search/nota%20kesepahaman/5>. See in general: Peraturan.go.id, Hukumonline.com, and JDIHN.id in footnote 97.

<sup>112</sup> For the legal basis, see: Undang-Undang Republik Indonesia Nomor 24 Tahun 2000 tentang Perjanjian Internasional [Law of the Republic of Indonesia Number 24 Year 2000 concerning International Agreements] (LNRI Year 2000 Number 185, TLNRI Number 4012) (authorised 23 October 2000, promulgated 23 October 2000), Article 15 (and its explanation). For the legal basis of an international agreement (in general) as a law information material in the context of the Network of Law Documentation and Information of the Ministry of Tourism of the Republic of Indonesia, see: MCT PM.83/HK.201/MKP/2011 (n. 110), Article 9 Paragraph m.

<sup>113</sup> For example, search for the words “*perjanjian internasional*” (international agreement) (and after that—only for Hukumonline.com—select “*peraturan*” [regulations] on the left side): (1) Peraturan.go.id, accessed 7 July 2018, [http://peraturan.go.id/search/cari.html?jenis\\_peraturan=&keyword=perjanjian+internasional&tahun=](http://peraturan.go.id/search/cari.html?jenis_peraturan=&keyword=perjanjian+internasional&tahun=) (not available); (2) Hukumonline.com, accessed 7 July 2018, [http://search.hukumonline.com/id/search/browse?q=perjanjian+internasional&category=kutu\\_peraturan&sort=fixedDate&order=desc](http://search.hukumonline.com/id/search/browse?q=perjanjian+internasional&category=kutu_peraturan&sort=fixedDate&order=desc) (not available); and (3) JDIHN.id, accessed 7 July 2018, <http://jdihn.id/artikel/search/perjanjian+internasional> (not available). Search also for the word “agreement” (and after that for Hukumonline.com select “*peraturan*” [regulations] on the left side, and for JDIHN.id select JDIH Badan Nasional Pencarian dan Pertolongan / Basarnas on the right side): (1) Peraturan.go.id, accessed 7 July 2018, [http://peraturan.go.id/search/cari.html?jenis\\_peraturan=&keyword=agreement&tahun=](http://peraturan.go.id/search/cari.html?jenis_peraturan=&keyword=agreement&tahun=)

international agreements are available on the Treaty Room, a database managed by the Ministry of Foreign Affairs of the Republic of Indonesia (Kementerian Luar Negeri Republik Indonesia).<sup>114</sup> However, it should be noted that international agreements before Indonesian independence (before laws and regulations existed in the Indonesian legal system) are available in [Peraturan.go.id](http://Peraturan.go.id) and [Hukumonline.com](http://Hukumonline.com).<sup>115</sup>

The eighth form is soft law instruments of international law<sup>116</sup> that are relevant to Indonesia which should also be included in an online Indonesian law database. The pertinent soft law instruments of international law are not available in [Peraturan.go.id](http://Peraturan.go.id) and [Hukumonline.com](http://Hukumonline.com), but it is “available” in [JDIHN.id](http://JDIHN.id) although it cannot be accessed.<sup>117</sup> Furthermore, soft law

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[go.id/search/cari.html?jenis\\_peraturan=&keyword=agreement&tahun=](http://go.id/search/cari.html?jenis_peraturan=&keyword=agreement&tahun=) (not available); (2) [Hukumonline.com](http://Hukumonline.com), accessed 7 July 2018, [http://search.hukumonline.com/id/search/browse?q=agreement&category=kutu\\_peraturan&sort=fixedDate&order=desc](http://search.hukumonline.com/id/search/browse?q=agreement&category=kutu_peraturan&sort=fixedDate&order=desc) (not available); and (3) [JDIHN.id](http://JDIHN.id), accessed 7 July 2018, [http://jdihn.id/artikel/search/agreement?tahun=&no=&jenis=&owner\\_id=11244](http://jdihn.id/artikel/search/agreement?tahun=&no=&jenis=&owner_id=11244) (but the agreement cannot be downloaded, see: Badan Nasional Pencarian dan Pertolongan, accessed 7 July 2018, [http://jdih.basarnas.go.id/resources/document/produk-hukum/5084\\_ASEAN-1972-0006.pdf/5084\\_ASEAN-1972-0006.pdf](http://jdih.basarnas.go.id/resources/document/produk-hukum/5084_ASEAN-1972-0006.pdf/5084_ASEAN-1972-0006.pdf)). See in general: [Peraturan.go.id](http://Peraturan.go.id), [Hukumonline.com](http://Hukumonline.com), and [JDIHN.id](http://JDIHN.id) in footnote 97.

<sup>114</sup> Treaty Room, Direktorat Jenderal Hukum dan Perjanjian Internasional, Kementerian Luar Negeri Republik Indonesia (<http://treaty.kemlu.go.id/>), accessed 7 July 2018, <http://treaty.kemlu.go.id/search> (search for the word “agreement” and select “no ratification/notification needed” on the left side).

<sup>115</sup> (1) [Peraturan.go.id](http://Peraturan.go.id), <http://peraturan.go.id/kolonial.html> (n. 106); and (2) [Hukumonline.com](http://www.hukumonline.com/pusatdata/view/nprt/lt49f130360d8fe), <http://www.hukumonline.com/pusatdata/view/nprt/lt49f130360d8fe> (n. 106).

<sup>116</sup> For a further discussion on soft law instruments in the context of international law, see: Alan Boyle and Christine Chinkin, *The Making of International Law* (New York: Oxford University Press, 2007), 211-229.

<sup>117</sup> For example, search for the word “*deklarasi*” (declaration) (and after that—only for [Hukumonline.com](http://Hukumonline.com)—select

instruments of international law are available on the Treaty Room.<sup>118</sup>

The ninth form is international customary laws<sup>119</sup> which relate to Indonesia. The pertinent international customary laws are not available in Peraturan.go.id, Hukumonline.com, and JDIHN.id.<sup>120</sup>

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“*peraturan*” [regulations] on the left side): (1) Peraturan.go.id, accessed 7 July 2018, [http://peraturan.go.id/search/cari.html?jenis\\_peraturan=&keyword=deklarasi&tahun=](http://peraturan.go.id/search/cari.html?jenis_peraturan=&keyword=deklarasi&tahun=) (not available); (2) Hukumonline.com, accessed 7 July 2018, [http://search.hukumonline.com/id/search/browse?q=deklarasi&category=kutu\\_peraturan&sort=fixedDate&order=desc](http://search.hukumonline.com/id/search/browse?q=deklarasi&category=kutu_peraturan&sort=fixedDate&order=desc) (not available); and (3) JDIHN.id, accessed 7 July 2018, <http://jdihn.id/artikel/search/deklarasi> (not available). Search also for the word “declaration” (and after that—for Hukumonline.com—select “*peraturan*” [regulations] on the left side and for JDIHN.id select JDIH Badan Nasional Pencarian dan Pertolongan / Basarnas on the right side): (1) Peraturan.go.id, accessed 7 July 2018, [http://peraturan.go.id/search/cari.html?jenis\\_peraturan=&keyword=declaration&tahun=](http://peraturan.go.id/search/cari.html?jenis_peraturan=&keyword=declaration&tahun=) (not available); (2) Hukumonline.com, accessed 7 July 2018, [http://search.hukumonline.com/id/search/browse?q=declaration&category=kutu\\_peraturan&sort=fixedDate&order=desc](http://search.hukumonline.com/id/search/browse?q=declaration&category=kutu_peraturan&sort=fixedDate&order=desc); and (3) JDIHN.id, accessed 7 July 2018, <http://jdihn.id/artikel/search/declaration> (but the declaration cannot be downloaded, see: Badan Nasional Pencarian dan Pertolongan, accessed 7 July 2018, [http://jdih.basarnas.go.id/resources/document/produk-hukum/ASEAN\\_DECLARATION\\_tahun\\_1976\\_141.pdf/ASEAN\\_DECLARATION\\_tahun\\_1976\\_141.pdf](http://jdih.basarnas.go.id/resources/document/produk-hukum/ASEAN_DECLARATION_tahun_1976_141.pdf/ASEAN_DECLARATION_tahun_1976_141.pdf)). See in general: Peraturan.go.id, Hukumonline.com, and JDIHN.id in footnote 97.

<sup>118</sup> Treaty Room, Direktorat Jenderal Hukum dan Perjanjian Internasional, Kementerian Luar Negeri Republik Indonesia (<http://treaty.kemlu.go.id/>), accessed 7 July 2018, <http://treaty.kemlu.go.id/search> (search for the word “declaration” and select “no ratification/notification needed” on the left side).

<sup>119</sup> For the legal basis of the customary international law, see: Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) Statute of International Court of Justice, Article 38 Paragraph 1 Letter b.

<sup>120</sup> For example, search for the words “*hukum kebiasaan internasional*” (customary international law): (1) Peraturan.go.id, accessed 7 July 2018, [http://peraturan.go.id/search/cari.html?jenis\\_pe](http://peraturan.go.id/search/cari.html?jenis_pe)

The tenth form is expired law products of laws and regulations as well as expired law products other than laws and regulations under Article 1 Number 2 President Regulation 33/2012 and other forms that are proposed in this monograph.<sup>121</sup> This part of the database—although the products are expired—will still be useful when one wants to learn from a historical perspective for a purpose such as drafting laws and regulations. Some of the pertinent products are available in Peraturan.go.id, Hukumonline.com, and JDIHN.id.<sup>122</sup>

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eraturan=&keyword=hukum+kebiasaan+internasional&tahun= (not available); (2) Hukumonline.com, accessed 7 July 2018, <http://search.hukumonline.com/id/search/browse?q=hukum+kebiasaan+internasional> (not available); and (3) JDIHN.id, accessed 7 July 2018, <http://jdihn.id/artikel/search/hukum+kebiasaan+internasional> (not available). Search also for the word “custom” (and after that—only for Hukumonline.com—select “*peraturan*” [regulations] on the left side): (1) Peraturan.go.id, accessed 7 July 2018, [http://peraturan.go.id/search/cari.html?jenis\\_peraturan=&keyword=custom&tahun=](http://peraturan.go.id/search/cari.html?jenis_peraturan=&keyword=custom&tahun=) (not available); (2) Hukumonline.com, accessed 7 July 2018, [http://search.hukumonline.com/id/search/browse?q=custom&category=kutu\\_peraturan&sort=fixedDate&order=desc](http://search.hukumonline.com/id/search/browse?q=custom&category=kutu_peraturan&sort=fixedDate&order=desc) (not available); and (3) JDIHN.id, accessed 7 July 2018, <http://jdihn.id/artikel/search/custom> (not available). See in general: Peraturan.go.id, Hukumonline.com, and JDIHN.id in footnote 97.

<sup>121</sup> For the definition of law documents, see: President Regulation 33/2012 (n. 17), Article 1 Number 2.

<sup>122</sup> For examples showing that the Law 10/2004 is available in Peraturan.go.id, Hukumonline.com, and JDIHN.id, see: (1) Peraturan.go.id, accessed 7 July 2018, [http://peraturan.go.id/search/cari.html?jenis\\_peraturan=&keyword=UndangUndang+Nomor+10+Tahun+2004+Tentang+Pembentukan+Peraturan+Perundang-undangan&tahun=](http://peraturan.go.id/search/cari.html?jenis_peraturan=&keyword=UndangUndang+Nomor+10+Tahun+2004+Tentang+Pembentukan+Peraturan+Perundang-undangan&tahun=); (2) Hukumonline.com, accessed 7 July 2018, [http://search.hukumonline.com/id/search/browse?q=Undang-Undang+Nomor+10+Tahun+2004+Tentang+Pembentukan+Peraturan+Perundangundangan&category=kutu\\_peraturan&sort=fixedDate&order=desc](http://search.hukumonline.com/id/search/browse?q=Undang-Undang+Nomor+10+Tahun+2004+Tentang+Pembentukan+Peraturan+Perundangundangan&category=kutu_peraturan&sort=fixedDate&order=desc); and (3) JDIHN.id, accessed 7 July 2018, [http://jdihn.id/artikel/search/Pembentukan+Peraturan+Perundangundangan?tahun=2004&no=&jenis=&owner\\_id=11309](http://jdihn.id/artikel/search/Pembentukan+Peraturan+Perundangundangan?tahun=2004&no=&jenis=&owner_id=11309). See in general: Peraturan.go.id, Hukumonline.com, and JDIHN.id in footnote 97.



## 2.2.2. The Development of Court-related Products, Pre-regulation-related Products, and Secondary Source Products

Other forms of law products other than laws and regulations that are mentioned in Article 1 Number 2 of the President Regulation 33/2012<sup>123</sup> could also be more developed. The first is court-related products.<sup>124</sup> Article 1 Number 2 of the President Regulation 33/2012 only mentions “*putusan pengadilan*” (court decisions) and jurisprudences (in the context of court decisions).<sup>125</sup> Peraturan.go.id and Hukumonline.com have “court decisions” in their online databases although the numbers of these are limited.<sup>126</sup> Court decisions are not available in JDIHN.id.<sup>127</sup> Other court decisions from the Constitutional Court of the Republic of Indonesia (Mahkamah Konstitusi Republik Indonesia) should also be included in an online Indonesia law database.<sup>128</sup> Court

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<sup>123</sup> For the definition of law documents and examples of law products other than laws and regulations, see: President Regulation 33/2012 (n. 17), Article 1 Number 2.

<sup>124</sup> Ibid.

<sup>125</sup> Ibid.

<sup>126</sup> See: footnote 33. See also: (1) Peraturan.go.id, accessed 7 July 2018, <http://peraturan.go.id/putusan-ma.html>; and (2) Peraturan.go.id, accessed 7 July 2018, <http://peraturan.go.id/putusan-pengadilan-niaga.html>. See in general: Peraturan.go.id, Hukumonline.com, and JDIHN.id in footnote 97.

<sup>127</sup> Search for the word “*putusan*” (decision): JDIHN.id, <http://jdihn.id/artikel/search/putusan> (n. 33) (not available).

<sup>128</sup> For a further explanation on the Constitutional Court of the Republic of Indonesia (Mahkamah Konstitusi Republik Indonesia) in the context of the Constitution of the State of the Republic of Indonesia Year 1945 (Undang-Undang Dasar Negara Republik Indonesia Tahun 1945), see: Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 (n. 94), Article 24 Paragraph 2 and Articles 24C Paragraphs (1) and (2). For the database of the Constitutional Court decisions, see: Mahkamah Konstitusi Republik Indonesia, accessed 7 July 2018, <http://www.mahkamahkonstitusi.go.id/index.php?page=web.Putusan&id=1&kat=1&menu=5>. See also:

decisions from the Constitutional Court are also available in [Peraturan.go.id](http://Peraturan.go.id) and [Hukumonline.com](http://Hukumonline.com) although the numbers of these are also limited.<sup>129</sup> Court decisions from the Constitutional Court are not available in [JDIHN.id](http://JDIHN.id).<sup>130</sup>

Furthermore, all quasi-judicial decisions from other institutions inter alia from the Business Competition Supervisory Commission of the Republic of Indonesia (Komisi Pengawas Persaingan Usaha Republik Indonesia)<sup>131</sup> and the Elections Supervisory Body of the Republic of Indonesia (Badan Pengawas Pemilihan Umum Republik Indonesia)<sup>132</sup> should also be added to an online Indonesia law database. Quasi-judicial decisions from the Business Competition Supervisory Commission are available in [Hukumonline.com](http://Hukumonline.com), but not in [Peraturan.go.id](http://Peraturan.go.id) and [JDIHN.id](http://JDIHN.id).<sup>133</sup> Quasi-judicial decisions

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(1) Footnote 33; and (2) [Peraturan.go.id](http://Peraturan.go.id), accessed 7 July 2018, <http://peraturan.go.id/putusan-mk.html>. See in general: [Peraturan.go.id](http://Peraturan.go.id), [Hukumonline.com](http://Hukumonline.com), and [JDIHN.id](http://JDIHN.id) in footnote 97.

<sup>129</sup> Ibid.

<sup>130</sup> See: footnote 127.

<sup>131</sup> For quasi-judicial decisions of the Business Competition Supervisory Commission of the Republic of Indonesia, see: Komisi Pengawas Persaingan Usaha RI, accessed 7 July 2018, <http://www.kpu.go.id/id/putusan/>.

<sup>132</sup> For quasi-judicial decisions of the Elections Supervisory Body of the Republic of Indonesia, see: Badan Pengawas Pemilihan Umum Republik Indonesia, accessed 7 July 2018, <https://bawaslu.go.id/id/putusan>.

<sup>133</sup> Search for the words “*putusan* Komisi Pengawas Persaingan Usaha” (Komisi Pengawas Persaingan Usaha decision) (and after that—only for [Hukumonline.com](http://Hukumonline.com)—select “*putusan*” [decisions] on the left side): (1) [Peraturan.go.id](http://Peraturan.go.id), accessed 7 July 2018, [http://peraturan.go.id/search/cari.html?jenis\\_peraturan=&keyword=putusan+Komisi+Pengawas+Persaingan+Usaha&tahun=](http://peraturan.go.id/search/cari.html?jenis_peraturan=&keyword=putusan+Komisi+Pengawas+Persaingan+Usaha&tahun=) (not available); (2) [Hukumonline.com](http://Hukumonline.com), accessed 7 July 2018, <http://search.hukumonline.com/id/search/browse?q=putusan+Komisi+Pengawas+Persaingan+Usaha>; and (3) [JDIHN.id](http://JDIHN.id), accessed 7 July 2018, <http://jdihn.id/artikel/search/putusan+Komisi+Pengawas+Persaingan+Usaha> (not available). See in general: [Peraturan.go.id](http://Peraturan.go.id), [Hukumonline.com](http://Hukumonline.com), and [JDIHN.id](http://JDIHN.id) in footnote 97 and footnote 33.

from the Elections Supervisory Body are not available in Peraturan.go.id, Hukumonline.com, and JDIHN.id.<sup>134</sup>

The second is pre-regulation-related products, where Article 1 Number 2 of the President Regulation 33/2012 only mentions academic scripts and drafts of laws and regulations.<sup>135</sup> Drafts of law products other than

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<sup>134</sup> Search for the words “*putusan* Badan Pengawas Pemilihan Umum” (Badan Pengawas Pemilihan Umum decision): (1) Peraturan.go.id, accessed 7 July 2018, [http://peraturan.go.id/search/cari.html?jenis\\_peraturan=&keyword=putusan+Badan+Pengawas+Pemilihan+Umum&tahun=](http://peraturan.go.id/search/cari.html?jenis_peraturan=&keyword=putusan+Badan+Pengawas+Pemilihan+Umum&tahun=) (not available); (2) Hukumonline.com, accessed 7 July 2018, <http://search.hukumonline.com/id/search/browse?q=putusan+Badan+Pengawas+Pemilihan+Umum> (not available); and (3) JDIHN.id, accessed 7 July 2018, <http://jdihn.id/artikel/search/utusan+Badan+Pengawas+Pemilihan+Umum> (not available). See in general: (1) Peraturan.go.id, Hukumonline.com, and JDIHN.id in footnote 97; and (2) Footnote 33.

<sup>135</sup> For the definition of law documents and examples of law products other than laws and regulations, see: President Regulation 33/2012 (n. 17), Article 1 Number 2. For the legal basis of a note of laws and local regulations draft as well as an academic script in the context of the Network of Law Documentation and Information of the Financial Audit Body of the Republic of Indonesia (Badan Pemeriksa Keuangan Republik Indonesia), see: (1) Keputusan Sekretaris Jenderal Badan Pemeriksa Keuangan Republik Indonesia Nomor 168/K/X-XIII.2/6/2008 tentang Pedoman Pelaksanaan Jaringan Dokumentasi dan Informasi Hukum di Lingkungan Badan Pemeriksa Keuangan Republik Indonesia [Secretary General of the Financial Audit Body of the Republic of Indonesia Decision Number 168/K/X-XIII.2/6/2008 concerning the Guidelines for the Implementation on the Network of Law Documentation and Information in the Financial Audit Body’s Environment] (stipulated 30 June 2008), Article 10 Letter b Number 1) Letter d) and Article 11 Letter b Number 1) Letter d) (hereafter: SGFAB 168/K/X-XIII.2/6/2008); and (2) “Tentang JDIH BPK” [About JDIH BPK], Direktorat Utama Pembinaan dan Pengembangan Hukum Pemeriksaan Keuangan Negara, Badan Pemeriksa Keuangan Republik Indonesia, accessed 7 July 2018, [http://jdih.bpk.go.id/?page\\_id=2](http://jdih.bpk.go.id/?page_id=2). For the legal basis of an academic script as a law information material in the context of the Network of Law Documentation and Information of the Ministry of Tourism of the Republic of Indonesia, see: MCT PM.83/HK.201/MKP/2011 (n.

laws and regulations under Article 1 Number 2 President Regulation 33/2012 in particular in the forms of a decision and a policy regulation and their academic scripts (if available) as well as their minutes of meetings (if available) and other relevant supporting documents should be added to an online Indonesian law database.<sup>136</sup>

Due to the expansion of the scope of pre-regulation-related products, the term “pre-regulation” in this context should be developed or changed to: “pre-laws and regulations as well as other relevant law products other than laws and regulations (such as decisions and policy regulations).”

Drafts of laws and regulations are available in [Peraturan.go.id](http://Peraturan.go.id) and [Hukumonline.com](http://Hukumonline.com), but not in [JDIHN.id](http://JDIHN.id).<sup>137</sup> Academic scripts are not available in

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110), Article 9, Letter v. For the legal basis of a draft of a law document and a draft of a local regulation as other law information in the context of the Network of Law Documentation and Information of the Ministry of Home Affairs of the Republic of Indonesia, see: MHA 2/2014 (n. 110), Article 5 Paragraph (2) Letters f and j.

<sup>136</sup> Ibid. For other relevant supporting documents, see: Saifudin, *Partisipasi Publik dalam Pembentukan Peraturan Perundang-undangan* [The public participations in the establishment of laws and regulations] (Yogyakarta: FH UII Press, 2009), 344.

<sup>137</sup> For drafts of laws and regulations in the context of [Peraturan.go.id](http://Peraturan.go.id), see: (1) “Daftar Rancangan Undang-Undang” [List of drafts of laws], [Peraturan.go.id](http://Peraturan.go.id), accessed 7 July 2018, <http://peraturan.go.id/ruu.html> (note: not up-to-date); (2) “Daftar Rancangan Peraturan Pemerintah” [List of drafts of government regulations], [Peraturan.go.id](http://Peraturan.go.id), accessed 7 July 2018, <http://peraturan.go.id/rpp.html> (note: not up-to-date); (3) “Daftar Rancangan Peraturan Presiden” [List of drafts of president regulations], [Peraturan.go.id](http://Peraturan.go.id), accessed 7 July 2018, <http://peraturan.go.id/rperpres.html> (note: not up-to-date); and (4) “Daftar Rancangan Peraturan Lainnya” [List of drafts of other regulations], [Peraturan.go.id](http://Peraturan.go.id), accessed 7 July 2018, <http://peraturan.go.id/rlain.html> (note: no data). For drafts of laws and regulations in the context of [Hukumonline.com](http://Hukumonline.com), see: [Hukumonline.com](http://www.hukumonline.com/pusatdata/view/nprt/481), accessed 7 July 2018, <http://www.hukumonline.com/pusatdata/view/nprt/481>. For drafts of laws and regulations in the context of [JDIHN.id](http://JDIHN.id), search for the words “*rancangan peraturan*”

Peraturan.go.id, Hukumonline.com, and JDIHN.id.<sup>138</sup> Drafts of law products other than laws and regulations under Article 1 Number 2 President Regulation 33/2012 inter alia in the forms of decisions and policy regulations are not available in Peraturan.go.id and JDIHN.id.<sup>139</sup> An outdated draft of the Indonesian Criminal Code (KUHP) is available on Hukumonline.com.<sup>140</sup> The minutes of meetings of the academic scripts and drafts of laws and regulations and law products other than laws and regulations under Article 1 Number 2 President Regulation 33/2012 in particular in the forms of decisions and policy regulations are not available in Peraturan.go.id, Hukumonline.com, and JDIHN.id.<sup>141</sup>

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(draft of regulations): JDIHN.id, accessed 7 July 2018, [http://jdihn.id/artikel/search/rancangan+peraturan?tahun=&no=&jenis=Rancangan+Peraturan+Daerah+%28+Raperda%29&owner\\_id=](http://jdihn.id/artikel/search/rancangan+peraturan?tahun=&no=&jenis=Rancangan+Peraturan+Daerah+%28+Raperda%29&owner_id=). See in general: Peraturan.go.id, Hukumonline.com, and JDIHN.id in footnote 97.

<sup>138</sup> Search for the words “*naskah akademik*” (academic script): (1) Peraturan.go.id, accessed 7 July 2018, [http://peraturan.go.id/search/cari.html?jenis\\_peraturan=&keyword=naskah+akademis&tahun=](http://peraturan.go.id/search/cari.html?jenis_peraturan=&keyword=naskah+akademis&tahun=) (not available); (2) Hukumonline.com, accessed 7 July 2018, <http://search.hukumonline.com/id/search/browse?q=naskah+akademis> (not available); and (3) JDIHN.id, accessed 7 July 2018, <http://jdihn.id/artikel/search/naskah+akademis> (not available). See in general: Peraturan.go.id, Hukumonline.com, and JDIHN.id in footnote 97.

<sup>139</sup> Compare to: footnote 137. See in general: Peraturan.go.id, Hukumonline.com, and JDIHN.id in footnote 97.

<sup>140</sup> Search for the word “*rancangan KUHP*” (draft of KUHP) (and after that—only for Hukumonline.com—select “*rancangan peraturan*” [draft of regulations] on the left side): (1) Peraturan.go.id, accessed 7 July 2018, [http://peraturan.go.id/search/cari.html?jenis\\_peraturan=&keyword=rancangan+KUHP&tahun=](http://peraturan.go.id/search/cari.html?jenis_peraturan=&keyword=rancangan+KUHP&tahun=) (not available); (2) Hukumonline.com, accessed 7 July 2018, [http://search.hukumonline.com/id/search/browse?q=rancangan+KUHP&category=kutu\\_rancangan\\_peraturan&sort=fixedDate&order=desc](http://search.hukumonline.com/id/search/browse?q=rancangan+KUHP&category=kutu_rancangan_peraturan&sort=fixedDate&order=desc); and (3) JDIHN.id, accessed 7 July 2018, <http://jdihn.id/artikel/search/rancangan+KUHP> (not available). See in general: Peraturan.go.id, Hukumonline.com, and JDIHN.id in footnote 97.

<sup>141</sup> In the context of minutes of meetings, search for the word “*notula*” (note): (1) Peraturan.go.id, accessed 7 July 2018, <http://perat>

The third is secondary source products where Article 1 Number 2 of the President Regulation 33/2012 mentions specific forms such as articles in law magazines, law books, and law monographs, as well as wider forms such as legal research and legal reviews.<sup>142</sup> The Minister of Law and Human Rights of the Republic of Indonesia Regulation Number 02 Year 2013 concerning the Standardisation of Technical Management of Law Documentation and Information (Peraturan Menteri Hukum dan Hak Asasi Manusia Republik Indonesia Nomor 02 Tahun 2013 tentang Standardisasi Pengelolaan Teknis Dokumentasi dan Informasi Hukum) also suggested inter alia clippings of law news, law-related brochures, results of law seminars, and non-book materials such as pictures and maps.<sup>143</sup> Other materials that could be useful are in the forms of law journal articles and videos.<sup>144</sup> The secondary sources listed in the context

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uran.go.id/search/cari.html?jenis\_peraturan=&keyword=notula&tahun= (not available); (2) Hukumonline.com, accessed 7 July 2018, <http://search.hukumonline.com/id/search/browse?q=notula> (not available); and (3) JDIHN.id, accessed 7 July 2018, <http://jdihn.id/artikel/search/notula> (not available). Search also for the word “notulen” [*sic*] (note): (1) Peraturan.go.id, accessed 7 July 2018, [http://peraturan.go.id/search/cari.html?jenis\\_peraturan=&keyword=notulen&tahun=](http://peraturan.go.id/search/cari.html?jenis_peraturan=&keyword=notulen&tahun=) (not available); (2) Hukumonline.com, accessed 7 July 2018, <http://search.hukumonline.com/id/search/browse?q=notulen> (not available); and (3) JDIHN.id, accessed 7 July 2018, <http://jdihn.id/artikel/search/notulen> (not available). See in general: Peraturan.go.id, Hukumonline.com, and JDIHN.id in footnote 97.

<sup>142</sup> For the definition of law documents and examples of law products other than laws and regulations, see: President Regulation 33/2012 (n. 17), Article 1 Number 2.

<sup>143</sup> MLHR 02/2013 (n. 98), Appendix I, Chapter II, B.

<sup>144</sup> For the author’s opinion on law journal articles in the context of an online law Indonesian database, see: Red, “Mahasiswa Hukum Bisnis Universitas Podomoro Berkunjung ke Hukumonline” [Business law students visit Hukumonline], *Hukumonline.com*, published 6 October 2015, <http://www.hukumonline.com/berita/baca/lt561331ddbcb9/mahasiswa-hukum-bisnis-universitas-podomoro-be>

of the National Network of Law Documentation and Information system tend to be offline rather than online.<sup>145</sup> It is expected that these secondary source products could be made available online. It is important to note that secondary source products could be materials owned by private parties. Thus, if an online Indonesian law database wants to include these materials, it should buy or ask permission of the related private parties.<sup>146</sup> It is important to underline that an online Indonesian law database should also be concerned with the quality of the secondary source products before inserting the pertinent products into an online Indonesian law database.

Articles in law magazines, clippings of law news, and law journal articles are not available in [Peraturan.go.id](http://Peraturan.go.id), [Hukumonline.com](http://Hukumonline.com), and [JDIHN.id](http://JDIHN.id).<sup>147</sup> However, it should be pointed out that [Hukumonline.com](http://Hukumonline.com)

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[rkunjuung-ke-hukumonline](http://rkunjuung-ke-hukumonline). Journal (in the context of service) and video (in the context of the definition of a website) are mentioned in MLHR 02/2013, see: *ibid.*, MLHR 02/2013, Appendix VIII, Chapter II; and Appendix IX, Chapter II, A. For the legal basis of a law journal as other law products in the context of the Network of Law Documentation and Information of the Coordinating Minister for Politics, Law, and Security of the Republic Indonesia, see: Peraturan Menteri Koordinator Bidang Politik, Hukum, dan Keamanan Republik Indonesia Nomor 2 Tahun 2016 tentang Jaringan Dokumentasi dan Informasi Hukum Kementerian Koordinator Bidang Politik, Hukum, dan Keamanan [Coordinating Minister for Politics, Law, and Security of the Republic Indonesia Regulation Number 2 Year 2016 concerning the Network of Law Documentation and Information of the Coordinating Ministry for Politics, Law, and Security] (BNRI Year 2016 Number 32) (stipulated 7 January 2016, Promulgated 12 January 2016), Article 2 Letter c Number 3.

<sup>145</sup> *Ibid.*, MLHR 02/2013, Appendix I and Appendices V-VII.

<sup>146</sup> For the procurement of law documents in the context of the National Network of Law Documentation and Information, see: *ibid.*, Appendix I, Chapter III.

<sup>147</sup> See in general: [Peraturan.go.id](http://Peraturan.go.id), [Hukumonline.com](http://Hukumonline.com), and [JDIHN.id](http://JDIHN.id) in footnote 97.

is also a law news website, and thus it provides online news but not in the forms of articles in law magazines and clippings of law news.<sup>148</sup> Law books and law monographs are not available in Peraturan.go.id, Hukumonline.com, and JDIHN.id.<sup>149</sup> Legal research and legal reviews are basically available in Hukumonline.com, but not in Peraturan.go.id and JDIHN.id.<sup>150</sup> It should be pointed out that Hukumonline.com is supported by its online legal clinic which provides answers to certain legal questions.<sup>151</sup> Thus, the users of the Hukumonline.com online database will be provided inter alia with relevant news as well as questions and answers from its online legal clinic, depending on the keyword of the search.<sup>152</sup> Non-book materials such as maps are not available in Hukumonline.com, Peraturan.go.id, and JDIHN.id.<sup>153</sup> However, non-book materials in the form of pictures in particular infographics are available in Hukumonline.com but not in Peraturan.go.id and JDIHN.id.<sup>154</sup> If a law-related brochure is interpreted as an infographic, then it is

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<sup>148</sup> “Tentang Kami” [About us], Hukumonline.com, accessed 7 July 2018, <http://www.hukumonline.com/tentangkami>.

<sup>149</sup> See in general: Peraturan.go.id, Hukumonline.com, and JDIHN.id in footnote 97.

<sup>150</sup> For example: “Analisis Hukum” [Legal analysis], Hukumonline.com, accessed 7 July 2018, <http://produk.hukumonline.com/analisis-hukum.php>. See in general: Peraturan.go.id, Hukumonline.com, and JDIHN.id in footnote 97. In the context of the results of seminars or other relevant events they may related to legal research and legal reviews, see: footnote 156.

<sup>151</sup> (1) “Tentang Kami,” Hukumonline.com (n. 148); and (2) “Klinik,” Hukumonline.com, (n. 59).

<sup>152</sup> For example: Hukumonline.com, accessed 7 July 2018, <http://search.hukumonline.com/id/search/browse?q=pasar+modal>.

<sup>153</sup> See in general: Peraturan.go.id, Hukumonline.com, and JDIHN.id in footnote 97.

<sup>154</sup> Ibid. For the infographics in the context of Hukumonline.com, see: “Multimedia Grafis” [Multimedia Graphic], Hukumonline.com, accessed 7 July 2018, <http://www.hukumonline.com/multimedia/grafis>.



available in Hukumonline.com but not in Peraturan.go.id and JDIHN.id.<sup>155</sup> Results of law seminars (or other relevant events) and law videos are available in Hukumonline.com, but not in Peraturan.go.id and JDIHN.id.<sup>156</sup>

It should be pointed out that—outside the full context of Indonesian law—advanced online law databases outside Indonesia have inserted and developed a number of forms of content mentioned in this monograph including inter alia court-related products and secondary source products such as law journal articles in their online databases.<sup>157</sup> It should be noted that there are a number of law journal articles in online law databases outside Indonesia that are focused on or related to Indonesian law, but the pertinent online databases themselves are not focused on Indonesian law journal collections.<sup>158</sup>

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<sup>155</sup> Ibid.

<sup>156</sup> In the context of the results of seminars (or other relevant events), see: (1) Hukumonline.com, accessed 7 July 2018, <http://search.hukumonline.com/id/search/browse?q=talks&category=article>; and (2) Hukumonline.com, accessed 7 July 2018, <http://www.hukumonline.com/talks>. In the context of the videos, see: “Multimedia Video” [Multimedia Video], Hukumonline.com, accessed 7 July 2018, <http://www.hukumonline.com/multimedia/video>. See in general: Peraturan.go.id, Hukumonline.com, and JDIHN.id in footnote 97.

<sup>157</sup> See: footnote 62.

<sup>158</sup> Ibid. For an example of an Indonesian law journal that is available at Heinonline, see: “Indonesia Law Review,” Djokosoetono Research Center, Fakultas Hukum Universitas Indonesia, accessed 7 July 2018, <http://ilrev.ui.ac.id/index.php/home>.

### **3. CONCLUSION**

There are a number of proposed forms of content that could be included to develop an online Indonesian law database. It should be noted that the pertinent forms of content are always developing. Therefore, it is important not only to update the quantity of the proposed forms of content from time to time, but also to find and develop new forms of content that are worth inserting in an online Indonesian law database.

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