Jurnal Penelitian Hukum De Jure
Volume 23, Number 2, September 2023
P-ISSN: 1410-5632, E-ISSN: 2579-8561
Accredited No: 10/E/KPT/2019
This work is published under license Creative Commons Attribution-NonCommercial 4.0 International CC BY-NC 4.0)

# THE IDEAL MECHANISM OF CLERICAL ERRORS RESOLUTION IN THE LEGISLATION IN INDONESIA
## *(Comparison with United Kingdom, United States, and Singapore)*

**Eka NAM Sihombing[1], Cynthia Hadita[2]**
**[1,2] Universitas Muhammadiyah Sumatera Utara, Medan, Indonesia**
**[2] Universitas Sumatera Utara, Medan, Indonesia**
**Corresponding Author. Email: ekahombing@umsu.ac.id**

**Submitted: 23-05-2023; Accepted: 29-08-2023**
**DOI: http://dx.doi.org/10.30641/dejure.2023.V23.273-282**

## ABSTRACT
The problem of article clerical error creates multi-interpretation, ambiguity, and obscure in understanding the meaning of the substance of the Article so a mechanism is needed to optimize the authority of the Constitutional Court. This study aims to optimize the Constitutional Court's role in providing a legal interpretation of clerical error. The research method used is normative juridical with a doctrinal approach. The results showed that clerical error resulted in multiple interpretations of the substance of an Article. Thus, a legal interpretation by the Constitutional Court for the clerical error is needed which needs to be optimized for its role as a preventive multi-interpretation of the substance of articles in laws and regulations in Indonesia. For example, there is a newly passed law, so to change an article that is not by the system of changing/revising the law for a long time, so to shorten the mechanism for change/revision it requires legal interpretation in the Constitutional Court.

**Keywords: Preventive; Article; Clerical**

## 1. INTRODUCTION

The clerical error actually has no legal consequences (zero legal consequences), but it must also be considered regarding the extent of the legal consequences of clerical error.[1] Before elaborating on the issue of the clerical error mechanism in the Job Creation Bill which in the draft previously stipulated that clerical error can be changed by Presidential Regulation. Thus, the Constitutional Court had previously interpreted articles that were clerical errors, for example, Article 127 paragraph (1) of Law No. 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations (PKPU).

Laws and regulations are part of the national legal system which plays a very important role in the development of national law to realize a legal system based on Pancasila and the 1945 Constitution.[2] Basically, the Legislation and regulations to provide legal certainty and fulfill the sense of justice of the community, not the other way around.[3] Maria Farida Indrati Soeprapto stated that laws that have been passed or promulgated can only apply to the general public if the law is promulgated in the State Gazette or announced in the State Gazette.[4]

As the literature review, an earlier study in Ghansham Anand's journal entitled "Exit Plan Against Clerical Errors in Permanent Legal Decisions: A Preventive Effort for the Realization of Non-Executable

1 Xavier Nugraha Ghansham Anand, "Exit Plan Terhadap Clerical Eror Pada Putusan Yang Berkekuatan Hukum Tetap: Sebuah Upaya Preventif Terwujudnya Putusan Non-Executable," *Media Iuris* 5, no. 2 (2022). 112-179.
2 Firdaus Firdaus and Donny Michael, "Implementasi Peraturan Menteri Hukum Dan HAM Nomor 23 Tahun 2018 Tentang Pengharmonisasianrancangan Peraturan Menteri, Rancangan Peraturan Lembaga Pemerintah Nonkementerian Atau Rancangan Peraturan Dari Lembaga Nonstrukturaloleh Perancang Peraturan Perund," *Jurnal Penelitian Hukum De Jure* 19, no. 3 (2019): 323.
3 Taufik H. Simatupang, "Mendudukkan Konsep Executive Review Dalam Sistem Hukum Ketatanegaraan Indonesia," *Jurnal Penelitian Hukum De Jure* 19, no. 2 (2019): 217.
4 Irwansyah, "Problematics of Circular Letter as Follow-Up to The Constitutional Court Decision," *De Jure jurnal penelitian hukum* 23, no. 3 (2023): 47–58.

Judgments". Lahaya, Achmad Imam thesis entitled “Analysis of the Public Prosecutor's Error in Amending the Charge Letter". However, his research only discusses the issue of a clerical error in court decisions, not in the context of law formation as will be studied in this study so it’s the novelty of this research.

The novelty of this paper, clerical errors in laws and regulations that have been passed must be corrected through judicial mechanisms, namely through the Constitutional Court so that interpretation can be made by the Judge on the determination of a phrase in the laws and regulations whether it includes clerical error or not. The urgency of this research is for legal reform in Indonesia so that there is an ideal mechanism to overcome the problem of clerical error in a legal product that should remain the authority of the Constitutional Court.

Crucially, the problem of a clerical error in the Legislation which is one of the processes of law formation has received attention from legal circles, namely one of the clerical errors contained in the Job Creation Law which has the authority to change laws with Government Regulations. In addition, other potential laws contain clerical error so that comparisons are made with the United Kingdom and the United States for solving clerical error problems.

The problem with the regulation of the mechanism of clerical error in the draft law that has been jointly approved by the House of Representatives and the President if there are still technical writing errors is corrected by the head of the house of representative discussing the bill and the Government represented by the ministry discussing the bill as stipulated in Article 72 paragraph (1a) Law of the Republic of Indonesia Number 13 of 2022 about Second Amendment to Law Number 12 of 2011 concerning the Establishment of Laws and Regulations which needs to be analyzed regarding its coherence which should be related to the authority of the judicial institution, namely the Constitutional Court.

The problem to be analyzed is related to the ideal mechanism of resolving clerical errors in Indonesia for the implementation of the process of correcting technical errors in the Legislation that are returned to the head of the house of representative discussing the Bill and the Government represented by the ministry discussing the Bill. So that a comparison was made between Indonesia with the United States,United Kingdom, and Singapore.

From the problems described in the research described in the title variable, the formulation of the problem from this paper is: How is the authority of the Constitutional Court in interpreting laws in Indonesia and the problem of *clerical errors* in laws and regulations in Indonesia and the comparison between Indonesia and the United State, United Kingdom, and Singapore. Then it will examine how to strengthen the role of the Constitutional Court against *clerical errors* as a preventive multi-interpretation of the substance of articles in laws and regulations in Indonesia.

## 2. METHOD

The research method used in this study is normative juridical research with a statutory approach. In addition, this research is also exploratory, namely by searching for new ideas or ideas that can answer existing problems.[5] Thus, the relationship between the authority of the Constitutional Court as a judicial institution and the problem of *clerical errors* in laws and regulations in Indonesia can be studied through normative juridical research with an exploratory approach to laws and regulations so that relevant principles are found to answer problems and also in the form of standardization or benchmarks for reflection on ideal laws and regulations so that does not contradict the principle of prudence that causes clerical errors.

## 3. FINDINGS AND DISCUSSION

### 3.1 Clerical Error Authority

According to Article 24C paragraph (1) of the Constitution of 1945, the Constitutional Court has the power to render judgments in the first and final instance, with binding decisions, in cases involving the validity

5 Eka NAM Sihombing, Cynthia Hadita, *Penelitian Hukum* (Malang: Setara Press, 2022). 114.

of laws in comparison to the Basic Law, disagreements regarding the legitimacy of state institutions whose authority is granted by the Basic Law, the dissolution of political parties, and cases involving the outcome of general elections.

The issue with the judiciary's subpar defense of typographical items, in this case, the Constitutional Court, is that the Law on the Establishment of Law and Regulations, notably Article 72 Paragraph 1, governs typographical documents. After measures have been jointly approved by the President and the House of Representatives, the leadership of the House of Representatives submits them to the President for ratification into law. (1a) If a draft law that has been approved by the House of Representatives and the President in accordance with paragraph (1) still contains typos, It must be determined that it is useless. Corrections must be made by both the Government, represented by the minister discussing the draft law, and the head of the House of Representative. (1b) The head of the House of Representatives discussing the draft law and the representative of the Government discussing the draft law must both approve the changes made as a result of the revisions mentioned in paragraph (1a). (1) Within a maximum of 7 (seven) days of the date of mutual agreement, the draft legislation amendment and submission referred to in paragraphs (1) through (1b) must be completed.

Additionally, the process outlined in Law on the Establishment of Law and Regulations Article 73 paragraph (1) applies to clerical errors in draft laws that have already been submitted to the President under Article 72. The ministry that coordinates government affairs in the area of the state secretariat along with the ministry that discusses the draft law will meet to discuss the issue. By including them in the discussion of the measure, the House of Representatives leadership made improvements. (2) The draft law referred to in paragraph (l) of Article 72 of Law of the Republic of Indonesia Number 13 of 2022 about Second Amendment to Law Number 12 of 2011 concerning the Establishment of Laws and Regulations shall be ratified by the President by attaching signatures. (3) If the President does not sign the draft law mentioned in paragraph (2) within 30 (thirty) days of the day it was jointly adopted, the draft law becomes enacted and is binding. (3) If the Draft is found to be legitimate, the ratification clause reads as follows: This Law is proclaimed legal by the provisions of Article 20 Paragraph 5 of the Constitution of the Republic of Indonesia of 1945. (5) Before the text of the Law is published in the State Gazette of the Republic of being ratified, the ratification clause mentioned in paragraph (4) shall be attached to the last page of the Law.

Article 72, paragraph 1a, of the Law on the Establishment of law and regulations explanation: Technical writing errors include illegible handwriting, erroneous article or verse references, clerical errors, and/or improper chapter, section, paragraph, article, verse, or item titles or insignificant sequence numbers.

According to Law Number 30 of 2014 concerning Government Administration, the principle of accuracy requires that a decision or action be based on complete information and documents to support the legality of the decision's determination and/or implementation. As a result, the decision or action in question must be carefully prepared before it is decided upon and/or carried out.

The framer of the draft law must pay attention to the principle of accuracy in the Legislation so that there is no clerical error, this, of course, refers to the Principle of Careful Action or the Principle of Accuracy This principle requires that the government or administration act carefully in carrying out various activities of carrying out government tasks so as not to cause harm to citizens. When it comes to government action to issue decisions, the government should consider carefully and carefully all factors and circumstances relating to the material of the decision, hear and consider the reasons put forward by interested parties, and should also consider the legal consequences arising from the administrative decision of the country. The principle of prudence requires that the governing body, before making a decision, examine all relevant facts and include all relevant interests in its consideration. When important facts are poorly scrutinized, it means they are not careful. The principle of prudence brings with it that a government body should not easily deviate from the advice given, especially if in the advisory committee sit experts in a particular field.[6]

6 Ridwan HR, *Hukum Administrasi Negara* (Jakarta: PT. Raja Grafindo, 2018), 261-262.

Technically, the characteristics of the language of laws and regulations in Law of the Republic of Indonesia Number 12 of 2011:

a. straightforward and sure to avoid similarity of meaning or confusion;
b. sparingly only the necessary words are used;
c. objective and suppresses subjective sense (not emotion in expressing goals or intentions);
d. standardize the meaning of words, expressions, or terms used consistently;
e. provide careful definitions or limits of understanding;
f. the writing of words meaning singular or plural is always formulated in the singular; and

Positive law solutions do not show the legal certainty for the clerical error mechanism. Clerical error should be returned to the judicial mechanism, in this case, the relevant authority, which is the Constitutional Court, which can provide legal interpretation) against incorrect laws and regulations because the Constitutional Court does not yet have the authority to have legal certainty over clerical error in the omnibus law method and/or in the formation of other laws. In order to prevent the mechanism from being corrected by the Speaker of the House of Representatives fittings that discuss the draft law and the Government represented by the ministry that discusses the Bill but rather by the authority of the Constitutional Court which is carried out through judicial review of the Constitution, legislators must pay attention to the principle of prudence in the Legislation and regulations. This is because laws that have already been passed cannot be changed by the house of representative and must instead be reviewed by a judge before being sent to the Constitutional Court.

## 3.2 Strengthening the Constitutional Court's Authority Against Clerical Errors: A Step Back to the Judicial Mechanism

The essence of the legislative process is not just producing laws but shaping the legal order needed by society. Ineffective legislation processes can eliminate enforceability. The existence of laws that only rely on validity runs as if staggered because they are not supported by legal needs in society.[7]

If it contradicts the nature of the legislative process, there is the potential to exist: The controversy that arose over these clauses took the government by surprise and led to claims that Article 170 was a "typo." Achmad Baidowi, a house of representative member and secretary of the Partai Persatuan Pembangunan group, criticized the administration for acting "amateurishly" and "unprofessionally." However, Article 170 was a "misunderstood command," according to Dini Purowono, a member of the Presidential Special Staff, and the public may still provide feedback on the law via the website of the coordinating minister for the economy. But that's insufficient. This massive and complex measure needs to be postponed, and in its stead, a legitimate, sensible, and transparent process should be carried out.[8]

However, it is insufficient. This significant and problematic bill should be tabled, and a legal, careful, and transparent public process should be initiated in its place. Mr. Staunton made a clear declaration. Since Mr. Staunton predicts that there won't be many cases because the issue mostly impacts oral fluid tests, which have essentially replaced impairment testing in recent years. However, it still pops up on occasion. Six seasoned lawyers and traffic law specialists claimed they were not aware of the issue brought up in court. Given that the problem mostly affects oral fluid tests, which have largely supplanted impairment testing in recent years, It is challenging to estimate how many cases the issue may have affected since 2016 due to the way Garda arrest data is maintained.[9]

The reason for choosing USA and UK is to illustrate that it is better to interpret an Article that is a clerical error in a legal product, must be the authority of the Judiciary. Although they do not have constitutional courts, the resolution of clerical errors lies with the judiciary. The difference in the legal system will also be a reason

---

7 Widiati, *Menjejakkan Legislasi Berbasis HAM*.

8 Jeremy J Kingslye and Tim Lindsey In Indonesia at Melbourne Nasdirsyah Hosen, "'Indonesia's Omnibus Bill: Typo or "Mistaken Instruction"?,'" *Https://Indonesiaatmelbourne.Unimelb.Edu.Au/Indonesias-Omnibus-Bill-Typo-or-Mistaken-Instruction/*.

9 Conor Gallagher, "Typo in Drug-Driving Law Invalidates Power of Arrest, Says Barrister," *Https://Www.Irishtimes.Com/News/Crime-and-Law/Typo-in-Drug-Driving-Law-Invalidates-Power-of-Arrest-Says-Barrister-1.4409844.*

related to the clerical error resolution model of an article in the legislation against countries with different legal systems to analyze the extent of its accommodative power.

## 3.3 Comparison The Clerical Error

United States of America Clerical Error System, For Democratic politicians who are becoming more and more desperate to allow more illegitimate votes to influence forthcoming elections, it would have been quite an opportune "accident." It also offers further evidence to those who have long suspected extensive election-related corruption in the United States, which appears to virtually always benefit the far-left Democrat Party cause. through The New York Post, A mistake in the state's automatic voter registration statute would have made it necessary for non-citizens to register even though they were ineligible, but politicians promised to correct it. The bill gives specific state agencies, such as the Department of Motor Vehicles, instructions. As compared to the United Kingdom In the Marley case, Lord Neuberger examined section 20 (1) of the act, which, among other things, specifies that for a will to be rectified, it must not carry out the testator's wishes due to either a clerical error (paragraph a) or the drafter's inability to understand the testator's instructions (paragraph b). After considering the idea of "clerical error," Lord Neuberger concluded that the phrase's ordinary connotation did apply in situations where people had signed each other's wills.[10]

He thought that since it "arose in conjunction with office activity of a normal kind," it might have been of a clerical nature because it was a mistake in the traditional sense. He concluded that the situation might be corrected by adding the pertinent language from Mrs. Rawlings' will to Mr. Rawlings' will. Therefore, Lord Neuberger may have broadened the concept of what a "clerical error" is. Therefore, even if it does not help with the definition of what constitutes a "clerical error," After the act was passed, practitioners were granted a legal right to correct it. Case law attempted to define the word "clerical error" after the act. Because the error was not a "clerical error," the court supported the first instance determination that the will could not be amended. "This is a result I have reached with much sorrow," Lady Justice Black said. "But in 1982, parliament made very limited amendments to the law, and it would not be right for a court to go beyond what parliament then decided." If the Supreme Court had not reversed this decision, it would have resulted in an unfair and unjust consequence, thereby returning the law to the time before the 1982 legislation, when wills could only be.[11]

A clerical error is a typographical error or the accidental addition or removal of a word, phrase, or figure that alters the meaning of a letter, paper, or document. This kind of error is the outcome of oversight. Such an error was written accidentally, not with intent, and ought to be easily corrected without resistance. The plaintiff is not bound by a court reporter's error that incorrectly records the amount of money owed to them by the defendant as $50 rather than $500 because it was merely a clerical error. Once the court learns of such an error, it may act spontaneously, on its own, or in response to a motion from either side.[12]

The slip rule is a procedure through which a decision or order may be corrected by the court if it contains an unintentional error or omission. The court may "at any moment remedy an inadvertent slip or omission in a judgment or order," according to CPR 40.12. The phrase "any time" simply signifies that the power is not limited to extant orders (IC v. RC; notice that although this is a family case, the court was evaluating a clause that is equivalent to CPR 40.12 in the Family Procedure Rules).[13]

United States' Clerical Error System, In comparison with the United States, The United States requests an order from this court to fix two clerical errors in the judgment and committal orders sentencing by Fed. R. Crim. P. 36. According to Rule 36, the court may amend any clerical errors in decisions, orders, or other parts of the record as well as inaccuracies resulting from oversight or omission after giving the appropriate notice, if any. The Judgement and Committal Orders that sentence the defendants contain two clerical errors. Before

---

10 Lucianne, "What Typo in Legislation," *Lucianne.Com/2019/06/24/What_typo_in_legislation_would_brhave_automatically_registed_non-Citizensbrto_vote_8285.Html*.

11 *Ibid*.

12 Dictionary by Farlex, "Legal Dictionary," *Https://Legal-Dictionary.Thefreedictionary.Com/Clerical+errors.*

13 Lexis Nexis, "Judgments and Orders—Correcting Accidental Errors under the Slip Rule (CPR 40.12)," *Https://Www.Lexisnexis.Co.Uk/Legal/Guidance/Judgments-Orders-Correcting-Accidental-Errors-under-the-Slip-Rule-Cpr-40-12.*

bringing this issue to the Court's attention, the United States waited until it could examine the transcript of the sentencing. Only now have we obtained the transcript of the sentencing?[14]

The Appeals Court determined that the modification ruling did not accurately reflect the judge's intentions since, as stated in her reasons, she only meant to follow the guidelines established by the divorce decree. The error was also referred to as a "calculation error" in the order revising the modification decision, and the Appeals Court determined that the judge's interpretation of her original purpose deserves some consideration. Additionally, Rule 60(a) permits judges to remedy mistakes resulting from oversights and clerical mistakes. As a result, the Appeals Court determined that the error was not material and upheld the modifying judgment amendment.[15]

Thus, the tabulation between the comparison of solving clerical error problems in the Legislation in Indonesia, the United States, the United Kingdom, and Singapore is as follows:

**Table of Comparison**

| Country | Judicial Authority | Clerical Error Resolution Mechanism |
|---|---|---|
| Indonesian | Weak | After the amendment of Law 13 of 2022, if there is a clerical error, improvements are made by the head of the House of Representatives who discuss the Bill and the Government represented by the ministry discusses the draft law |
| United State | Strong | Clerical errors may be corrected by the court upon notice. Even in the United States, there is a form to fill out input points to the Court to interpret articles that are clerical errors |
| United Kingdom | Strong | If there is an accidental clerical error, it must be corrected immediately without objection and must still go through the judicial process |

*Source: Digest of Comparison Table by Author*

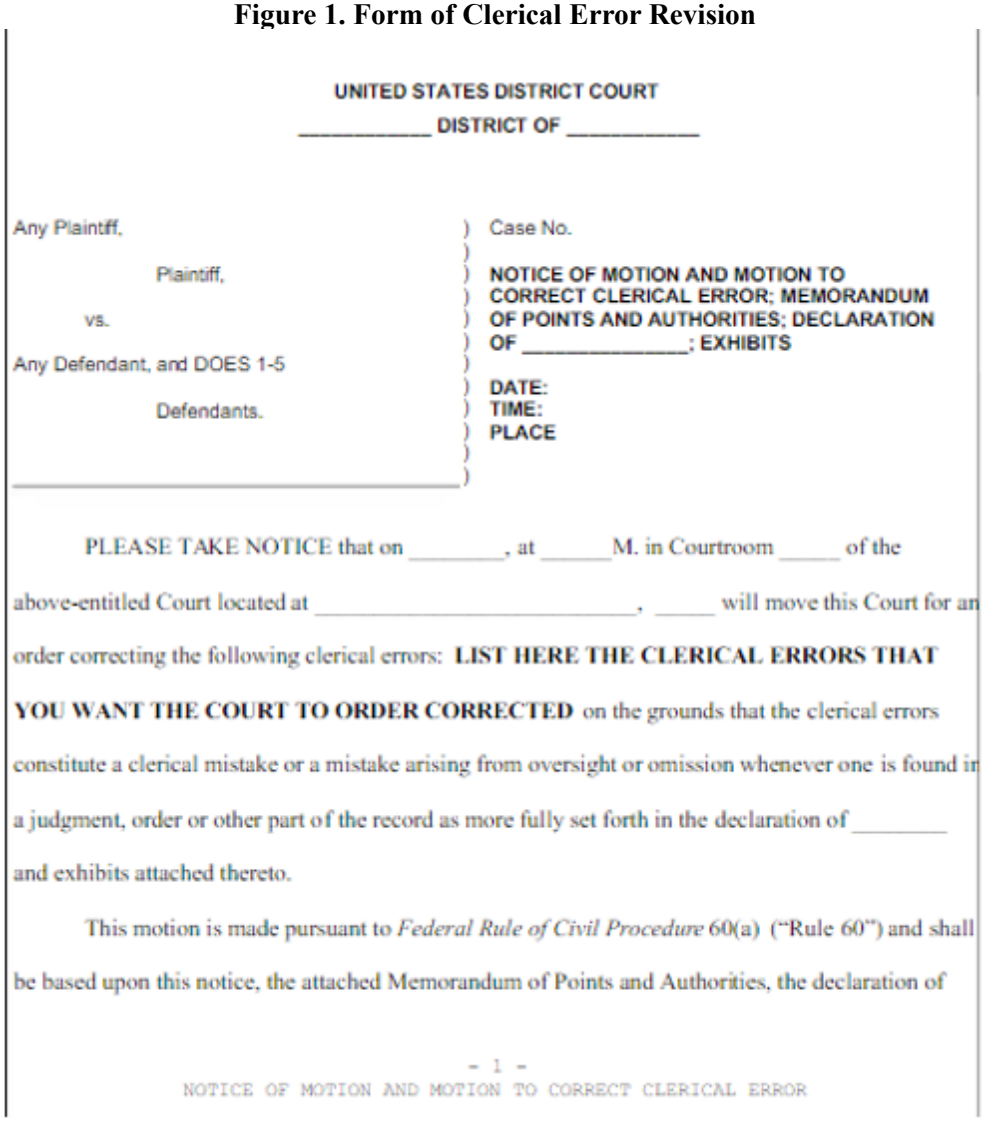
Even in the US, there is a motion form to correct the clerical error, which is filed with the Court with the following example of clerical error for revision form below:[16]

14 The United States Department of Justice, "Motion Of The United States And Accompanying Brief Requesting That Clerical Errors In The Defendants' Sentencing Orders Be Corrected Pursuant To Fed. R. Crim," Https://Www.Justice.Gov/Atr/Case-Document/Motion-United-States-and-Accompanying-Brief-Requesting-Clerical-Errors-Defendants

15 Fitch, "Clerical Error and Substantive Error in a Judgement," *Https://Www.Fitchlp.Com/Blog/2021/06/Appeals-Court-Draws-Further-Distinction-between-a-Clerical-Error-and-Substantive-Error-in-a-Judgment/*.

16 Stan Burman, "Sample Motion To Correct Clerical Error in United States District Court Original Title:Sample Motion to Correct Clerical Error in United States District Court Uploaded," *Https://Www.Scribd.Com/Document/324964636/Sample-Motion-to-Correct-Clerical-Error-in-United-States-District-Court#.*

**Figure 1. Form of Clerical Error Revision**



UNITED STATES DISTRICT COURT

_____ DISTRICT OF _____

Any Plaintiff,

Plaintiff,

vs.

Any Defendant, and DOES 1-5

Defendants.

Case No.

**NOTICE OF MOTION AND MOTION TO CORRECT CLERICAL ERROR; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF _____; EXHIBITS**

**DATE:**
**TIME:**
**PLACE**

PLEASE TAKE NOTICE that on _____, at _____M. in Courtroom _____ of the above-entitled Court located at _____, _____ will move this Court for an order correcting the following clerical errors: **LIST HERE THE CLERICAL ERRORS THAT YOU WANT THE COURT TO ORDER CORRECTED** on the grounds that the clerical errors constitute a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order or other part of the record as more fully set forth in the declaration of _____ and exhibits attached thereto.

This motion is made pursuant to *Federal Rule of Civil Procedure* 60(a) ("Rule 60") and shall be based upon this notice, the attached Memorandum of Points and Authorities, the declaration of

- 1 -

NOTICE OF MOTION AND MOTION TO CORRECT CLERICAL ERROR

*Source: Stan Burman (Sample Motion To Correct Clerical Error in US District Court)*

In order to request the rectification of a clerical error in a United States court, one must demonstrate that the error or errors are clerical in nature, or that they are the consequence of oversight or omission, and that they are causing the court's records to inaccurately reflect the orders or judgments made. A Rule 60(a) request for rectification of the error must be submitted each time a clerical or mechanical error is found in the Court's records. Federal Rule of Civil Procedure 60(a) is applicable due to Federal Rule of Bankruptcy Procedure 9024. In order to request the rectification of a clerical error in a US court, one must demonstrate that the error or errors are clerical in nature, or that they are the consequence of oversight or omission, and that they are causing the court's records to inaccurately reflect the orders or judgments made. A Rule 60(a) request for rectification of the error must be submitted each time a clerical or mechanical error is found in the Court's records. Federal Rule of Civil Procedure 60(a) is applicable due to Federal Rule of Bankruptcy Procedure 9024. The requirement for submitting a request for the correction of a clerical error in a United States court is that the error(s) in question are either clerical errors or errors brought about by oversight or omission.[17]

However, according to Dini Purwono, a member of the Presidential Special Staff, Article 170 Job Creation Draft Law has a typo, it was a "misunderstood instruction" and the public may still comment on the bill via the website of the coordinating minister for the economy. But that's not enough. It is necessary to put this substantial and worrying bill on hold and replace it with a proper, sensible, and open method.[18]

17 *Ibid*.

18 Nasdirsyah Hosen, "'Indonesia's Omnibus Bill: Typo or "Mistaken Instruction"?'"

Reflection on Laws and Regulations Settings Towards the ideal law and regulations Settings, to avoid clerical errors and not conflict with the principle of accuracy, several things are needed as follows:

1. Law and Regulations Act must be responsive-based
2. Von Savigny: that there is a volkgeist in the Indonesian context of Pancasila. The concept of the State of Pancasila Law, in the formation of the law and regulations, must refer to Pancasila and the Constitution of 1945.
3. Law and Regulations Act must be a guideline for the Formil and Material Aspects of the Formation of Good Laws and Regulations.
4. Continue to fulfill the Principles of Law and Regulations Formation, and pay attention to caution.
5. Optimizing the Role of the Constitutional Court in conducting legal interpretation of clerical error on draft laws approved by the house of representative and the Government.

## 4. CONCLUSION

The mechanism for clerical error in laws must to solve in the constitutional court. Ideally, the issue of clerical error is interpreted by the judiciary, in this case, the Constitutional Court, Clerical Error Contrary to the principle of *carefulness principle* so that the Bill has been mutually approved by the House of Representatives and the President if there is still a technical writing error, improvements are made by the head of the House of Representative who discuss the Bill, and the Government represented by the ministry that discusses what is regulated in Law of the Republic of Indonesia Number 13 of 2022 needs to provide parameters for technical writing errors so as not to be biased in interpreting or even changing the meaning of articles that have been approved by the House of Representatives and the President because bills that have been amended even though they have been approved are not necessarily validated again to the party who has approved them after improvements were made by the head of the House of Representatives who discussed the Draft Law.

Draft laws that have been jointly approved by the House of Representatives and the President if there are still technical writing errors because there are no parameters or benchmarks whether an article is only a technical clerical error or legal interpretation is needed, should be done through a judicial mechanism, namely in the Constitutional Court instead of improvements were made by the head of the House of Representatives who discussed the Bill and the Government represented by the ministry that discussed the Draft Law. As is the practice in the United Kingdom, United States, and Singapore that returns technical typos to judicial mechanisms. Even in the US, some forms can be submitted to the Court against clerical errors, making it easier for the system to work on bills that have been approved by the House of Representatives and the President but there are still clerical errors.

## REFERENCES


Ahyar, Ahyar. "Aspek Hukum Pelaksanaan Qanun Jinayat Di Provinsi Aceh." *Jurnal Penelitian Hukum De Jure* 17, no. 2 (2017): 131.

Ali Marwan HSB. "Mengkritisi Pemberlakuan Teori Fiksi Hukum." *Jurnal Penelitian Hukum De Jure* 16, no. 3 (2016): 251.

Burman, Stan. "Sample Motion To Correct Clerical Error in United States District Court Original Title:Sample Motion to Correct Clerical Error in United States District Court Uploaded." *Https://Www.Scribd.Com/Document/324964636/Sample-Motion-to-Correct-Clerical-Error-in-United-States-District-Court#.*

Eka N.A.M. Sihombing. "Menyoal Ketentuan Usul Pindah Pegawai Negeri Sipil Di Lingkungan Pemerintah Daerah Kabupaten Nias Barat." *Jurnal Penelitian Hukum De Jure* 16, no. 1 (2016): 95–104.

Eka NAM Sihombing, Cynthia Hadita. *Penelitian Hukum*. Malang: Setara Press, 2022.

Faizal. *Breaking Through Legal Positivism*. Yogyakarta: Rangkang Education, 2010.

Farlex, Dictionary by. "Legal Dictionary." *Https://Legal-Dictionary.Thefreedictionary.Com/Clerical+errors*.

Firdaus, Firdaus, and Donny Michael. "Implementasi Peraturan Menteri Hukum Dan HAM Nomor 23 Tahun 2018 Tentang Pengharmonisasianrancangan Peraturan Menteri, Rancangan Peraturan Lembaga Pemerintah Nonkementerian Atau Rancangan Peraturan Dari Lembaga Nonstrukturaloleh Perancang Peraturan Perund." *Jurnal Penelitian Hukum De Jure* 19, no. 3 (2019): 323.

Fitch. "Clerical Error and Substantive Error in a Judgement." *Https://Www.Fitchlp.Com/Blog/2021/06/Appeals-Court-Draws-Further-Distinction-between-a-Clerical-Error-and-Substantive-Error-in-a-Judgment/*.

Gallagher, Conor. "Typo in Drug-Driving Law Invalidates Power of Arrest, Says Barrister." *Https://Www.Irishtimes.Com/News/Crime-and-Law/Typo-in-Drug-Driving-Law-Invalidates-Power-of-Arrest-Says-Barrister-1.4409844.*

Ghansham Anand, Xavier Nugraha. "Exit Plan Terhadap Clerical Eror Pada Putusan Yang Berkekuatan Hukum Tetap: Sebuah Upaya Preventif Terwujudnya Putusan Non-Executable." *Media Iuris* 5, no. 2 (2022).

HR, Ridwan. *Hukum Administrasi Negara*. Yogyakarta: UII Press Indonesia, 2002.

Irwansyah. "Problematics of Circular Letter as Follow-Up to The Constitutional Court Decision." *De Jure jurnal penelitian hukum* 23, no. 3 (2023): 47–58.

Justice, The United States Department of. "Motion Of The United States And Accompanying Brief Requesting That Clerical Errors In The Defendants' Sentencing Orders Be Corrected Pursuant To Fed. R. Crim." *Https://Www.Justice.Gov/Atr/Case-Document/Motion-United-States-and-Accompanying-Brief-Requesting-Clerical-Errors-Defendants*.

Lucianne. "What Typo in Legislation." *Lucianne.Com/2019/06/24/What_typo_in_legislation_would_brhave_automatically_registed_non-Citizensbrto_vote_8285.Html*.

Mahfud, MD. *Politik Hukum Di Indonesia*. Jakarta: PT. Rajawali Press, 2011.

Morgan, Appleton. "An English Version of Legal Maxims With the Original Forms." *Alphabetically Arranged, and an Index of Subjects (Robert Clarke & Company)* (1878).

Muslih, M. "Negara Hukum Indonesia Dalam Perspektif Teori Hukum Gustav Radbruch (Tiga Nilai Dasar Hukum)." *Legalitas* IV, no. 1 (2013): 130–152.

Nasdirsyah Hosen, Jeremy J Kingslye and Tim Lindsey In Indonesia at Melbourne. "'Indonesia's Omnibus Bill: Typo or "Mistaken Instruction"?'" *Https://Indonesiaatmelbourne.Unimelb.Edu.Au/Indonesias-Omnibus-Bill-Typo-or-Mistaken-Instruction/*.

Nexis, Lexis. "Judgments and Orders—Correcting Accidental Errors under the Slip Rule (CPR 40.12),." *Https://Www.Lexisnexis.Co.Uk/Legal/Guidance/Judgments-Orders-Correcting-Accidental-Errors-under-the-Slip-Rule-Cpr-40-12*.

Pusako, Mk Dan. *Hasil Penelitian Perkembangan Pengujian Perundang-Undangan Di Mahkamah Konstitusi (Dari Berpikir Hukum Tekstual Ke Hukum Progresif)*, 2010.

Scruton, Roger. *A Short History of Modern Philosophy, From Descartes to Wittgenstein, 2nd Edition*. London and New York: Routledge, 1996.

Simatupang, Taufik H. "Mendudukkan Konsep Executive Review Dalam Sistem Hukum Ketatanegaraan Indonesia." *Jurnal Penelitian Hukum De Jure* 19, no. 2 (2019): 217.

Soprapto, Maria Farida Indrati. *Ilmu Perundang-Undangan – Dasar-Dasar Dan Pembentukannya*. Yogyakarta: Kanisius, 1998.

Sweet, Alec Stone. *Governing With Judges: Constitutional Politics in Europe*. New York: Oxford University Pers, 2000.

Vlies, I.C. Van der. "Handboek Wetgeving, Zwole, Tjeenk Willink" (1987): 9.

Widiati, Nurrahman Aji Utomo Ekawestri Prajwalita. *Menjejakkan Legislasi Berbasis Ham*. Jakarta: Komnas HAM, 2016.

"Court's Decision on Obvious Typo Errors in Contracts." *Https://Www.Azmilaw.Com/Insights/Courts-Decision-on-Obvious-Typo-Errors-in-Contracts/*.