

Legal Force of the State's Official Publication Media: A Comparative Analysis of the *Lembaran Negara* and *Berita Negara* in the Promulgation of Legal Norms in Indonesia

Risa Jaya Wulandari¹, I Gede Yusa²

Fakultas Hukum Universitas Udayana¹²

e-mail: risajw17@gmail.com¹, gedeyusa345@gmail.com²

ABSTRACT

This study examines the differing positions and functions of the *Lembaran Negara Republik Indonesia* (LNRI) and the *Berita Negara Republik Indonesia* (BNRI) as the state's official media for the publication of legal norms, as well as the juridical implications of these differences for the binding force of legal norms. The background of this research is rooted in the disparity of publication media used for legal products that are hierarchically equivalent, such as statutes promulgated in the LNRI and Constitutional Court decisions that are announced only in the BNRI. This situation raises concerns regarding legal certainty, the effectiveness of legal norms, and the equality of access to legal information for the public. This research employs a normative legal method with statutory, conceptual, and comparative approaches. The findings show that the LNRI functions as a constitutive promulgation medium for the enactment of legislation, whereas the BNRI serves as a declarative notification medium for administrative legal documents and decisions of state institutions such as the Constitutional Court. These differences have implications for the binding force of legal norms: norms published in the LNRI acquire general binding force upon promulgation, while publications in the BNRI emphasize transparency and accessibility without creating new legal norms. The study concludes that although LNRI and BNRI have complementary roles, inconsistencies in selecting the appropriate publication medium may weaken legal certainty and the effectiveness of law enforcement. Therefore, a revision of the national legal publication system is necessary to ensure greater integration and consistency, thereby strengthening the principles of the rule of law, information transparency, and legal certainty.

Keywords: *Lembaran Negara*, *Berita Negara*, legal publication, binding force, legal certainty, Constitutional Court.

INTRODUCTION

Indonesia, as a constitutional state (*rechtsstaat*) as affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, inherently requires a structured, hierarchical, and publicly accessible system for the formulation and promulgation of legal norms. A fundamental principle in modern constitutionalism asserts that a legal norm can only be justly enforced when it has been officially promulgated and made known to the public. This reflects the principles of *lex certa* and *publicitas legis*, which serve as pillars for ensuring legal certainty. According to Siallagan (2016), the application of the rule of law requires transparency and accessibility in the formation and dissemination of legal norms.

Within the Indonesian legal system, this function of official promulgation is carried out by two state publication media: the *Lembaran Negara Republik Indonesia* (State Gazette, hereafter LNRI) and the *Berita Negara Republik Indonesia* (State Bulletin, hereafter BNRI). LNRI functions as the *promulgatieblad* for universally binding legislation such as Acts, Government Regulations, and Presidential Regulations. In contrast, BNRI serves as the publication medium for administrative and informative state documents (BPHN, 2016). This functional separation is intended to maintain order in public administration and legal information management.

However, in practice, academic and normative issues arise when legal products that are hierarchically equivalent and equally binding are published through different media. This phenomenon is evident in the differential treatment of Acts and

Constitutional Court Decisions (CCDs). Acts, as formal legislative outputs, are promulgated in LNRI. Conversely, CCDs—despite their final and binding nature as mandated by Article 24C of the 1945 Constitution—are only published in BNRI. Ansari (2021) notes that accessibility to judicial decisions remains uneven despite legal mandates for transparency.

This disparity raises a fundamental question: does the choice of publication medium affect the juridical weight and legitimacy of a legal norm? If CCDs possess legal force equivalent to Acts in terms of general binding effect, why are they not promulgated in LNRI? This indicates an analytical gap and philosophical ambiguity in Indonesia's legal publication system regarding parameters used to determine the publication medium of legal products. According to Soekanto (2017), the effectiveness of law is influenced not only by its substantive norms but also by structural and cultural elements of the legal system.

Furthermore, the fragmentation of the publication system creates inequality in access to legal information. In a democratic state that upholds the right to public information as guaranteed by Law No. 14 of 2008 on Public Information Disclosure, every citizen is entitled to complete and integrated access to legal information (Priatna & Isro, 2021). Separate publication practices between LNRI and BNRI risk severing the legal information chain that should remain coherent and easily accessible.

Another significant implication relates to the doctrine of legal fiction, which presumes that everyone is deemed to know the law once it is promulgated (*ignorantia juris non excusat*). Kelsen (2017) emphasizes the necessity of legal certainty for legitimacy; however, this doctrine becomes unfair when the public does not have equal access or capacity to obtain information from two different publication sources. This disparity may produce substantive injustice, where citizens are held accountable for norms they cannot practically access.

For legal professionals—practitioners, academics, and law enforcement officers—the lack of integration between LNRI and BNRI creates inefficiency. They often must consult two distinct sources to obtain related legal information. This hinders legal reasoning (*rechtsvinding*), the drafting of legal opinions, and law enforcement processes. Labesak (2019) highlights that publication inconsistencies undermine integrity and legal predictability.

Thus, the divergence in publication media between LNRI and BNRI is not merely a technical-administrative issue but has reached a substantive domain affecting legal certainty, justice, and the overall effectiveness of the national legal system. This study provides a critical analysis to untangle the complexity of this issue and offers academic perspectives to strengthen Indonesia's legal publication system so that it becomes more integrated, consistent, and equitable.

The core issue examined in this study concerns the differing roles and legal statuses of the *Lembaran Negara Republik Indonesia* (LNRI) and the *Berita Negara Republik Indonesia* (BNRI) within Indonesia's system of legal norm publication, particularly in relation to their function as official state instruments for promulgating and disseminating binding legal norms. This research seeks to clarify how these two media differ in purpose, authority, and legal effect, and to assess the extent to which these differences influence the binding force, legitimacy, and public accessibility of legal norms, especially when legal products of equal hierarchical standing—such as Acts and Constitutional Court Decisions—are published through different channels. Accordingly, the study aims to analyze and explain the distinct status and functions of LNRI and BNRI, while also identifying and evaluating the juridical implications that

arise from the use of separate publication media for norms that carry general binding force. Through this integrated objective, the research ultimately seeks to contribute to a more coherent, consistent, and equitable legal publication framework in Indonesia.

METHOD

This study employs a normative legal research method, focusing on the examination of literature and analysis of legal concepts and statutory provisions from a normative perspective. Normative research is used to explore the characteristics and fundamental distinctions in the Indonesian legal system by examining primary, secondary, and tertiary legal materials (Suryabrata, 2015).

1. Statute Approach

The statute approach involves analyzing statutory regulations relevant to the research problem. This approach is crucial in examining differences between Indonesia's presidential and parliamentary systems, as these systems are explicitly regulated in the Constitution and related legislation (Sugiyono, 2015).

2. Conceptual Approach

The conceptual approach is used to interpret legal principles and doctrines to construct arguments or solutions to legal issues. This method is essential when specific legal problems have not yet been comprehensively addressed by legislation, requiring a deeper theoretical understanding of existing legal concepts (Solikin, 2021).

3. Comparative Approach

The comparative approach is employed to analyze similarities and differences in legal systems, regulations, and practices in other jurisdictions. This method provides insight into how a legal system may be improved by comparing how other systems address similar issues (Marzuki, 2016).

RESULTS AND DISCUSSION

1. The Status and Function of the State Gazette of the Republic of Indonesia and the State Bulletin of the Republic of Indonesia

The Indonesian legal system positions the State Gazette of the Republic of Indonesia (LNRI) and the State Bulletin of the Republic of Indonesia (BNRI) as fundamental instruments for ensuring legal certainty and upholding the principle of legality. Both serve as official state publication media that connect state legal products with the public, although they differ substantially in status, characteristics, and legal functions. As stated in the *Panduan Pengelolaan Jaringan Dokumentasi dan Informasi Hukum Nasional* issued by the National Legal Development Agency (BPHN, 2016), LNRI and BNRI are essential pillars of Indonesia's legal documentation system.

Constitutionally, the existence of LNRI and BNRI represents the implementation of the *rechtsstaat* principle adopted by Indonesia, as stipulated in Article 1 paragraph (3) of the 1945 Constitution. This principle requires that every legal norm must be formally established and publicly announced before it can be enforced. According to Soekanto (2015), public promulgation constitutes a crucial element of legal enforcement, ensuring that law remains accessible to all citizens.

LNRI holds a constitutive status within the legislative system. A regulation—such as an Act, Government Regulation, or Presidential Regulation—possesses binding legal force only after it is promulgated in LNRI. Article 81 of Law No. 12 of 2011 confirms that promulgation in the State Gazette is the final step in conferring legal validity to statutory regulations. Julyano (2019) notes that the principle of legal certainty derived from positivist theory necessitates such formal promulgation to

determine the binding force of legal norms. Without publication in LNRI, a law cannot be enforced, even if it has been materially approved through proper legislative procedures.

Beyond its role as a medium of announcement, LNRI functions as a legal marker of the commencement of validity (*dies a quo*) of a regulation. The date recorded in LNRI serves as an authoritative reference for determining when a regulation becomes binding upon all legal subjects within Indonesian jurisdiction. As Ansari (2021) emphasizes, official promulgation functions not only as procedural formality but also as a guarantee of accessibility and state accountability.

In contrast, BNRI carries a declarative and informative status. BNRI does not create general and abstract norms; instead, it announces administrative, specific, and individual legal documents. The publication of these documents serves to provide administrative legitimacy and ensure state transparency. Wibawa (2018) argues that BNRI functions as an instrument for maintaining accountable administrative governance.

The scope of documents published in BNRI is diverse, including notifications of the establishment of legal entities (such as limited liability companies, foundations, and cooperatives), appointments or dismissals of state officials, administrative decisions of ministries and agencies, and notably, decisions of judicial institutions, including final and binding Constitutional Court Decisions (CCDs). According to Kelsen (2017), administrative publication performs an important role in supporting the clarity and procedural validity of non-legislative instruments.

The fundamental distinction between LNRI and BNRI lies in the legal effects (*rechtsgevolgen*) they generate. LNRI produces legal effects that are general and binding upon all citizens (*erga omnes*), because it contains norms that create, modify, or abolish legal rights and obligations. Conversely, most documents in BNRI produce legal effects limited to specific individuals or entities, though CCDs remain an important exception, given their general binding force.

From the perspective of the hierarchy of laws and regulations, LNRI includes regulations within the formal hierarchy as outlined in Law No. 12 of 2011. BNRI, meanwhile, publishes documents that are not part of the formal hierarchy but nonetheless play a significant role in administrative governance and business operations. Anggraeni (2024) observes that although BNRI does not contain regulatory norms, its role in supporting administrative transparency is substantial.

The status of BNRI in relation to Constitutional Court Decisions raises an important academic debate. While CCDs have general and binding legal force equivalent to statutory law, they are published only in BNRI rather than LNRI. This discrepancy questions the consistency between the legal authority of CCDs and the state's choice of publication medium. Siallagan (2016) highlights that inconsistencies in publication mechanisms may weaken the realization of the *rule of law* principle.

Philosophically, the functional distinction between LNRI and BNRI reflects the separation between general regulatory norms (*algemeen verbindende voorschriften*) and administrative or individual decisions (*beschikkingen*). This differentiation aims to support clarity and to allow the public to easily identify the types of legal information they require. However, as BPHN (2016) indicates, strict separation without integration can create systemic fragmentation.

In practice, this separation often generates complexity. Legal researchers, practitioners, and citizens must frequently consult two distinct sources to obtain comprehensive legal information. This fragmentation interrupts the continuity of legal

information and impedes holistic understanding of regulations and their implementation.

These two publication media also relate closely to the doctrine of legal fiction (*ignorantia juris non excusat*), which assumes that everyone is aware of the law once it is officially published. Kelsen (1945) states that legal fiction is morally justifiable only when legal information is easily accessible and understandable. Limited access to LNRI and BNRI risks undermining the fairness of this doctrine.

Thus, optimizing the role of LNRI and BNRI in the digital era is essential. The development of Indonesia's National Legal Documentation and Information Network (JDIHN) represents a strategic measure to enhance accessibility. However, Anggraeni (2024) emphasizes that digital access must be supported by improved public legal and digital literacy.

In conclusion, LNRI and BNRI, despite their different roles and statuses, are complementary pillars of Indonesia's legal publication system. LNRI provides the constitutive foundation for the enforcement of general norms, while BNRI functions as a declarative instrument for administrative transparency. Both are indispensable for upholding the supremacy of law, the principle of legality, and legal certainty.

2. Juridical Implications of Using Different Publication Media for the Binding Force of Legal Norms

The distinction between the State Gazette (LNRI) and the State Bulletin (BNRI) produces significant juridical implications for the binding force of legal norms in Indonesia. This difference is not merely administrative but touches the core essence of the validity and enforceability of legal norms.

The most fundamental implication concerns the nature of validity. Publication through LNRI is constitutive for statutory regulations, meaning that a legal norm obtains binding force only after promulgation in LNRI. By contrast, publication in BNRI is declarative. For example, Constitutional Court Decisions (CCDs) become legally binding when pronounced in court, and their publication in BNRI merely serves as their official announcement. Julyano (2019) notes that constitutive publication is essential for establishing *erga omnes* legal force.

From the perspective of the normative hierarchy, LNRI contains regulations included in the hierarchical structure mandated by Law No. 12 of 2011. BNRI, in contrast, contains documents outside the formal hierarchy, though they may have substantial legal effects. This discrepancy raises tension when legal products such as CCDs—which may annul statutory norms—are published only in BNRI.

The binding force of norms is also affected by the publication medium. Norms in LNRI bind all citizens generally and abstractly. Meanwhile, documents in BNRI usually bind only specific subjects or objects, except for CCDs whose general binding power contradicts the usual declarative nature of BNRI publications.

Legal certainty is likewise impacted. LNRI provides certainty regarding the commencement date of a regulation, forming the basis for law enforcement. BNRI, however, while affirming the existence of a legal document, does not always clarify the effective date of legal obligations.

Law enforcement consequences also arise. Regulations promulgated in LNRI may be immediately used as the basis for prosecution. Documents in BNRI, such as CCDs, often require additional mechanisms for implementation, such as implementing regulations or administrative instructions. Wibawa (2018) suggests that this gap may disrupt consistent judicial application.

From the standpoint of state accountability, LNRI represents accountability for law-making, whereas BNRI represents transparency in administrative functions. As Jimly Asshiddiqie (2015) explains, these forms of accountability reflect distinct constitutional responsibilities.

The doctrine of legal fiction also adopts different dimensions. Legal fiction is easier to justify for norms published in LNRI but becomes problematic for the highly technical documents in BNRI, which may not be easily comprehensible.

Access to justice is similarly affected. Norms in LNRI are generally easier for the public to understand, while documents in BNRI often require specialized legal knowledge. According to Ayu Rizka et al. (2023), the interpretation of legality principles must consider public capacity to comprehend legal information.

In the context of national legal development, this difference complicates efforts to create an integrated legal information system. Law enforcers and the public must navigate two separate sources to obtain comprehensive information.

Moreover, implications for human rights protection are important. Delays or inaccuracies in LNRI publication may lead to violations of citizens' rights, whereas errors in BNRI more frequently affect administrative and civil matters.

Internationally, LNRI fulfills the state's obligation to officially publish national laws, while BNRI extends transparency efforts aligned with global governance standards. Digital advancements through JDIHN create opportunities to reduce access gaps, though digital literacy remains a challenge, as noted by Anggraeni (2024).

In a constitutional state, both publication media embody principles of legality and legal certainty. However, inconsistency in their application may undermine these foundational principles. As Rahardjo (2020) argues, the effectiveness of law relies on harmonious legal structures, including publication mechanisms.

In conclusion, the juridical implications of differing publication media are multidimensional, affecting philosophical, theoretical, and practical aspects of the legal system. Comprehensive understanding of these implications is essential for evaluating and improving Indonesia's legal publication framework.

CONCLUSION

Based on the analysis conducted, it can be concluded that the *Lembaran Negara Republik Indonesia* (LNRI) and the *Berita Negara Republik Indonesia* (BNRI) play distinct yet complementary roles within the Indonesian legal system. The LNRI functions as a constitutive promulgation medium, through which a statute or regulation obtains legally binding force upon its official publication. In contrast, the BNRI serves as a declarative notification medium, primarily intended to disseminate legal information such as Constitutional Court decisions and other administrative documents.

These differing functions create significant juridical implications regarding the binding force of legal norms. Regulations promulgated in the LNRI possess binding force applicable to all parties, whereas publications in the BNRI emphasize transparency and accessibility of legal information. Although Constitutional Court decisions published in the BNRI are final and binding, their binding nature derives from the Court's constitutional authority, not from their publication in the BNRI.

Both publication media constitute essential pillars in ensuring legal certainty and transparency of legal information in Indonesia. However, inconsistencies in the choice of publication medium for legal products of equivalent hierarchical status—such

as statutes and Constitutional Court decisions—may weaken the effectiveness of law enforcement and create normative confusion within society.

Recommendations

Revise the Legal Framework: A comprehensive revision of Law Number 12 of 2011 on the Formation of Legislation is needed to clarify and harmonize the functions and status of LNRI and BNRI within the hierarchy of legal publication systems, particularly for legal products of equal standing such as statutes and Constitutional Court decisions.

1. **Develop an Integrated System:** The government should build an integrated legal publication system that consolidates LNRI and BNRI within a centralized digital platform to enhance comprehensive public access to all state legal products.
2. **Strengthen Public Legal Literacy:** Sustained public outreach and education programs are required to improve understanding of the differing functions and significance of LNRI and BNRI as primary legal sources, including guidance on accessing them through digital channels.
3. **Enforce Publication Deadlines:** Stricter and clearer provisions regarding publication timelines must be established to prevent delays that could undermine legal certainty and hinder regulatory implementation.
4. **Optimize JDIHN as Portal:** The National Legal Documentation and Information Network (JDIHN) should be strengthened by enhancing search features and developing a more responsive, user-friendly interface.
5. **Harmonize Institutional Coordination:** Coordination between the Ministry of Law and Human Rights, as LNRI/BNRI administrator, and the Constitutional Court must be improved, particularly regarding publication of decisions with systemic implications for legislation.
6. **Enhance Technical Capabilities:** Technical capacity building and digital infrastructure improvements are necessary to ensure speed, accuracy, and security in the legal publication process.

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