

Constitutional Limits of Delegating Normative Authority to Non-State Bodies: The Case of Indonesia's DSN-MUI

Hikam Hulwanullah

Universitas Negeri Surabaya, Jawa Timur, Indonesia, Jl. Ketintang, Ketintang,
Kec. Gayungan, Kota Surabaya, Jawa Timur, 60231
E-mail: hikamhulwanullah@unesa.ac.id

Cita Yustisia Serfiyani

Universitas Negeri Surabaya, Jawa Timur, Indonesia, Jl. Ketintang, Ketintang,
Kec. Gayungan, Kota Surabaya, Jawa Timur, 60231
E-mail: citaserfiyani@unesa.ac.id

Mieke Yustia Ayu Ratna Sari

Universitas Negeri Surabaya, Jawa Timur, Indonesia, Jl. Ketintang, Ketintang,
Kec. Gayungan, Kota Surabaya, Jawa Timur, 60231
E-mail: miekesari@unesa.ac.id

Zerry Akbar Yudisetyo

Universitas Negeri Surabaya, Jawa Timur, Indonesia, Jl. Ketintang, Ketintang,
Kec. Gayungan, Kota Surabaya, Jawa Timur, 60231
E-mail: zerryyudisetyo@unesa.ac.id

Farida Prima Pratista

Universitas Negeri Surabaya, Jawa Timur, Indonesia, Jl. Ketintang, Ketintang,
Kec. Gayungan, Kota Surabaya, Jawa Timur, 60231
E-mail: faridapratista@unesa.ac.id

ABSTRACT

This study examines the constitutional limits of delegating normative authority to non-structural religious bodies in Indonesia, focusing on the National Sharia Council of the Indonesian Ulema Council (DSN-MUI). As a private religious institution, DSN-MUI issues fatwas that are adopted by the Financial Services Authority, Bank Indonesia, and Sharia financial institutions as binding references in the regulation of Islamic finance. This delegation model raises fundamental constitutional questions regarding legality, accountability, and the distribution of power under the 1945 Constitution. Employing a normative legal method with statutory and conceptual approaches, the study finds that while DSN-MUI enjoys functional legitimacy in Sharia economic regulation, the absence of direct statutory basis and public oversight mechanisms poses risks to the principle of legality and checks and balances. The study recommends a co-regulation model where DSN-MUI fatwas must be formally adopted through state regulations and subject to transparent accountability mechanisms to ensure compliance with the rule of law and constitutional democracy.

Keywords: Constitutional; Delegation of Authority; DSN-MUI; National Sharia Council.

ABSTRAK

Penelitian ini mengkaji batas-batas konstitusional dalam pendelegasian kewenangan normatif kepada lembaga keagamaan non-struktural di Indonesia, dengan fokus pada Dewan Syariah Nasional Majelis Ulama Indonesia (DSN-MUI). Sebagai lembaga keagamaan swasta, DSN-MUI mengeluarkan fatwa yang diadopsi oleh Otoritas Jasa Keuangan, Bank Indonesia, dan lembaga keuangan syariah sebagai rujukan yang mengikat dalam pengaturan keuangan syariah. Model delegasi ini menimbulkan pertanyaan konstitusional yang mendasar terkait legalitas, akuntabilitas, dan distribusi kekuasaan menurut UUD 1945. Dengan menggunakan metode penelitian hukum normatif melalui pendekatan perundang-undangan dan konseptual, penelitian ini menemukan bahwa meskipun DSN-MUI memiliki legitimasi fungsional dalam pengaturan ekonomi syariah, ketiadaan dasar hukum langsung dan mekanisme pengawasan publik menimbulkan risiko terhadap prinsip legalitas dan sistem checks and balances. Penelitian ini merekomendasikan model co-regulation di mana setiap fatwa DSN-MUI harus diadopsi secara formal melalui peraturan negara dan tunduk pada mekanisme akuntabilitas yang transparan untuk memastikan kesesuaiannya dengan prinsip negara hukum dan demokrasi konstitusional.

Kata Kunci: *Hukum Tata Negara; Kewenangan Normatif; DSN-MUI; Negara Hukum.*

INTRODUCTION

The Indonesian constitutional system after the amendments to the 1945 Constitution emphasizes the principles of constitutional supremacy and distribution of power, which clearly delineate the authority of the state among its branches of power (Dimiyati et al., 2021). The rule of law (*rechstaat*) principle requires that every exercise of public authority must be derived from the Constitution or statutory regulations, exercised by a legitimate institution, and subject to accountability mechanisms (Satrio, 2023). However, the dynamics of modern governance indicate an increasing proliferation of non-structural bodies that play a significant role in regulating strategic aspects of state affairs (Chandranegara & Cahyawati, 2023). These bodies, often established through sectoral legislation or executive decisions, perform public functions despite lacking an explicit constitutional basis in the 1945 Constitution (Warburton & Aspinall, 2018).

One prominent phenomenon is the National Sharia Council of the Indonesian Ulama Council (DSN-MUI) (Baidhowi et al., 2023). DSN-MUI is part of the religious organization MUI, which is formally not a state institution. Nevertheless, fatwas issued by DSN-MUI are used as normative references by the Financial Services Authority (OJK), Bank Indonesia (BI), and Sharia financial institutions, and are explicitly recognized in Law Number 21 of 2008 concerning Sharia Banking (Baidhowi et al., 2023). This position renders DSN-MUI a norm-producing body whose rulings carry binding force within the national legal system, despite its absence from the constitutional structure of state institutions. This phenomenon raises a fundamental question: to what extent can the delegation of authority to a non-structural body such as DSN-MUI be constitutionally justified, and how does it conform to the principles of establishing state institutions within Indonesia's constitutional system (Baidhowi et al., 2023).

Previous research on non-structural bodies in Indonesia has largely focused on aspects of performance effectiveness, overlapping authorities, and the political–legal implications of their establishment. Existing constitutional law scholarship tends to examine state institutions established directly by the Constitution or by organic laws, while in-depth analysis of the delegation of normative authority to non-structural bodies based on community organizations, particularly the DSN-MUI, remains limited (Ibrahim & Salam, 2021). Several studies in the field of Sharia economic law have indeed highlighted the importance of DSN-MUI fatwas in the practice of Sharia banking and finance, yet few have examined the legitimacy of such authority from the perspective of constitutional principles and the rule of law (Baidhowi et al., 2023).

This condition reveals an important research gap: there has been no comprehensive study that positions the DSN-MUI as a case for testing the constitutional limits of delegating authority to non-structural bodies within the

framework of Constitutional Law (Ghozali et al., 2024).¹ The scientific novelty of this study lies in its in-depth analysis of the compatibility of granting normative authority to a non-structural body based on religious authority with the principles of establishing state institutions in Indonesia's constitutional system, directly linked to the issues of legitimacy, accountability, and the distribution of power under the 1945 Constitution of the Republic of Indonesia (Al-Fatih et al., 2023).

Based on the background and identified research gap, the research questions of this study are: (1) What is the status and scope of authority of non-structural bodies from the perspective of Constitutional Law under the 1945 Constitution? and (2) How compatible is the granting of normative authority to the DSN-MUI with the principles of establishing state institutions within Indonesia's constitutional system? This study aims to analyze the position of non-structural bodies in the constitutional system and to examine the legitimacy of delegating normative authority to the DSN-MUI within the framework of the rule of law and constitutional democracy.

METHODS

The research method is the means used to systematically address the research problems, including determining the analytical method relevant to the objectives of the study (Gorobets, 2020). This research employs a normative juridical method, namely legal research based on library studies by examining positive legal norms and legal doctrines related to the issues under investigation (Wofford, 2019).² The approaches used include the statute approach, which focuses on analyzing the 1945 Constitution, sectoral laws, and implementing regulations governing the existence of non-structural bodies and the role of the DSN-MUI; and the conceptual approach, which is employed to elaborate and assess the compatibility of delegated authority with constitutional law concepts such as the distribution of power, the rule of law principle, and accountability mechanisms (Ahmed, 2022).

The legal materials used consist of primary legal materials (the 1945 Constitution, statutes, and related regulations), secondary legal materials (textbooks, scholarly journals, and previous research findings), and tertiary legal materials (legal dictionaries and encyclopedias). Data analysis is conducted using a descriptive-analytical method, which involves presenting the applicable legal norms, linking them with constitutional law concepts, and subsequently providing a critical assessment of their conformity with constitutional principles. In this way, the method is implemented to address the formulated research problems, beginning with identifying the position of non-structural bodies and proceeding to assess the

¹ Ghozali, M., Sup, D., Prastyaningih, I., & Adan, H. (2024). The Law Concept of Sharia Banking Compliance on Murabaha Financing in Indonesia. Samarah: Jurnal Hukum Keluarga dan Hukum Islam. <https://doi.org/10.22373/sjhk.v8i3.11313>.

² Wofford, C. (2019). The Structure of Legal Doctrine in a Judicial Hierarchy. *Journal of Law and Courts*, 7, 263 - 280. <https://doi.org/10.1086/703699>.

constitutionality of granting normative authority to the DSN-MUI (Baidhowi et al., 2023).

RESULTS AND DISCUSSION

The Position and Limits of Authority of Non-Structural Bodies in the Perspective of Constitutional Law Based on the 1945 Constitution of the Republic of Indonesia

The existence of non-structural bodies in Indonesia has grown significantly, particularly in the post-reform era. Non-structural bodies can be defined as public institutions that perform governmental or public service functions but are not directly regulated in the 1945 Constitution, and are typically established through legislation below the constitutional level (Wismayanti et al., 2019). These bodies generally function to fill institutional gaps in addressing specific matters that require specialization or flexibility not possessed by the main state institutions (Wijaya & Ali, 2021).

Explicitly, the 1945 Constitution only mentions the main state institutions such as the President, the House of Representatives (DPR), the Regional Representative Council (DPD), the People's Consultative Assembly (MPR), the Supreme Court (MA), the Constitutional Court (MK), the Judicial Commission (KY), the Audit Board of Indonesia (BPK), and regional governments (Mamang, 2020). Beyond these, the establishment of additional institutions is implicitly provided for through Article 18 paragraph (6), Article 20, Article 21, Article 24C, and Article 28J paragraph (2) of the 1945 Constitution, which grant the legislature the authority to further regulate the structure and functions of certain institutions (Fauzani et al., 2020). Accordingly, the constitutional legitimacy of non-structural bodies is *derivative* in nature, meaning that their existence is valid insofar as they are established through legislative mechanisms in accordance with the hierarchy of norms (Cushman, 1947).

The rule of law principle, as enshrined in Article 1 paragraph (3) of the 1945 Constitution, requires that every institution exercising public authority must have a clear legal basis, a legitimate aim, and an accountability mechanism. In the absence of these three requirements, the existence and authority of non-structural bodies may be subject to constitutional challenge (Van Elsuwege & Gremmelprez, 2020).

Non-structural bodies can be classified based on the legal basis of their establishment (Chen et al., 2022):

1. Established by statute: for example, the Corruption Eradication Commission (KPK), the National Human Rights Commission (Komnas HAM), and the Indonesian Broadcasting Commission (KPI). These institutions have strong legitimacy and powers that are detailed in statutory law.

2. Established by government regulation or presidential regulation: for example, the National Disaster Management Agency (BNPB) and the Food and Drug Supervisory Agency (BPOM). Their authority is generally executive and operational in nature.
3. Established through presidential or ministerial decrees: typically ad hoc or coordinative in nature, such as special task forces or advisory councils.

The difference in legal basis affects the strength of authority and legitimacy of these institutions. The lower the level of the regulation forming the institution, the more limited the scope of its authority.

In practice, the limits of authority of non-structural bodies are determined by the regulations that establish them. Ideally, these bodies should not exceed the constitutional functions of the main state institutions and must operate within an auxiliary function framework. However, there are several non-structural bodies that receive delegated normative authority binding on third parties. For example, the DSN-MUI, whose fatwas serve as official references for Sharia financial regulators (Camacho & Glicksman, 2021).

The delegation of normative authority becomes constitutionally problematic when it is not explicitly regulated by statute, as this situation risks violating the principle of legality. The absence of such a statutory framework also results in a lack of public accountability mechanisms, thereby conflicting with the principles of accountability and checks and balances (Swaine, 2004). Furthermore, because this delegated authority extends to regulating the rights and obligations of citizens, it should properly fall under the jurisdiction of formal legislative or executive authorities (LI, 2015).

One of the fundamental principles of Constitutional Law is the distribution of power, which affirms that state authority is divided and exercised by different organs to prevent the concentration of power (Claus, 2016). Non-structural bodies, although not primary state institutions, still constitute part of the exercise of state authority when performing public functions. Therefore, their existence must be aligned with oversight mechanisms (checks and balances) through legislative, executive, or judicial supervision (Loewenstein, 1938).

If a non-structural body possesses authority equivalent to the formulation of derivative legal norms (for example, binding technical regulations), its formation and oversight mechanisms should follow the same procedures applicable to primary state institutions. Without such regulation, the potential for uncontrolled power will be significantly heightened. The implication of this analysis is the need for standardization in the establishment of non-structural bodies so that their position, functions, and accountability mechanisms are uniform and clearly defined (Maher, 2009). Delegation of normative authority should only be granted to non-structural bodies with a statutory legal basis and under the supervision of primary state institutions. Legal instruments produced by non-structural bodies that have binding

force should be ratified through legitimate state legal instruments, such as ministerial regulations, government regulations, or presidential decrees, in order to acquire formal legitimacy (Gorobets, 2019).

Thus, from the perspective of the 1945 Constitution, non-structural bodies hold the status of state auxiliary bodies that function to assist the duties of primary state institutions. Their authority must be limited by the principles of legality, proportionality, and accountability, and must not exceed the mandate granted by the legislature.

The Conformity of Granting Normative Authority to the DSN-MUI with the Principles of State Institution Formation in the Indonesian Constitutional System

The National Sharia Council, Indonesian Ulema Council (DSN-MUI) is an institution established by the Indonesian Ulema Council, a societal organization, to develop, guide, and supervise the implementation of Sharia principles in economic and financial activities in Indonesia (Al-Hakim, 2013). Within the framework of positive law, the existence of the DSN-MUI derives indirect legitimacy through the recognition of its fatwas as normative references in the regulation of Islamic banking and finance. This is reflected in Articles 26 and 27 of Law No. 21 of 2008 on Islamic Banking, which stipulate that Sharia banking products and services must comply with DSN-MUI fatwas, and that regulators (Bank Indonesia and subsequently the Financial Services Authority) are obliged to adopt these fatwas as guidelines in their regulations (Ibrahim & Salam, 2021).

This condition places the DSN-MUI in a unique position: legally, it is not a state institution, yet it possesses authority recognized by the state in the formation of sectoral legal norms. Its position lies at the intersection between a civil society organization and a norm-making actor. This situation raises a fundamental question in Constitutional Law: to what extent can the granting of normative authority to a private entity be justified within the framework of the Indonesian constitutional system, which is founded upon the principle of the rule of law (Swaine, 2004).

Formally, the DSN-MUI is not established by the 1945 Constitution or by statute as a state institution. Its authority derives from an indirect delegation mechanism, whereby legislation grants authority to a state institution (Bank Indonesia/the Financial Services Authority) to regulate Islamic banking, and such regulators then refer to DSN-MUI fatwas. This model differs from direct delegation, which grants a specific institution the authority to directly formulate legal norms (Gorobets, 2020).

From a constitutional law perspective, this delegation model does not directly conflict with the Constitution as long as (Swaine, 2004):

1. DSN-MUI fatwas do not take immediate effect as positive law, but only become binding after being adopted by the competent state authority; and

2. Such adoption is carried out in accordance with the legitimate legislative drafting procedures stipulated under Law No. 12 of 2011 as amended by Law No. 13 of 2022.

However, problems arise when, in practice, DSN-MUI fatwas are treated by the industry and the public as if they possess direct binding force, even before or without any formal adoption process. This creates ambiguity between religious norms and positive legal norms.

The principle of state institution formation within the Indonesian constitutional system requires that any institution exercising public functions must possess:

1. A clear legal basis: the institution must be established and regulated through legitimate legal instruments. In the case of the DSN-MUI, its legal basis is only indirect, arising from Islamic banking regulations, rather than from any law regulating the DSN-MUI's institutional structure itself.
2. A legitimate purpose and function: the DSN-MUI's role in developing and guiding Sharia economic practices serves a legitimate purpose and meets the needs of the Islamic finance sector.
3. An accountability mechanism: this is the critical issue. The DSN-MUI's accountability is internal to the MUI as a civil society organization, meaning it is not subject to public or parliamentary oversight in the same manner as state institutions.

The absence of direct public accountability becomes a significant concern because DSN-MUI fatwas influence state policy and bind third parties. Under the doctrine of checks and balances, any exercise of public authority must be subject to oversight by state organs possessing democratic legitimacy (Ibrahim & Salam, 2021).

From the perspective of the rule of law principle, as enshrined in Article 1 paragraph (3) of the 1945 Constitution, and the principle of legality, every legal norm binding upon citizens must originate from an institution vested with constitutional authority or from a valid statutory regulation. The delegation of normative authority to the DSN-MUI, which in essence is a private entity, raises several potential constitutional issues (Desai, 2020).

First, in terms of democratic legitimacy, the DSN-MUI is not established through a political process representing the will of the people. Consequently, its normative products, namely fatwas, do not undergo the mechanism of political representation typically applicable to state institutions. *Second*, with regard to public accountability, there is no formal mechanism enabling the public to challenge or demand accountability from the DSN-MUI concerning the substance

of its fatwas. This stands in contrast to the accountability standards expected of public institutions in a democratic constitutional system (Mishra, 2015).

Third, there is a potential for discrimination. Since DSN-MUI fatwas are based on interpretations of Islamic law, their application to all parties, without regard to religious and belief diversity, may raise concerns regarding equality before the law. This situation invites debate over the permissible limits of applying religion-based norms within the scope of positive law that is universally applicable to all citizens (Raday, 2003).

From the perspective of the distribution of power, the granting of normative functions to the DSN-MUI creates a co-regulation model, whereby norm formulation is undertaken through collaboration between the state and non-state actors. This model is commonly applied in sectors requiring specialized expertise, such as Islamic finance, where technical authority rests within a particular community (Bartley, 2022).

The advantages of this model include: first, it provides substantive legitimacy because it originates from a religious authority recognized by the community; and second, it accelerates the formation of technical norms by bypassing lengthy bureaucratic procedures (Desai, 2020).

However, from a constitutional law standpoint, its weaknesses are equally apparent. These include: the potential erosion of the principle of legality, as the norms originate from non-state actors; the absence of a clear oversight mechanism; and the risk of over-delegation, in which state institutions merely serve as a formal rubber stamp for fatwas without conducting critical evaluation (Chamon, 2021).

From the foregoing discussion, the compatibility of granting normative authority to the DSN-MUI with the principles of state institutional formation can be characterized as conditional conformity. Such delegation of authority can only be regarded as constitutional if the following conditions are met (Cass, 2016):

1. Formal adoption of fatwas, DSN-MUI fatwas must always be formally adopted by the competent state authority through an official regulation before they can bind third parties.
2. Independent legal review, The adoption process must involve an independent legal assessment to ensure compliance with the 1945 Constitution and human rights principles.
3. Strengthened accountability mechanisms, DSN-MUI's accountability should be enhanced, for instance, by requiring annual public reports or oversight by the relevant regulator.

If these recommendations are not implemented, the delegation of normative authority to the DSN-MUI risks becoming constitutionally incompatible, as it may

undermine the rule of law, the principle of legality, and the checks and balances that form the pillars of Indonesia's constitutional system.

CONCLUSION

This study concludes that non-structural bodies in Indonesia function as auxiliary state institutions with derivative legitimacy, whose authority must comply with the principles of legality, proportionality, and accountability under the 1945 Constitution. Delegating normative authority to the National Sharia Council (DSN-MUI), a private religious entity, creates a model of conditional constitutional conformity: its fatwas can only be considered constitutionally valid if formally adopted by state regulators and subject to transparent public oversight.

The findings highlight that without formal adoption and robust accountability mechanisms, this delegation model risks undermining the rule of law, eroding the principle of legality, and creating an over-delegation scenario that could potentially invite judicial challenges. Strengthening the legal basis of DSN-MUI, integrating an independent legal review process, and establishing clear co-regulation procedures with the Financial Services Authority and Bank Indonesia are crucial to align religious-based normative authority with constitutional democracy.

Future research should explore comparative co-regulation frameworks in other jurisdictions and develop a practical legal design to harmonize religious authority and state law in Indonesia's Sharia economic governance.

ACKNOWLEDGMENTS

The author expresses his deepest gratitude to the Faculty of Law, Surabaya State University, for the academic support and research facilities provided during the preparation of this article. He also extends his sincere appreciation to his colleagues at the Center for Constitutional, Legislative, and Democracy Studies (PUSKOPER) for their invaluable constructive suggestions and input in improving this manuscript. He also appreciates the comments and academic discussions from the peer reviewers, which have helped improve the quality of this study.

REFERENCES

- Ahmed, A. (2022). A Theory of Constitutional Norms. *Michigan Law Review*, 120.7, 1361. <https://doi.org/10.36644/mlr.120.7.theory>
- Al-Fatih, S., Safaat, M. A., Widiarto, A. E., Al Uyun, D., & Nur, M. (2023). The Hierarchical Model of Delegated Legislation in Indonesia. *Lex Scientia Law Review*, 7(2), 629–658. <https://doi.org/10.15294/lesrev.v7i2.74651>
- Al-Hakim, S. (2013). Perkembangan regulasi perbankan syariah di Indonesia. *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan*, 13(1), 15.

<https://doi.org/10.18326/ijtihad.v13i1.15-31>

- Baidhowi, B., Rofiq, A., Murtadho, A., & Sani, A. Z. S. A. (2023). Positivization of Fatwas of the National Sharia Council of the Indonesian Ulema Council in the Sharia Banking Law: Problems and Challenges. *Lex Scientia Law Review*, 7(2). <https://doi.org/10.15294/lesrev.v7i2.73799>
- Bartley, T. (2022). Power and the Practice of Transnational Private Regulation. *New Political Economy*, 27(2), 188–202. <https://doi.org/10.1080/13563467.2021.1881471>
- Camacho, A. E., & Glicksman, R. L. (2021). Designing Regulation Across Organizations: Assessing the Functions and Dimensions of Governance. *Regulation & Governance*, 15(S1). <https://doi.org/10.1111/rego.12420>
- Cass, R. A. (2016). Delegation Reconsidered: A Delegation Doctrine for the Modern Administrative State. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.2741208>
- Chamon, M. (2021). The legal framework for delegated and implementing powers ten years after the entry into force of the Lisbon Treaty. *ERA Forum*, 22(1), 21–38. <https://doi.org/10.1007/s12027-020-00646-2>
- Chandranegara, I. S., & Cahyawati, D. P. (2023). Conflict of interest prevention clause in the constitution: The study of the Indonesian Constitution. *Heliyon*, 9(3), e14679. <https://doi.org/10.1016/j.heliyon.2023.e14679>
- Chen, H., Wu, L., Chen, J., Lu, W., & Ding, J. (2022). A comparative study of automated legal text classification using random forests and deep learning. *Information Processing & Management*, 59(2), 102798. <https://doi.org/10.1016/j.ipm.2021.102798>
- Claus, L. (2016). Power Enumeration and the Silences of Constitutional Federalism. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.2837390>
- Cushman, R. E. (1947). Constitutional Law in 1945-46: The Constitutional Decisions of the Supreme Court of the United States in the October Term, 1945. *American Political Science Review*, 41(2), 248–270. <https://doi.org/10.2307/1950709>
- Desai, D. (2020). The Politics of Rule of Law Reform: From Delegation to Autonomy. *The Modern Law Review*, 83(6), 1168–1187. <https://doi.org/10.1111/1468-2230.12554>
- Dimiyati, K., Nashir, H., Elviandri, E., Absori, A., Wardiono, K., & Budiono, A. (2021). Indonesia as a legal welfare state: A prophetic-transcendental basis. *Heliyon*, 7(8), e07865. <https://doi.org/10.1016/j.heliyon.2021.e07865>

- Fauzani, M. A., Deladetama, N. A., Basrun, M., & Anam, M. K. (2020). Living Constitution in Indonesia: The Study of Constitutional Changes Without A Formal Amendment. *Lentera Hukum*, 7(1), 69. <https://doi.org/10.19184/ejhl.v7i1.13953>
- Ghozali, M., Sup, D. F. A., Prastyarningsih, I., & Adan, H. Y. (2024). The Law Concept of Sharia Banking Compliance on Murabaha Financing in Indonesia. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 8(3), 1391. <https://doi.org/10.22373/sjhl.v8i3.11313>
- Gorobets, K. (2019). Beyond ‘Thin’ and ‘Thick’: The International Rule of Law and the Idea of Normative Authority. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.3415040>
- Gorobets, K. (2020). The International Rule of Law and the Idea of Normative Authority. *Hague Journal on the Rule of Law*, 12(2), 227–249. <https://doi.org/10.1007/s40803-020-00141-3>
- Ibrahim, A., & Salam, A. J. (2021). A Comparative Analysis of DSN-MUI Fatwas Regarding Murabahah Contract and the Real Context Application (A study at Islamic Banking in Aceh). *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 5(1), 372. <https://doi.org/10.22373/sjhl.v5i1.8845>
- LI, L. (2015). “Rule of Law” in a Party-State: A Conceptual Interpretive Framework of the Constitutional Reality of China. *Asian Journal of Law and Society*, 2(1), 93–113. <https://doi.org/10.1017/als.2014.21>
- Loewenstein, K. (1938). The Balance between Legislative and Executive Power: A Study in Comparative Constitutional Law. *The University of Chicago Law Review*, 5(4), 566. <https://doi.org/10.2307/1596786>
- Maher, I. (2009). Functional and normative delegation to non-majoritarian institutions: The case of the European Competition Network. *Comparative European Politics*, 7(4), 414–434. <https://doi.org/10.1057/cep.2008.44>
- Mamang, D. (2020). PENGUATAN KEDUDUKAN DAN KEWENANGAN KONSTITUSIONAL DPD RI DALAM PERSPEKTIF UUD NEGARA RI TAHUN 1945. *VERITAS*, 6(1), 99–115. <https://doi.org/10.34005/veritas.v6i1.762>
- Mishra, D. (2015). An executive-power non-delegation doctrine for the private administration of federal law. *Vand. L. Rev.*, 68, 1509. <https://scholarship.law.vanderbilt.edu/vlr/vol68/iss6/2/>
- Raday, F. (2003). Culture, religion, and gender. *International Journal of Constitutional Law*, 1(4), 663–715. <https://doi.org/10.1093/icon/1.4.663>
- Satrio, A. (2023). Restoring Indonesia’s (Un)Constitutional Constitution:

- Soepomo's Authoritarian Constitution. *German Law Journal*, 24(2), 402–416. <https://doi.org/10.1017/glj.2023.16>
- Swaine, E. T. (2004). The Constitutionality of International Delegations. *Columbia Law Review*, 104(6), 1492. <https://doi.org/10.2307/4099376>
- Van Elsuwege, P., & Gremmelprez, F. (2020). Protecting the Rule of Law in the EU Legal Order: A Constitutional Role for the Court of Justice. *European Constitutional Law Review*, 16(1), 8–32. <https://doi.org/10.1017/S1574019620000085>
- Warburton, E., & Aspinall, E. (2018). Explaining Indonesia's Democratic Regression: Structure, Agency and Popular Opinion. *Contemporary Southeast Asia*, 41(2), 255–285. <https://doi.org/10.1355/cs41-2k>
- Wijaya, M. P. H., & Ali, M. Z. (2021). Legislation Impediments in Reorganising Government Bodies in Indonesia. *BESTUUR*, 9(1), 1. <https://doi.org/10.20961/bestuur.v9i1.51633>
- Wismayanti, Y. F., O'Leary, P., Tilbury, C., & Tjoe, Y. (2019). Child sexual abuse in Indonesia: A systematic review of literature, law and policy. *Child Abuse & Neglect*, 95, 104034. <https://doi.org/10.1016/j.chiabu.2019.104034>
- Wofford, C. B. (2019). The Structure of Legal Doctrine in a Judicial Hierarchy. *Journal of Law and Courts*, 7(2), 263–280. <https://doi.org/10.1086/703699>