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# Provincial Regulation Oversight after Constitutional Court Decision 56/PUU-XIV/2016: A Two-Gate Supervisory Model

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**Abstract**

**Background:** Following Constitutional Court Decision No. 56/PUU-XIV/2016, the Central Government lost its authority to revoke Provincial Regional Regulations (*Peraturan Daerah* or *Perda*), thereby reaffirming the Supreme Court's exclusive authority to conduct judicial review. Nevertheless, central government oversight remains necessary, with subsequent regulations, including Law No. 13/2022 and Minister of Law Regulation No. 40/2025, reinforcing the preventive harmonization of draft *Perda*.

**Objective:** This study examines the post-decision supervisory framework for provincial *Perda* and proposes an institutional model that connects executive preview with judicial review while preserving regional autonomy and judicial independence through a regulatory traceability dossier and a jurisprudential feedback loop.

**Methods:** Using a normative-doctrinal approach encompassing statutory, case-based, and conceptual analyses, this study examines the 1945 Constitution, relevant laws and ministerial regulations, Constitutional Court Decisions Nos. 56/PUU-XIV/2016 and 137/PUU-XIII/2015, and Supreme Court rulings through a legal-material extraction matrix.

**Results:** Although Indonesian law distinguishes between preventive executive harmonization and post-enactment judicial review, a critical documentation gap persists between these two processes. A traceability dossier documenting legal bases, recommendations, drafting decisions, and Supreme Court rulings would enable preventive oversight mechanisms to incorporate lessons from judicial decisions without compromising judicial independence.

**Conclusion:** A two-gate, traceable supervision model bridges pre-enactment executive review and post-enactment judicial review through auditable documentation and jurisprudential feedback. Although currently conceptual, this framework aims to improve regulatory quality and legal certainty and warrants further empirical testing and feasibility assessments.

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## INTRODUCTION

Regional autonomy is an integral part of Indonesia's constitutional design. Article 18 paragraph (2) of the 1945 Constitution of the Republic of Indonesia grants regional governments the authority to regulate and manage their own governmental affairs in accordance with the principles of autonomy and assistance tasks, while Article 18 paragraph (6) grants regional governments the authority to enact Regional Regulations and other regulations in the context of implementing autonomy and assistance tasks.

Within this constitutional framework, Regional Regulations are not merely administrative instruments of regional heads but constitute a form of legislation produced through a legislative process involving the Regional People's Representative Council and the regional head (Gunawan et al., 2023; Haruni, 2022). In decentralized legal systems, the supervision of subnational legislation commonly requires a balance among regional autonomy, preventive administrative coordination, and independent judicial control (Gede Bagus Jatikusuma & Arya Sumerta Yasa, 2026). The Indonesian experience therefore reflects a broader governance challenge: how to prevent conflicting or unlawful local regulations without allowing executive supervision to replace judicial review of enacted legislation.

The position of Regional Regulations within the national legislative system means that regional governments' authority to enact legislation is not absolute (Nirwan et al., 2025). Regional Regulations must remain subject to the principles of normative hierarchy, conformity with the scope of authority, proper legislative drafting, protection of the public interest, respect for citizens' constitutional rights, and coherence within the national legal system. This is where the need for supervision of regional legal products arises. Such supervision is necessary to ensure that decentralization does not result in regulatory fragmentation. At the same time, however, supervision must not become an instrument of centralization that undermines the policy-making autonomy of regional governments.

Before Constitutional Court Decision Number 56/PUU-XIV/2016, Article 251 of Law Number 23 of 2014 on Regional Government authorized the executive to annul provincial regulations under specified conditions. In Decision Number 56/PUU-XIV/2016, the Constitutional Court held that the executive's authority to annul enacted Regional Regulations was inconsistent with the constitutional allocation of judicial review authority over regulations below statutes to the Supreme Court under Article 24A paragraph (1) of the 1945 Constitution. The legal consequence was not the abolition of all forms of central government supervision but rather the removal of executive authority to invalidate enacted provincial regulations through an administrative annulment mechanism (Walim, 2025).

This institutional relationship underwent a fundamental transformation following Constitutional Court Decision Number 56/PUU-XIV/2016. The Court declared the phrase "*Perda Provinsi dan*" in Article 251 paragraphs (1), (4), and (7), as well as Article 251 paragraph (5) of Law Number 23 of 2014, unconstitutional and without binding legal force. This decision complemented Constitutional Court Decision Number 137/PUU-XIII/2015, which had previously addressed the executive's authority to annul Regency/Municipal Regional Regulations. Consequently, the annulment of an enacted Regional Regulation can no longer be pursued through an administrative decision of the Central Government but must instead be undertaken through the judicial review mechanism before the Supreme Court, in accordance with Article 24A paragraph (1) of the 1945 Constitution.

This change does not mean that the supervisory relationship between the Central Government and regional governments has been severed. The Constitutional Court's decisions have reconfigured the supervisory framework by eliminating the executive's authority to annul Regional Regulations, but they have not eliminated the need for supervision of regional regulatory products (Armin et al., 2023). In this context, executive preview can be positioned as an alternative form of preventive supervision following the abolition of executive review (Vallerio, 2023). The Central Government can therefore no longer annul Regional Regulations that are already in force but can still play a role before their enactment to prevent disharmony within the legislative system.

Subsequent legal developments following the two Constitutional Court decisions have further reinforced this trend. Law Number 13 of 2022 updated the mechanisms for harmonization, rounding, and stabilization of concepts of Draft Regional Regulations. This amendment reaffirmed the role of the central government ministry responsible for legal affairs in the harmonization of Draft Provincial Regulations (Muzayyin et al., 2023). Failure to undertake the harmonization process may even give rise to procedural defects in the formation of Regional Regulations (Rosydati & Erlina, 2024).

The strengthening of executive preview subsequently entered a new phase with the

enactment of Minister of Law Regulation Number 40 of 2025 on Procedures for Harmonization, Rounding, and Stabilization of Concepts of Draft Regional Regulations and Draft Regional Head Regulations. This regulation positions harmonization as an integral part of the drafting process for Draft Regional Regulations and introduces an electronic mechanism through the E-Harmonization system.

Nevertheless, the strengthening of preventive supervision also gives rise to new constitutional concerns. Preventive supervision that is excessively broad may become an indirect means of restoring Central Government dominance over regional legislation. Research has identified the existence of dualism in preventive supervision through harmonization and facilitation mechanisms (Akbar et al., 2025). The implementation of executive preview also faces challenges relating to human resource capacity, regional governments' administrative understanding, and the effectiveness of mandatory harmonization procedures (Prabowo & Ummul Firdaus, 2024).

In subsequent developments, executive preview has been regarded as having a strategic role in harmonizing the formation of Regional Regulations because it serves to prevent conflicts between legal norms before a Regional Regulation acquires binding legal force (Abdilla et al., 2025). Strengthening preventive supervision is also necessary to improve the quality of regional legislation without reinstating administrative annulment authority that has been declared unconstitutional (Budi Harianto, 2026).

However, such strengthening must be subject to clear limitations. Unrestricted executive preview has the potential to develop into executive supremacy over regional legislative functions, particularly if the Central Government begins to intervene in local policy choices that fall within the scope of regional autonomy (Wardhana & Aditya, 2026). Therefore, executive preview should be positioned as a form of supervision that is limited, proportionate, transparent, and oriented toward ensuring legality and harmonizing legal norms (Dianasari & Waluyo, 2024).

On the other hand, judicial review remains the corrective mechanism for Regional Regulations that are already in force. This mechanism constitutes a form of judicial control over legislation below statutes and serves to maintain consistency within the legislative hierarchy.

Existing scholarship does not discuss executive supervision and judicial review exclusively as separate mechanisms. Erick & Risman (2023), among others, have already examined the relationship between preventive supervision, harmonization, and judicial review. Their principal emphasis, however, remains on the constitutional allocation of authority and the legality of each mechanism. The more specific research gap addressed in this study concerns traceability across the regulatory life cycle: how the reasons underlying harmonization or facilitation recommendations are recorded, how regional governments' responses are documented, how subsequent Supreme Court decisions inform future drafting processes, and how this information can be linked without compromising judicial independence.

Thus, a research gap remains in the form of an insufficiently developed theoretical framework explaining the relationship between executive preview and judicial review as components of a single regulatory supervision cycle that nevertheless preserves the distinction between administrative and judicial authority.

The novelty claimed in this study is therefore limited and operational in nature. First, it specifies a regulatory traceability dossier that supplements existing harmonization records by linking the legal basis, recommendations, regional governments' responses, final drafting decisions, and post-enactment judicial outcomes. Second, it formulates a jurisprudential feedback loop through which the Supreme Court's legal reasoning can inform future preventive review without transforming judicial reasoning into an executive directive. Third, it identifies the procedural safeguards and potential risks—including administrative burdens, duplication, over-bureaucratization, and potential executive overreach—that must be addressed before the proposed model can be implemented. The two-gate structure itself is not claimed as a novel contribution, since preventive and repressive supervision are already recognized in Indonesian law.

This study addresses a gap in previous discussions, which have focused primarily on the constitutional separation between executive supervision and judicial review. Its contribution lies

in connecting these two stages through document traceability and structured institutional learning. The objective is to reconstruct a supervisory model that preserves judicial independence while ensuring that harmonization records, facilitation outcomes, and final judicial decisions can be systematically traced and used to improve subsequent regulatory drafting. The expected benefits concern legal certainty, administrative accountability, and legislative learning; these benefits are presented as normative expectations rather than empirically demonstrated effects.

## METHOD

This study employed a normative-doctrinal legal research method, treating legal norms, court decisions, and legal doctrine as the primary materials of analysis. The approaches employed consisted of the statutory approach (statute approach), case approach (case approach), and conceptual approach (conceptual approach). The statutory approach was used to analyze the 1945 Constitution of the Republic of Indonesia; Law Number 23 of 2014 on Regional Government and its amendments; Law Number 12 of 2011, as last amended by Law Number 13 of 2022, on the Formation of Legislation; the Law on the Supreme Court; the Law on Judicial Power; Government Regulation Number 12 of 2017; Supreme Court Regulation Number 1 of 2011; and Minister of Law Regulation Number 40 of 2025. The case approach focused primarily on Constitutional Court Decision Number 137/PUU-XIII/2015 and Decision Number 56/PUU-XIV/2016 to establish the constitutional framework governing the allocation of authority for the supervision and review of Regional Regulations.

The conceptual approach was used to distinguish between executive review, executive preview, judicial review, preventive supervision, repressive supervision, regional autonomy, and the principle of checks and balances. Primary legal materials were mapped according to their authority, object, procedural stage, and legal consequences. The analysis proceeded through systematic interpretation of the legal framework governing regional government, the formation of legislation, the Supreme Court, and judicial power, as well as the relevant Constitutional Court decisions and Minister of Law Regulation Number 40 of 2025. Teleological interpretation was then employed to evaluate whether each supervisory mechanism advanced the principle of legality without displacing the Supreme Court's constitutionally established jurisdiction. The literature was screened for its direct relevance to the supervision of Regional Regulations, harmonization, administrative authority, judicial review, and regulatory traceability.

Secondary legal materials were drawn primarily from national journal articles published between 2021 and 2026 concerning the supervision of Regional Regulations, harmonization of Draft Regional Regulations, the authority of Central Government institutions, executive preview, judicial review, and meaningful participation. The analysis was conducted prescriptively through systematic and teleological interpretation. Legal norms were not merely examined based on the wording of individual provisions but were also considered in relation to the constitutional division of functions among the Central Government, regional governments, the Regional People's Representative Council, and the Supreme Court. The findings of the analysis were subsequently used to formulate a model for reconstructing the allocation of authority in a manner consistent with regional autonomy and the rule of law.

Legal materials were collected by tracing official legislative databases and court-decision repositories and were subsequently organized according to the authority involved, object of supervision, procedural stage, documentary output, and legal consequences. Secondary materials were selected based on their direct relevance to decentralization within a unitary state, the hierarchy of legal norms, the limits of administrative authority, the harmonization of Draft Regional Regulations, and judicial review. The analysis employed the hierarchy-of-norms, decentralization, and checks-and-balances perspectives as its principal analytical frameworks. The study did not claim exhaustive coverage of all Supreme Court decisions. Where data on practical implementation were unavailable, the proposed regulatory traceability dossier and jurisprudential feedback loop were treated as normative designs rather than empirically validated systems.

## RESULTS AND DISCUSSION

### Results

For analytical clarity, harmonization, facilitation, and evaluation are treated as distinct mechanisms and compared according to the responsible institution, legal object, timing, documentary output, and legal consequences. The proposed dossier does not duplicate the harmonization procedure under Minister of Law Regulation Number 40 of 2025. Rather, it provides continuity across the various stages by preserving the drafting basis, harmonization history, facilitation or evaluation records, and subsequent judicial review status in a traceable file.

#### *Configuration of Supervisory Authority over Provincial Regional Regulations After Constitutional Court Decision Number 56/PUU-XIV/2016*

Constitutional Court Decision Number 56/PUU-XIV/2016 marked a critical turning point in the configuration of supervisory authority over Provincial Regional Regulations. Before the decision, the Minister could revoke Provincial Regional Regulations pursuant to Article 251 of Law Number 23 of 2014. This mechanism constituted repressive supervision because it was exercised against regulations that had already been enacted and had acquired binding legal force.

Following the Constitutional Court decision, the Central Government no longer has the authority to administratively revoke Provincial Regional Regulations. This change reinforces the separation between administrative supervision and judicial review of legal norms. Research examining the allocation of authority following the decision confirms that neither the Minister nor the Governor may revoke Regional Regulations through administrative mechanisms (Armin et al., 2023).

Under this system, the review of Regional Regulations as subordinate legislation falls within the jurisdiction of the Supreme Court. Judicial review serves as a mechanism of judicial control to ensure that subordinate legislation does not conflict with higher-ranking legal provisions.

However, the restriction on administrative revocation does not mean that all Central Government supervisory functions over regional governments have disappeared. In a unitary state, the exercise of regional autonomy must remain within the framework of the national legal system. Accordingly, the orientation of supervision shifts from repressive revocation toward the prevention of normative conflicts through executive preview.

#### *Strengthening Executive Preview through Harmonization of Draft Regional Regulations*

Executive preview is a mechanism for examining draft regulations before they become legally binding. This model differs from executive review, which is directed at regulations that are already in force.

In the context following the Constitutional Court decision, executive preview can serve as a model of preventive supervision that does not encroach upon the jurisdiction of the Supreme Court (Vallerio, 2023). This mechanism is also considered important for reducing the potential for vertical and horizontal conflicts in the formation of Regional Regulations (Budi Harianto, 2026).

Law Number 13 of 2022 further strengthens the harmonization process for Draft Regional Regulations. This legislative development enhances the role of the ministry responsible for legal affairs in the harmonization of Draft Provincial Regional Regulations (Muzayyin et al., 2023).

Harmonization serves not only an administrative function but also contributes to the procedural validity of the regulatory formation process. Failure to comply with the harmonization stage in the formation of a Regional Regulation may give rise to procedural problems and potentially undermine the quality of the resulting regulation (Rosydati & Erlina, 2024).

In practice, the executive preview process continues to face various challenges. Studies examining the implementation of this authority identify several obstacles, including limited human resources, interinstitutional coordination difficulties, and regional governments' varying levels of understanding of harmonization procedures (Prabowo & Ummul Firdaus, 2024).

Furthermore, there is a risk of overlapping preventive supervision mechanisms. Harmonization and facilitation may proceed in parallel under parameters that are not always

clearly distinguished, potentially resulting in duplicated examinations (Akbar et al., 2025).

Therefore, strengthening executive preview must be accompanied by clearly defined limits on supervisory authority. This mechanism must not be used to override regional policy choices insofar as those choices remain within the legitimate scope of regional autonomy. Without such limitations, executive preview could evolve into a form of executive supremacy over regional legislation (Wardhana & Aditya, 2026).

***Judicial Review as Judicial Control over Provincial Regional Regulations***

Judicial review is a mechanism for reviewing legal norms that have acquired binding force. In the context of Regional Regulations, this mechanism ensures judicial control over potential conflicts between Regional Regulations and higher-ranking legislation.

This function is fundamentally different from executive preview. Whereas executive preview focuses on preventing conflicts before a legal norm takes effect, judicial review serves as a corrective mechanism after the norm has entered the legal system. Although the two mechanisms have complementary functions, their respective authorities must remain distinct.

Judicial review plays an important role in maintaining consistency within the hierarchy of legal norms and upholding the principle of the rule of law. The availability of judicial review enables legislative products to be scrutinized and corrected through independent judicial procedures rather than through unilateral decisions by executive institutions.

In the context of Constitutional Court Decision Number 56/PUU-XIV/2016, this separation becomes increasingly important because administrative revocation of Provincial Regional Regulations is no longer available to the Central Government. The elimination of executive review as an administrative revocation mechanism must therefore be understood as reinforcing the role of judicial review, rather than eliminating all forms of supervision over the formation of regional legal products (Armin et al., 2023).

***The Problem of Fragmentation of Regional Regulation Supervision***

Following the Constitutional Court decision, the problem of Regional Regulation supervision shifted from the dualism of revocation mechanisms toward the fragmentation of supervisory mechanisms. Several institutions are involved at different stages of the regulatory process, with functions that potentially overlap.

The overlap between harmonization and facilitation is one of the principal problems in preventive supervision (Akbar et al., 2025). This situation may result in repeated examinations without clearly establishing which institution is responsible for each type of assessment.

Furthermore, the obligation to harmonize draft regulations must not be interpreted as granting the Central Government veto authority over the entire substance of Draft Regional Regulations. Harmonization should assess legality, consistency with the hierarchy of legal norms, institutional authority, and conformity with the national legal system, rather than override legitimate regional policy choices (Wardhana & Aditya, 2026).

Another form of fragmentation exists between the harmonization process and the judicial review process. Judicial decisions concerning Regional Regulations have not always been systematically incorporated into subsequent harmonization processes involving Draft Regional Regulations with similar substantive provisions.

***Reconstruction of the Two-Gate Traceable Supervision Model***

This study proposes a two-gate traceable supervision model to reconstruct the relationship between executive preview and judicial review. The model maintains functional separation between the two mechanisms while establishing an informational connection between them.

The first gate is executive preview. This mechanism operates before a Regional Regulation acquires binding legal force and focuses on preventing normative conflicts. Strengthening preventive supervision is necessary to ensure the quality of the regulatory formation process without restoring the Central Government's administrative revocation authority (Budi Harianto, 2026).

The second gate is judicial review. This mechanism operates after a Regional Regulation has acquired binding legal force and aims to correct legal norms that conflict with higher-ranking legislation.

The relationship between these two mechanisms is functional rather than hierarchical. Documents and legal reasoning generated during the harmonization process can be incorporated into a regulatory traceability dossier. Conversely, Supreme Court decisions can serve as sources of institutional learning for subsequent regulatory harmonization.

This framework should also incorporate public participation. Public participation in the regulatory formation process should not be limited to formal attendance at consultation activities. Rather, it must provide opportunities for the public to be heard, have their views considered, and receive explanations regarding how their input has been addressed (Laritmas, 2026).

***Constitutional Parameters of Executive Preview***

Based on the overall analysis, executive preview must be constrained by the principles of legality, proportionality, respect for regional autonomy, transparency, participation, and the prohibition against substituting executive judgment for judicial functions.

These limiting parameters derive from the constitutional allocation of authority, the principle that administrative action requires a legal basis, and the need to preserve regional autonomy while preventing normative conflicts. The principle of legality requires the reviewing institution to act within an express statutory mandate. Proportionality requires that any intervention be necessary and no broader than required to achieve its legitimate objective. Transparency and participation require that reasons, public input, and institutional responses be properly documented. Traceability requires that the final drafting decisions be linked to the recommendations received and any subsequent judicial rulings. When applied to Minister of Law Regulation Number 40 of 2025 and Law Number 13 of 2022, these parameters serve as safeguards against transforming harmonization into a form of *de facto* executive cancellation or approval authority.

These limitations are important because preventive supervision without clearly defined parameters may become an instrument for controlling regional policy choices. Recent research emphasizes that executive preview must be constrained to prevent it from developing into a form of executive supremacy over the regional legislative process (Wardhana & Aditya, 2026).

Accordingly, the Central Government may examine institutional authority, the hierarchy of legal norms, regulatory formation procedures, and compliance with legislative drafting techniques. However, it may not replace political decisions that legitimately fall within the authority of the Regional People's Representative Council and the regional head.

***Harmonization of Executive Preview and Judicial Review in the Perspective of Legal Certainty***

The relationship between executive preview and judicial review should not be constructed as a competitive relationship. The two mechanisms operate at different stages, address different legal objects, and produce different legal consequences.

The more effective the preventive mechanism, the lower the potential for Regional Regulations that conflict with higher-ranking legislation to be enacted. Nevertheless, the effectiveness of executive preview cannot eliminate the function of judicial review, because every legal norm that has entered into force must remain subject to judicial scrutiny.

This model establishes a balance between the need to maintain the coherence of the legal system and the need to preserve regional autonomy. The Central Government performs a preventive function, regional governments and the Regional People's Representative Council retain their legitimate policy-making space, and the Supreme Court performs a corrective judicial function.

***Implications for Central-Regional Relations***

This reconstruction shifts the orientation of Central-regional relations from a hierarchical pattern of revocation toward regulatory coordination. The Central Government is no longer positioned as an institution authorized to unilaterally eliminate regional legal norms but instead

participates in a mechanism designed to prevent regulatory disharmony.

This approach is consistent with the argument that executive preview is more appropriately situated at the regulatory formation stage than used as an instrument for revoking Regional Regulations that are already in force (Vallerio, 2023).

Conversely, judicial review remains the instrument of judicial correction. This separation of functions maintains the consistency of the principle of checks and balances while providing greater certainty regarding the respective limits of institutional authority.

**Discussion**

The overall research findings indicate that Constitutional Court Decision Number 56/PUU-XIV/2016 did not eliminate supervision over Provincial Regional Regulations but instead transformed its institutional architecture and orientation. The supervisory framework, which previously allowed the Central Government to revoke Regional Regulations already in force, has shifted toward a clearer division of functions between preventive supervision during the regulatory formation stage and judicial control after a legal norm acquires binding force. This shift confirms that the principal issue following the Constitutional Court decision is no longer whether the Central Government possesses supervisory authority, but rather how the limits, forms, and relationships among supervisory mechanisms should be structured to ensure consistency with regional autonomy and the principle of the rule of law. This finding is consistent with Armin et al. (2023), who demonstrate that the Constitutional Court decision eliminated the executive's authority to revoke Regional Regulations without removing the need for supervision over regional regulatory activities.

This transformation reflects a paradigm shift from repressive supervision based on revocation toward preventive supervision based on harmonization. Under the previous paradigm, the Central Government occupied a more dominant position because it could intervene in a Regional Regulation after the relevant norm had taken effect. Following the declaration that such authority was unconstitutional, the Central Government's supervisory function is more appropriately situated at the stage preceding the enactment of a Regional Regulation. In this context, executive preview is not intended to replace executive review but rather to provide a mechanism for identifying conflicts of authority, inconsistencies within the hierarchy of legal norms, discrepancies in substantive provisions, and problems involving legislative drafting techniques before a draft becomes a binding legal norm. This conception is consistent with Vallerio (2023), who position executive preview as a preventive supervisory mechanism for preventing disharmony among legislative instruments.

The strengthening of executive preview through harmonization also reflects a change in the approach to Central-regional relations. These relations should no longer be structured around the assumption that the Central Government occupies a superior position from which it may unilaterally revoke regional legal policies. Instead, they should be based on coordination aimed at maintaining the integrity of the national legal system. Budi Harianto (2026) demonstrates that harmonization plays a strategic role in preventing the enactment of Regional Regulations that conflict with higher-ranking legislation while improving the quality of substantive provisions and regulatory drafting techniques. Thus, Central Government supervision remains necessary, but its orientation shifts from eliminating legal norms toward preventing normative problems at the drafting stage.

Nevertheless, the findings of this study also indicate that strengthening preventive supervision is not without challenges. Expanding Central Government involvement during the regulatory formation stage may create a new form of centralization if harmonization outcomes are treated as instruments for vetoing all policy choices made by regional governments and the Regional People's Representative Council. Regional autonomy inherently provides room for the formulation of policies that reflect the distinct characteristics and needs of individual regions. Therefore, not every policy disagreement between the Central Government and regional governments should be characterized as legal disharmony. Supervision must distinguish between reviewing legality and intervening in policy choices. Examining institutional authority, the hierarchy of legal norms, procedural compliance, constitutional rights, and the principles

governing regulatory formation falls within the scope of legality control. By contrast, determining substantive policy choices that legitimately fall within the scope of regional autonomy must remain the responsibility of the institutions authorized to formulate Regional Regulations.

This problem becomes increasingly complex because preventive supervision has not yet been organized within a fully integrated institutional framework. Akbar et al. (2025) identify dualism between harmonization and facilitation mechanisms in the formation of Regional Regulations. The involvement of different institutions may strengthen regulatory quality when each institution operates according to clearly defined parameters. However, it may also generate repetitive examinations when the division of functions is insufficiently established. This situation demonstrates that the problem of Regional Regulation supervision following the Constitutional Court decision concerns not only the distribution of authority between the executive and judicial branches but also coordination within the executive branch itself. Consequently, the effectiveness of executive preview should not be measured solely by the number of drafts that undergo harmonization. It should also be assessed in terms of the clarity of assessment parameters, consistency of recommendations, traceability of revisions, and capacity to prevent normative conflicts.

On the other hand, judicial review remains necessary as an independent mechanism for correcting Regional Regulations that are already in force. The authority to review legislation subordinate to statutes, including Regional Regulations, is constitutionally vested in the Supreme Court, whereas Central Government involvement is more appropriately directed toward supervision and harmonization while regulations remain at the draft stage (Erick & Risman, 2023). Even comprehensive harmonization cannot fully guarantee that a Regional Regulation will not generate legal problems during its implementation. Harmonization essentially seeks to improve regulatory alignment, prevent overlapping provisions, and minimize potential conflicts between Regional Regulations and higher-ranking legislation. Nevertheless, the process continues to face challenges involving coordination, substantive quality, and regulatory implementation (Dwiatmoko & Nursadi, 2022). Normative conflicts may become apparent only during implementation, particularly when a provision affects citizens' rights or interacts with other regulations in ways that could not have been anticipated previously.

Therefore, executive preview and judicial review should not be positioned as substitute mechanisms but rather as distinct supervisory mechanisms operating at different stages. Executive preview functions to reduce the risk of normative conflicts before a Regional Regulation is enacted, whereas judicial review provides a mechanism for judicial correction when a Regional Regulation that has acquired binding legal force is alleged to conflict with higher-ranking legislation (Arafah, 2026). This division is important because the annulment or invalidation of a Regional Regulation already in force falls within the domain of judicial authority, whereas the Central Government may continue to perform guidance and preventive supervision functions during the formation of regional regulations (Erick & Risman, 2023). This separation consequently prevents the Central Government from assuming judicial functions while also preventing the Supreme Court from becoming involved in policy formulation before a legal norm is enacted.

On this basis, the findings of this study develop a two-gate traceable supervision model that connects the two mechanisms without merging their respective authorities. The first gate is executive preview, which performs a preventive function during the formation of Draft Regional Regulations through evaluation, synchronization, and harmonization. Strengthening harmonization at this stage is necessary to ensure that Draft Regional Regulations do not overlap, conflict with higher-ranking legislation, or undermine consistency within the legislative system (Descariana & Anom Husodo, 2024). The second gate is judicial review, which operates after a Regional Regulation has acquired binding legal force and provides the Supreme Court with the opportunity to assess the regulation's legality in relation to higher-ranking legislation (Aprianti et al., 2021).

The added value of the proposed model lies in establishing traceability across existing mechanisms rather than creating new preventive supervision or judicial review mechanisms. The proposed dossier is expected to make the reasons, responses, final drafting decisions, and

subsequent judicial outcomes auditable over time. However, this expected benefit has not yet been empirically tested. Potential risks include additional administrative workloads, duplication of existing documentation, including academic papers and e-Harmonization/JDIH records, excessive bureaucratization, and the possibility that executive recommendations could be treated as quasi-binding. Accordingly, the model requires a clear separation of institutional roles, minimum documentation standards, interoperability with existing portals, and an explicit provision establishing that information exchange must not constrain the Supreme Court's independent judicial assessment.

The concept of a regulatory traceability dossier is important in this model because it prevents the harmonization process from becoming merely an administrative formality. Ideally, harmonization documentation should go beyond demonstrating that a Draft Regional Regulation has completed the required procedure. It should also record the legal basis of the proposed regulation, identified legal issues, the reasoning underlying proposed amendments, public input, and the reasons for accepting or rejecting recommendations. This form of traceability serves two purposes. First, it strengthens the accountability of the institutions responsible for formulating Regional Regulations because every substantive amendment can be justified by reference to its legal basis. Second, it provides information that may be used if the resulting Regional Regulation subsequently becomes the subject of judicial review. Accordingly, regulatory quality is assessed not only on the basis of the final text but also in terms of the quality of the reasoning and deliberative process through which the legal norm was formulated.

The relationship between the two gates can be further strengthened through a jurisprudential feedback loop. Supreme Court decisions concerning Regional Regulations should not be understood solely as resolutions of individual legal disputes but also as sources of institutional learning for the formation of subsequent regulations. If a Regional Regulation is invalidated because it exceeds the authority of the regional government, conflicts with higher-ranking legislation, or contains subject matter that cannot legally be regulated at the regional level, the relevant judicial reasoning should be incorporated into the knowledge base used in harmonizing other Draft Regional Regulations with similar characteristics. In this way, judicial review not only performs a corrective function in relation to existing regulations but also contributes indirectly to preventing similar problems in future regulatory formation.

This mechanism also requires public participation as a form of horizontal control. Supervision of Regional Regulations should not be confined to relations among the Central Government, regional governments, the Regional People's Representative Council, and the Supreme Court. The public is directly affected by the implementation of Regional Regulations and therefore has a legitimate interest in participating in their formation. Laritmas (2026) explains that meaningful participation requires the fulfillment of three rights: the right to be heard (right to be heard), the right to have one's opinions considered (right to be considered), and the right to receive explanations regarding the follow-up to submitted input (right to be explained). Accordingly, public participation should form part of the regulatory traceability record rather than merely constitute the formal fulfillment of public consultation requirements.

From the perspective of legal certainty, the two-gate model establishes a more predictable division of institutional functions. The Central Government is responsible for maintaining the quality of draft regulations through preventive mechanisms; the Regional People's Representative Council and the regional head retain their respective roles in policy formulation within the framework of regional autonomy; and the Supreme Court exercises judicial control over Regional Regulations already in force. This division prevents two opposing extremes: autonomy without adequate control, which may result in regulatory fragmentation, and excessive supervision, which may restore centralization. Thus, harmonization should not be understood as an instrument for achieving policy uniformity but rather as a mechanism for ensuring that regional policy diversity remains within the boundaries of the national legal system.

Overall, the research findings confirm that the problem of supervising Provincial Regional Regulations following Constitutional Court Decision Number 56/PUU-XIV/2016 cannot be resolved merely by transferring revocation authority from the executive to the judiciary. The more fundamental challenge is to establish a regulatory cycle that connects prevention, formation,

implementation, judicial review, and institutional learning. Executive preview and judicial review must therefore be understood as two distinct but complementary functions. Executive preview safeguards legal quality before a norm is enacted, whereas judicial review upholds the supremacy of law after the norm takes effect. Reconstruction through the two-gate traceable supervision model offers a framework for reconciling the need to maintain the integrity of the national legal system with respect for regional autonomy while strengthening transparency, participation, accountability, and legal certainty in the formation of Provincial Regional Regulations.

## CONCLUSION

Following Constitutional Court Decision Number 56/PUU-XIV/2016, the Central Government may no longer revoke enacted provincial regulations through administrative executive review, while preventive supervision remains permissible at the drafting stage and judicial review of enacted regulations remains within the constitutional jurisdiction of the Supreme Court. The reconstruction proposed in this study therefore preserves a two-gate structure: preventive executive preview before enactment and independent judicial review after enactment. Its distinctive contribution lies in the proposed regulatory traceability dossier and jurisprudential feedback loop, which connect documentation and institutional learning without merging the respective authorities of the executive and judicial branches. The model constitutes a normative institutional design and has not yet been empirically tested for its administrative, technological, or interinstitutional feasibility. Accordingly, claims concerning improvements in legal certainty and legislative quality should be understood as anticipated benefits rather than empirically established outcomes. Future research should test the model using specific Provincial Regional Regulations, trace the implementation of Supreme Court decisions, and examine institutional capacity, public access, dossier governance, and mechanisms for resolving inconsistent administrative recommendations.

This study proposes a two-gate traceable supervision model. The first gate consists of executive preview through preventive, proportional, transparent, and participatory harmonization of Draft Regional Regulations. The second gate consists of judicial review by the Supreme Court as a mechanism of judicial control after a Regional Regulation takes effect. The two gates remain institutionally distinct but are connected through a regulatory traceability dossier and a jurisprudential feedback loop. This reconstruction enables Central-regional relations to shift from a hierarchical pattern of revocation toward a more constitutionally grounded model of regulatory coordination while strengthening legal certainty, regional autonomy, legislative quality, and the principle of checks and balances.

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## AUTHOR CONTRIBUTION STATEMENT

The first author contributed to the conceptualization of the research, identification of legal issues, collection of legal materials, analysis of decisions, and preparation of the initial manuscript. The second author contributed to the development of methodology, analysis of legislation, validation of legal argumentation, and critical review of the manuscript. The third author contributed to the development of the conceptual framework, analysis of research results, and the process of reviewing and editing the manuscript. All authors participated in the discussion of research results, approved the final version of the manuscript, and are responsible for the integrity of the scientific work.

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