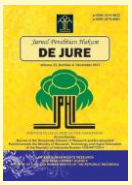
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The De Jure Legal Research Journal is a quarterly legal magazine (March, July, and November) published by the Law Policy Strategy Agency of Ministry of Law of the Republic of Indonesia, in collaboration with the INDONESIAN LEGAL RESEARCHER ASSOCIATION (IPHI) (Legalization of Legal Entity of Association: Decree of Minister of Law and Human Rights of the Republic of Indonesia Number: AHU-13.AHA.01.07 Year 2013, dated January 28, 2013). This journal aims to serve as a forum and medium of communication, as well as a means to publish various legal issues that are actual and current for Indonesian legal researchers in particular and the legal community in general. Based on the Decree of the Director General of Higher Education, Research, and Technology of the Ministry of Education, Culture, Research, and Technology of the Republic of Indonesia Number: 177/E/KPT/2024 concerning the Ranking of Scientific Journal Accreditation Period II of 2024 dated October 15, 2024, it was determined that the De Jure Legal Research Journal received a Rank 2 (two) or Sinta-2 (S2) Scientific Journal Accreditation rating. In its management, the De Jure Legal Research Journal involves various parties as stated in the Decree of the Head of the Legal Policy Strategy Agency Number: PPH-19.LT.04.03 Year 2026 dated April 6th, 2026 concerning the Implementation Team for Publishing Scientific Journals within the Legal Policy Strategy Agency in 2026, with the following team::

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ADVERTORIAL

We express our gratitude to Allah Subhanahu wa Ta'ala that the De Jure Legal Research Journal, published by the Legal Policy Strategy Agency of the Ministry of Law and Human Rights of the Republic of Indonesia in collaboration with the Indonesian Legal Research Association, is able to publish Volume 26, Number 2, July 2026.

The publication of the De Jure Legal Research Journal Volume 26 Number 2, July 2026 contains 5 (five) articles from various research institutions in Indonesia or the academic community. To improve the legal and legislative system, significant improvements to government strategic policies are needed. In connection with this, the editor of the De Jure Research Journal Volume 26 Number 2, July 2026 raised issues including the extractive industry, the perspective of the criminal justice system, the financial services authority's collection of fees in state finances, agricultural insurance claim rejection and organizer liability, and the paradox of emergency law in article 12 of the 1945 constitution. These articles provide valuable insights to expand legal knowledge and fulfill academic requirements.

We would like to express our thanks to the authors who have entrusted the De Jure Legal Research Journal with the publication of their work. We would also like to express our thanks to peer reviewers who were willing to help, research, and correct the author's writings in this publication.

Finally, we express our sincere gratitude to the Head of the Law Policy Strategy Agency, Ministry of Law of the Republic of Indonesia, and to the Indonesian Legal Research Association for their support in publishing this edition of the De Jure Legal Research Journal.

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Peace Patricia Ondoa, Paul Atagamen Aidonojie

Constitutional Rights of the Host Community in the Extractive Industry: A Comparative Analysis of Uganda and Indonesia

The De Jure Legal Research Journal Volume 26, Number 2, July 2026, Page 93-108

In Uganda and Indonesia, there is no doubt that the extractive industry has been engaged in severe activities in the oil, coal, nickel, tin, and gas sectors, most notably in the areas where these mineral resources are situated. However, although there is a constitutional framework on the rights of host communities in Indonesia and Uganda's extractive sector, these rights seem not to be fully realized in favor of the host communities of the extractive industry. It is in this study examines how Uganda and Indonesia protect the rights of host communities in the extractive industry. It finds significant challenges, including inadequate compensation, limited access to information, and low community participation levels in governance related to extractive industry activities. The findings show differences in the effectiveness of constitutional protections and enforcement in both countries. The study stresses the necessity of stronger legal safeguards and greater community engagement in the extractive sector for sustainable development. Moreover, the research emphasizes the necessity to integrate human rights in the planning and execution of extractive projects. The Study therefore recommends that there is a need to encourage a collaborative mindset between the state, industry stakeholders, and local communities to create a more equitable framework for resource management in Uganda and Indonesia.

Keywords: Constitution Rights; Host Community; Extractive Industry; Uganda; Indonesia

Ayu Putriyana, Yuliana

Transforming the Investigation Process by the Police Based on the Perspective of the Criminal Justice System

The De Jure Legal Research Journal Volume 26, Number 2, July 2026, Page 109-126

Reforms in criminal justice system policies are a fundamental basis for Indonesian society, because previous policies are no longer relevant to current legal phenomena. This article analyzes the transformation of the investigation process by comparing the regulations in the 1981 Criminal Procedure Code (KUHAP) and the New Criminal Procedure Code (KUHAP), and examines the challenges of their implementation. This research uses a normative juridical research method with a descriptive qualitative approach, conducted through a literature review of regulations, doctrines, and relevant legal literature. The research results show that the reform of the Criminal Procedure Code (KUHAP) brings significant paradigm shifts toward due process of law, including the affirmation of a minimum standard of two pieces of evidence in the determination of suspects, the strengthening of suspects' rights from the early stages of investigation, the obligation of legal assistance, the expansion of oversight mechanisms, and the recognition of electronic evidence. However, implementing the new Criminal Procedure Code faces various challenges, including regulatory disharmony, limitations in implementing regulations, the readiness of institutions and law enforcement officers, and disparities in technological resources across regions. Therefore, the success of the investigation transformation highly depends on the consistency in officers, the formulation of derivative regulations, strengthening law enforcement officers' capacity, and changing the legal culture so that procedural justice can be effectively realized.

Keywords: Criminal Procedure Code; Investigation; Police; Transformation

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Icha Cahyaning Fitri, Yusuf Adiwibowo, Eka N.A.M. Sihombing

Constitutionality of The Financial Services Authority's (OJK) Collection of Fees in State Finances

The De Jure Legal Research Journal Volume 26, Number 2, July 2026, Page 127-142

This study aims to analyze the mechanisms of fees collected by Indonesia's financial sector regulator in comparison with other countries, as well as the legality of these fees and the reporting of the OJK's budget utilization. This study is a normative legal study employing a statutory approach, a conceptual approach, and a comparative approach to the models of financial sector regulatory agencies in Japan and Germany. The results of the study indicate that OJK levies possess the characteristics of public revenue because they derive from state authority, are compulsory in nature, and are used to finance the oversight functions of the financial services sector. However, the regulations governing the use of these levies in Government Regulations have not been fully integrated into the state treasury mechanism, thereby creating a normative inconsistency with the principles of state financial management under Article 23A of the 1945 Constitution of the Republic of Indonesia. This study concludes that the constitutionality of OJK levies requires clarification of their status as part of the state treasury. Therefore, a revision of Government Regulation No. 41 of 2024 is necessary, particularly regarding restrictions on the use of surplus levies across fiscal years, the obligation to deposit surplus levies into the state treasury, and the harmonization of the OJK's financial reporting system with Government Regulation No. 71 of 2010 on Government Accounting Standards through the separation of reporting for state budget funds and levy funds. Furthermore, all uses of levy funds must be comprehensively audited by the State Audit Agency (BPK) and supervised by the House of Representatives (DPR) to ensure transparency, fiscal accountability, and legal certainty in the management of state finances.

Keywords: Budget; Legality; Financial Services Authority; Revenue Management

Hesti Dwi Astuti, Purnama Sidiq

Agricultural Insurance Claim Rejection and Organizer Liability: Disharmony Between Insurance Law and Consumer Protection

The De Jure Legal Research Journal Volume 26, Number 2, July 2026, Page 143-156

Claim rejections in the provision of agricultural insurance often give rise to legal issues as they lie at the intersection of the contractual insurance legal regime and consumer protection law. Most previous studies have focused on purely contractual aspects, leaving a gap in how the position of farmers is assessed within this dual legal regime. This situation has the potential to create legal uncertainty for farmers as policyholders. This study aims to analyze the legal status of farmers as consumers within the legal framework of agricultural insurance and to examine the liability of insurance providers for claim rejections from a consumer protection perspective. This study employs normative legal research, using a statutory and conceptual approach. Legal materials were obtained through a literature review of legislation, expert doctrine, and relevant legal literature. The results of the study indicate that farmers in agricultural insurance can be classified as consumers of financial services who are entitled to legal protection, particularly regarding information transparency, contractual fairness, and dispute resolution. Claim rejections cannot be based solely on a formal interpretation of policy clauses, but must take into account the principles of good faith and balance. If a claim is rejected without valid grounds, the insurer may be held liable under breach-of-contract or tort principles. The focus of this research lies in reconstructing the insurer's legal liability, which is not based solely on contract law but is integrated with consumer protection instruments. Therefore, regulatory harmonization between insurance law and consumer protection is required to strengthen legal certainty, justice, and the benefits of the law in the administration of agricultural insurance.

Keywords: Agricultural Insurance; Claim Rejection; Consumer Protection; Legal Liability; Principle of Good Faith.

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Sudirman, Fathul Hamdani, Arifuddin Uksan, Parluhutan Sagala, Irwan Triadi

The Paradox of Emergency Law in Article 12 of the 1945 Constitution: Avoiding a Permanent State of Exception in the Indonesian Constitutional System

The De Jure Legal Research Journal Volume 26, Number 2, July 2026, 157-167

This article explores the inherent constitutional tensions within Article 12 of the 1945 Constitution of the Republic of Indonesia, which grants the President the authority to declare a state of danger. The primary problem identified in this study centers on the operational paradox of Article 12 through an outdated regulation, namely Law Number 23 of 1959 concerning the State of Danger. The crucial issues of this regulation include the granting of a 'blank check' (blanco mandaat) to the President without clear time limits, the absence of legislative (DPR) and judicial oversight, and its excessively militaristic nature, which renders it incapable of responding to modern crises such as health pandemics or cyber-attacks. Utilizing the analytical framework of the intellectual debate between Carl Schmitt and Hans Kelsen, this research dissects whether Indonesia currently leans toward an absolute decisionist sovereignty model or a controlled normativism model. A crucial issue is identified in the existence of Law Number 23 of 1959 concerning the State of Danger, which is deemed outdated, militaristic, and lacking in oversight, thereby potentially creating "legal black holes". Through a normative legal research method employing statutory, conceptual, and comparative approaches, this article outlines the urgency of reforming emergency constitutional law by reconceptualizing legislative and judicial oversight and adopting the proportionality test. The author argues that without structural reforms to the operational regulations of Article 12, the risk of a transition toward "autocratic legalism" will remain a latent threat to Indonesian democracy. This research finds that emergency law in Indonesia is currently in a perilous condition because it still relies on an outdated regulation (Law No. 23 of 1959). This legacy law grants a "blank check" (blanco mandaat) to the President, lacks a clear time limit, and shuts the door on parliamentary (DPR) and judicial oversight. Furthermore, the law is excessively militaristic and incapable of responding to modern crises such as health pandemics or cyber-attacks. As a concrete solution, this study proposes a new framework, the Pragmatic Hybrid Model. This model provides a middle ground, enabling the government to act swiftly during crises without devolving into a dictatorship.

Keywords: Article 12 of 1945 Constitution; Emergency Law; State of Exception.