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A Regulatory Delegation Compliance Model for Law Number 1 of 2009 on Aviation: Optimising the Formation of Just and Legally Certain Implementing Regulations

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ABSTRACT

Law Number 1 of 2009 on Aviation functions as an umbrella statute that delegates extensive technical matters to implementing regulations. This article examines the delegation of rule-making authority under the Law and proposes a Regulatory Delegation Compliance Model (RDCM) to improve the formulation and implementation of subordinate legislation. Using normative legal research with statutory, conceptual, historical, and comparative approaches, the study analyses the construction of delegated authority, the implementation of delegation mandates, and their implications for Indonesia's aviation legal system. The findings reveal that, although the delegation framework is comprehensive, it lacks clarity regarding the division of authority between Government Regulations and Ministerial Regulations, while sub-delegation often occurs without an explicit statutory basis, creating tension with the principle delegatus non potest delegare. The study also identifies substantial non-compliance with Article 466, as many implementing regulations were issued beyond the statutory deadline or remain absent, creating legal uncertainty and regulatory gaps. To address these issues, the proposed RDCM integrates five sequential functions—formulate, plan, assess, enact, and monitor—grounded in legal certainty, regulatory hierarchy, and the rechtsstaat.

1. INTRODUCTION

Aviation is a strategically vital sector for an archipelagic state such as Indonesia, where air transport connects thousands of islands and underpins safety, security, and economic integration.

Law Number 1 of 2009 on Aviation (the Aviation Law) is the principal legal foundation for the operation of civil aviation, spanning airspace sovereignty, airworthiness, air transport, airport affairs, air navigation, safety and security, and the empowerment of the aviation industry. Because the statute functions as an umbrella act, it deliberately leaves a large number of technical matters to be elaborated through subordinate legislation in the form of Government Regulations (Peraturan Pemerintah), Presidential Regulations (Peraturan Presiden), and Ministerial Regulations (Peraturan Menteri).

The delegation of rule-making authority is an unavoidable feature of modern legislation. Parliaments are political forums rather than technical bodies, and detailed, fast-moving technical matters are ill-suited to primary legislation. Delegation allows the executive to translate abstract statutory norms into operational standards and to adapt them to technological change. In the aviation sector, this need is acute: airworthiness codes, licensing standards, tariff structures, and security programmes all require continual technical refinement that could not sensibly be fixed in the Law itself.

Yet the practice of delegation in the Aviation Law raises several fundamental problems. First, many provisions expressly command the formation of implementing regulations, but those commands have not been fully discharged. The resulting incompleteness produces legal vacuum (rechtsvacuum), which hampers enforcement, generates uncertainty for stakeholders airlines, airport operators, aviation personnel, and the travelling public and impedes technical standardisation.

Second, the implementing regulations that have been issued do not always reflect the twin pillars of good law: justice and legal certainty. From the standpoint of certainty, one still encounters multi-interpretable norms, inconsistencies among implementing instruments, and overlapping competences across institutions such as the Ministry of Transportation, the National Transportation Safety Committee, and airport authorities. From the standpoint of justice, several instruments appear more accommodating to large operators than protective of consumers, aviation workers, and communities around airports.

Third, the process of forming implementing regulations does not consistently observe the principles of good law-making, including openness, public participation, and evaluation. Limited involvement of academics, practitioners, and vulnerable groups yields regulatory outputs that are insufficiently responsive to field realities, widening the gap between das Sollen and das Sein between the delegation mandate in the Law and the operational reality.

Fourth, global dynamics such as the standards of the International Civil Aviation Organization (ICAO) and rapid technological developments unmanned aircraft, digital services demand accelerated and adaptive rule-making. A rigid delegation mechanism and a lengthy bureaucratic process, however, often leave Indonesia late in adopting new standards, with consequences for the competitiveness of the national aviation sector and for the country's compliance rate in ICAO audits.

Against this background, the problem of implementing the delegation mandate is not merely administrative or technical; it touches a fundamental juridical question how to optimise the formation of implementing regulations so that they satisfy not only quantity and deadlines but also substantive justice and legal certainty. This article accordingly pursues three research questions: (i) how is the delegation of rule-making authority constructed in the Aviation Law; (ii) how has that mandate been implemented in the formation of Government and Ministerial Regulations; and (iii) what is the impact of the delegation pattern and its implementation on the national aviation legal system, particularly as regards legal certainty, regulatory effectiveness, and legal harmonisation. Building on the answers, the article proposes a Regulatory Delegation Compliance Model (RDCM) as an integrated framework for reform.

2. METHODS

This study is normative (doctrinal) legal research, examining law conceived as norms, principles, and rules found in legislation and, where relevant, judicial decisions. Its object is law in books rather than law in action, and its orientation is prescriptive: it evaluates what ought to be (das Sollen) against positive law, rather than merely describing what is (das Sein). Facts about delay in forming implementing regulations are treated within a normative frame and are drawn from official legal documents accessed through the national legal-documentation network (JDIH) rather than from field interviews or surveys.

Four approaches are combined. The statute approach inventories and analyses the provisions of the Aviation Law that carry a delegation mandate and traces their relationship to the Constitution, the Job Creation Law, Law Number 6 of 2023, Law Number 21 of 2025 on Airspace Management, the law on the formation of legislation, and the implementing regulations issued to date. The conceptual approach draws on the doctrines of delegation, hierarchy, delegatus non potest delegare, and legal certainty. The historical approach traces the evolution of aviation regulation from Law Number 83 of 1958 and Law Number 15 of 1992 to the 2009 Law, and the origin of the two-year deadline in Article 466. The comparative approach situates the aviation pattern against cognate transport statutes the Shipping Law, the Road Traffic Law, and the Railways Law to draw lessons on clearer delegation drafting.

Legal materials comprise primary sources (the Constitution; the Aviation Law and its amendments; the law on the formation of legislation; Government, Presidential, and Ministerial Regulations; and, for comparison, cognate transport statutes; together with the Chicago Convention 1944 and its Annexes 17 and 19), secondary sources (treatises, journal articles, official documents such as the academic manuscript and parliamentary records, and relevant judicial decisions), and tertiary sources (legal dictionaries and encyclopaedias).

Analysis is qualitative. It applies grammatical, teleological, systematic, and historical interpretation; a contrario and per analogiam argumentation; and content analysis that classifies the delegation provisions of the Law by recipient and instrument and compares the mandates against the regulations actually issued. Evaluation proceeds against explicit benchmarks the theory of delegation and delegatus non potest delegare, Article 466, the JDIH inventory, Radbruchian legal certainty, the objectives stated in the academic manuscript, and the hierarchy in Article 7 of Law Number 12 of 2011 and conclusions are drawn deductively.

3. RESULTS

3.1. The Construction of Delegation in the Aviation Law

The Aviation Law comprises 24 chapters and 466 articles, with a subject-matter reach extending from airspace sovereignty and airworthiness to air transport, airport affairs, air navigation, safety and security, accident investigation, and industry empowerment. This breadth inherently requires a substantial body of implementing regulations. An article-by-article inventory shows that the delegation mandates fall into three principal types.

The first type is delegation to a Government Regulation, marked by the phrase "shall be regulated by a Government Regulation." It covers matters that are fundamental and cross-sectoral: measures against foreign aircraft violating national airspace (implicating the Ministries of Transportation, Defence, and Foreign Affairs); the status and operation of state aircraft (implicating the armed forces and the police); multimodal transport integration; airport construction, including environmental aspects; noise thresholds and airport environmental management; accident investigation and the Aviation Profession Council (Articles 369 in conjunction with 452); and, in a related vein, the joint use of air-force bases and airports (Articles 257, 258, and 259, which in fact direct a Presidential Regulation).

The second type is delegation to a Ministerial Regulation, marked by "shall be regulated by a Ministerial Regulation" or "the Minister shall determine." It covers technical-operational matters within the Ministry of Transportation: airworthiness certification; licensing of aviation personnel; air-transport tariffs; business and operating permits; the national airport arrangement; airport commercial activities; and the national aviation security programme. The third type is delegation to other forms or bodies, such as the Minister of Defence or the armed forces for matters concerning air-force bases, and the air-navigation service provider.

Three delegation patterns emerge. Direct delegation (Statute→Government Regulation) rests on Article 5(2) of the Constitution and is definitive: the President may task the Minister with drafting, but the power of enactment remains with the President. Direct delegation (Statute→Ministerial Regulation) is common in technical sectors, yet it raises a hierarchical question because a Ministerial Regulation formally sits below a Government Regulation. Chained delegation (Statute→Government Regulation→Ministerial Regulation) recurs in aviation because technical complexity invites graded regulation; it is lawful only where the parent statute expressly permits sub-delegation.

A crucial weakness lies in the indistinct boundary between the material proper to a Government Regulation and that proper to a Ministerial Regulation. In principle, a Government Regulation should carry cross-sectoral matters, matters requiring presidential-level authority, the further elaboration of the statute, and administrative sanctions of broad effect, while a Ministerial Regulation should be confined to intra-ministerial technical-operational matters that do not create new norms. In the Aviation Law, however, some cross-sectoral matters are delegated directly to a Ministerial Regulation, while some technical matters are elevated to a Government Regulation. The treatment of joint airport use directed to a Presidential Regulation illustrates the resulting uncertainty as to the proper form of the implementing instrument.

Measured against the theory of delegation, most provisions satisfy the minimum condition by naming both the recipient and the instrument. Some, however, use the broad third alternative ("regulated by the Government") without identifying the instrument, leaving the President to choose. Measured against delegatus non potest delegare, the practice of sub-delegation is problematic: several Government Regulations delegate onward to Ministerial Regulations without an express enabling clause in the Law. Where the statute is silent, such sub-delegation risks breaching the maxim, and the validity of the resulting Ministerial Regulation becomes contestable.

Table 1. Typology of Delegation Mandates in the Aviation Law

Type	Marker phrase	Illustrative subject matter	Principal concern
Statute → Government Regulation	"regulated by a Government Regulation"	Airspace violations; state aircraft; airport construction and environment; accident investigation	Cross-sectoral; presidential-level authority
Statute → Ministerial Regulation	"regulated by a Ministerial Regulation"	Airworthiness; personnel licensing; tariffs; airport arrangement and security	Hierarchical position below Government Regulation
Statute → GR → Ministerial Reg. (sub-delegation)	onward clause inside a Government Regulation	Technical standards under PP 40/2012, PP 4/2018, PP 32/2021	Validity turns on express statutory permission
Statute → other forms	"Presidential Regulation"; defence-sector rules	Joint use of air-force bases and airports	Uncertain form of implementing instrument

Source: author's inventory of the Aviation Law; article references discussed in the text

3.2. Implementation of the Delegation Mandate

A search of the JDIH databases of the Audit Board and the Ministry of Transportation identifies a set of implementing regulations issued under the Aviation Law. Among Government Regulations, these include Government Regulation Number 40 of 2012 on the Development and Environmental Preservation of Airports, Government Regulation Number 4 of 2018 on the Security of the Airspace of the Republic of Indonesia, and Government Regulation Number 32 of 2021 on the Operation of the Aviation Sector. Among Ministerial Regulations, they include Ministerial Regulation Number 77 of 2011 on Carrier Liability, Ministerial Regulation Number 89 of 2015 on the Handling of Flight Delays, Ministerial Regulation Number 39 of 2019 on the National Airport Arrangement, Ministerial Regulation Number 81 of 2021 on Airport Commercial Activities, and Ministerial Decree Number 39 of 2024 on the National Aviation Security Programme. These instruments, largely technical-operational, address the day-to-day needs of aviation.

Several mandates nevertheless remain unfulfilled. Chief among them is the Government Regulation on the investigation and further inquiry into aircraft accidents (Articles 369 in conjunction with 452), which is to establish the Aviation Profession Council for the ethical accountability of personnel found at fault. A second is the Presidential Regulation on the joint use of air-force bases and airports (Articles 257, 258, and 259), a matter presently governed only by memoranda of understanding. A third is the Government Regulation on public participation (Articles 396 in conjunction with 398). The absence of these instruments leaves no effective mechanism for enforcing professional ethics, recurrent mis-coordination in the shared use of military and civil assets, and a public role confined to service complaints.

The most striking finding concerns Article 466, which provides that implementing regulations "shall be enacted no later than two years" from the entry into force of the Law. Since the Law took effect on 12 January 2009, the deadline fell on 12 January 2011. Every identified implementing regulation was issued after that date Government Regulation 40/2012 roughly one year late, Ministerial Regulation 39/2019 about eight years late, and Government Regulation 32/2021 and Ministerial Regulation 81/2021 approximately ten years late. The government thus did not comply with Article 466, and a legal vacuum persisted across the intervening years in the matters those instruments were meant to govern.

Table 2. Compliance of Selected Implementing Regulations with Article 466 (deadline: 12 January 2011)

Implementing regulation	Subject	Year enacted	Approx. delay
Government Regulation 40/2012	Airport environmental management	2012	~1 year
Government Regulation 4/2018	Airspace security	2018	~7 years
Government Regulation 32/2021	Operation of the aviation sector	2021	~10 years
Ministerial Regulation 39/2019	National airport arrangement	2019	~8 years
Ministerial Regulation 81/2021	Airport commercial activities	2021	~10 years

Source: author's analysis of JDIH records. Delay is measured from the 12 January 2011 statutory deadline.

The causes of delay are both internal and external. Internally, the sheer number of mandates outstrips the drafting capacity of the responsible ministries; cross-sectoral coordination is time-consuming; shifting governmental priorities displace aviation rule-making; and qualified legislative drafters are in short supply. Externally, successive statutory changes have unsettled the drafting environment. The Job Creation Law of 2020 altered provisions on business licensing and investment, requiring instruments in preparation to be reworked, while Law Number 21 of 2025 on Airspace Management repealed several key provisions of the Aviation Law.

The repeals carried by Law Number 21 of 2025 affecting Article 7(2)–(4), Article 8, and Articles 401 and 402 produce a threefold effect. Implementing regulations that rested on the repealed provisions lose their statutory footing and require revision, as with Government Regulation 4/2018 on airspace security, which drew in part on Articles 7 and 8. Delegation mandates tied to the repealed provisions lapse, so the government is no longer bound to issue regulations under them. And a fresh harmonisation exercise becomes necessary between the surviving Aviation Law and the new statute, imposing a double burden: revising existing instruments while forming new ones under the 2025 Law. The rapid succession of changes compounds uncertainty for operators, who must repeatedly adjust to a moving regulatory target.

3.3 Impact on the National Aviation Legal System

The delegation pattern and its uneven implementation bear directly on legal certainty, regulatory effectiveness, and harmonisation. As to certainty, the delayed and missing instruments create a legal vacuum that leaves subjects unable to know their rights and duties, deprives enforcement authorities of clear guidance, and exposes operators to legal risk that discourages investment. The rapid statutory changes add a further layer of uncertainty, as stakeholders who have adjusted to one regime must adjust again. Sub-delegation without clear limits generates material uncertainty of its own: where a Ministerial Regulation exceeds the delegation conferred by a Government Regulation, it becomes unclear which instrument prevails.

As to effectiveness, the instruments that do exist have on the whole succeeded in translating abstract statutory norms into workable technical standards airport planning under the airport-arrangement rule, licensing procedures for investors, and consumer protection through the delay-handling and carrier-liability rules. The gaps, however, are consequential. Without the Aviation Profession Council, professional-ethics accountability cannot operate; certain administrative sanctions cannot be applied for want of implementing detail; and public participation remains confined to service complaints rather than extending to safety and security oversight. Regulatory uncertainty also depresses the investment climate, prompting a wait-and-see posture and raising compliance costs.

As to harmonisation, the picture is mixed. Vertically, most implementing regulations are broadly consistent with the Aviation Law, but the changes wrought by the Job Creation Law and Law Number 21 of 2025 have rendered several instruments discordant and in need of revision, and unbounded sub-delegation threatens further vertical disharmony. Horizontally, coordination between the Ministry of Transportation and the Ministry of Defence over joint airport use remains weak in the absence of a Presidential Regulation, whereas coordination with the environmental and finance ministries is comparatively better where it has been embedded in a Government Regulation. Internationally, Indonesia has implemented ICAO standards Annex 17 on security through the national security programme and Annex 19 on safety management through various instruments yet delayed rule-making can depress the country's compliance rate in ICAO audits.

Table 3. Summary of Findings and Implications

Dimension	Principal finding	Implication
Construction	Unclear GR/Ministerial boundary; sub-delegation without express basis	Strain on delegatus non potest delegare; hierarchical uncertainty
Implementation	All identified instruments late (1–10 years); several mandates unfulfilled	Legal vacuum; uncertainty for stakeholders
Legal certainty	Delay and rapid statutory change create formal and material uncertainty	Unpredictable consequences; deterred investment
Effectiveness	Existing instruments broadly workable; key gaps remain	Ethics enforcement stalled; limited public participation
Harmonisation	Vertical discord after 2020 and 2025 reforms; weak horizontal coordination	Need for systematic revision and coordination

3.4 A Regulatory Delegation Compliance Model (RDCM)

The foregoing analysis converges on a single practical need: a structured framework that raises the rate at which delegation mandates are discharged fully, lawfully, and on time, without sacrificing substantive quality. The Regulatory Delegation Compliance Model (RDCM) proposed here organises that framework into five sequential functions, supported by cross-cutting enablers and anchored in the guiding principles of legal certainty, hierarchy, and the rechtsstaat. The model is cyclical rather than linear: evaluation at the final stage feeds back into the formulation of future statutes and revisions.

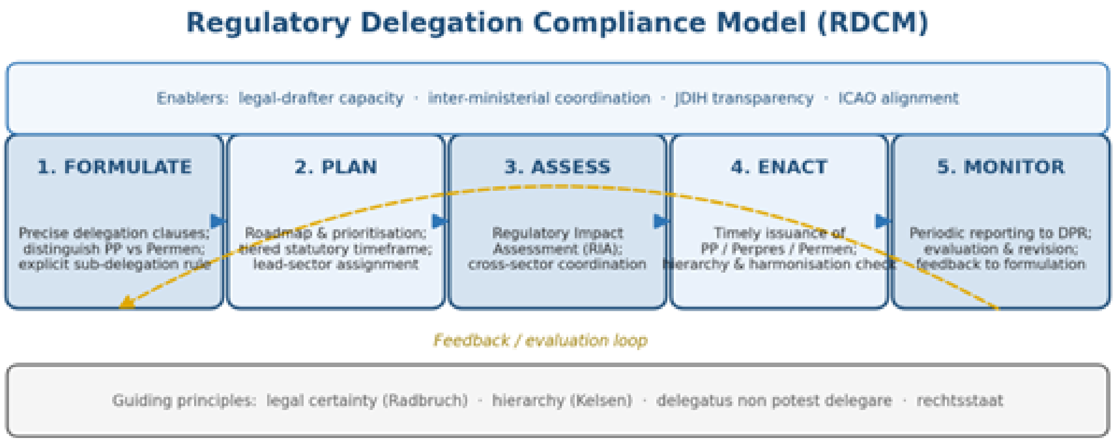

Figure 1. The Regulatory Delegation Compliance Model (RDCM).

The first function, Formulate, addresses the drafting of the delegation clause itself. Legislators should specify each mandate precisely, distinguish expressly between matters reserved for a Government Regulation and those left to a Ministerial Regulation using criteria such as cross-sectoral character, the need for presidential-level authority, and the breadth of effect on rights and state explicitly whether sub-delegation is permitted and within what limits. Precise formulation at this stage forecloses much of the uncertainty that later burdens implementation.

The second function, Plan, replaces the rigid two-year deadline with a realistic, tiered timeframe accompanied by a roadmap. The roadmap inventories the mandates that survive the 2025 repeals, sets staggered and attainable targets, assigns a lead unit for each instrument, and schedules structured cross-ministerial coordination. Prioritisation is explicit: instruments bearing on safety and inter-agency coordination such as the accident-investigation Government Regulation and the joint-use Presidential Regulation are placed first.

The third function, Assess, introduces a Regulatory Impact Assessment before each instrument is drafted. The assessment tests the urgency and necessity of the instrument, identifies policy alternatives, estimates administrative burden and compliance cost, and evaluates the performance of existing instruments. It guards against unnecessary, overlapping, or counter-productive rule-making and channels drafting effort toward genuine needs.

The fourth function, Enact, concerns the timely issuance of the instrument in its correct form, with hierarchy and harmonisation checks built into the process. Each draft is screened against the parent statute, cognate instruments, and international standards before promulgation, so that vertical and horizontal consistency is verified ex ante rather than discovered ex post. The fifth function, Monitor, institutionalises periodic reporting to Parliament, evaluation, and revision, and returns the results to the formulation stage closing the loop and enabling continuous improvement.

Two bands run across all five functions. The enabler band supplies the capacity without which the cycle stalls: a sufficient corps of qualified legislative drafters, structured inter-ministerial coordination, transparent legal-documentation systems, and continuous alignment with ICAO standards. The principle band supplies the normative compass: legal certainty in the Radbruchian sense, hierarchical consistency in the Kelsenian sense, fidelity to delegatus non potest delegare, and the overarching commitment to the rechtsstaat. Table 4 maps each function to the specific deficiency it addresses.

Table 4. RDCM Functions Mapped to Identified Deficiencies

Function	Core actions	Deficiency addressed
1. Formulate	Precise clauses; GR/Ministerial criteria; explicit sub-delegation rule	Unclear boundary; ungrounded sub-delegation
2. Plan	Roadmap; tiered timeframe; prioritisation; lead-unit assignment	Unrealistic deadline; drafting backlog
3. Assess	Regulatory Impact Assessment; alternatives; cost estimation	Unnecessary or overlapping rule-making
4. Enact	Timely issuance; hierarchy and harmonisation checks	Delay; vertical and horizontal disharmony
5. Monitor	Reporting to Parliament; evaluation; feedback to formulation	Weak oversight; no continuous improvement

The RDCM does not treat compliance as a matter of meeting a numerical deadline alone. By binding the timing of rule-making to its quality through impact assessment, harmonisation checks, and a principled compass it aligns the formal demand of Article 466 with the substantive demands of justice and legal certainty. Applied to the pending mandates, the model would first situate the accident-investigation and joint-use instruments at the head of a prioritised roadmap, subject each to impact assessment, and place their enactment within a monitored cycle reported to Parliament.

4. DISCUSSION

4.1 Delegation of Rule-Making Power

In a state governed by law (rechtsstaat), every governmental competence must rest on a statutory basis, in accordance with the principle of legality. Administrative and constitutional theory distinguishes three sources of competence: attribution, delegation, and mandate. Attribution is the original grant of authority by the constitution or a statute to an organ, enabling it to create norms on its own responsibility. Delegation is the transfer of authority from one organ (the delegans) to another (the delegataris) to make decisions on the latter's own responsibility; it is definitive, shifts juridical responsibility, and must rest on a legislative basis. Mandate, by contrast, authorises another to act in the name of the mandator, whose ultimate responsibility remains and who may revoke the mandate at any time.

In forming implementing regulations, the President and Ministers act as delegated or secondary legislators recipients of authority from the primary legislator to issue technical-operational rules. Because the matters regulated in a statute are confined to general questions, subordinate legislation is required to give them effect. Delegation must be stated expressly; absent an explicit delegation, an implementing regulation lacks legitimacy.

Following Jimly Asshiddiqie, the delegation of rule-making power may be framed through three alternative requirements: an express command identifying both the recipient institution and the form of the implementing instrument; an express command as to the form of the instrument without naming the recipient; or an express command delegating authority to a named recipient without specifying the instrument, in which case the recipient chooses the appropriate form. These alternatives mark the minimum conditions for a valid delegation and provide the benchmark against which the Aviation Law is assessed below.

Beyond direct delegation lies sub-delegation tiered or staged delegation, for instance from a Government Regulation to a Ministerial Regulation, and onward to a Director-General. Under Article

8 (1) of Law Number 12 of 2011, forms of legislation outside the enumerated hierarchy are recognised and binding insofar as they are ordered by higher legislation. Sub-delegation is therefore permissible only where higher legislation expressly so provides, and even then it should be confined to technical-administrative norms rather than the further regulation of substantive rights and obligations.

4.2 Hierarchy of Legislation and the Principle Delegatus Non Potest Delegare

The hierarchy of legislation is a central pillar of a normative legal order. It rests on Hans Kelsen's Stufentheorie, under which a legal system is a graded hierarchy of norms: a lower norm derives its validity from a higher one, up to the fundamental norm (grundnorm). In Indonesia the hierarchy is positivised in Article 7(1) of Law Number 12 of 2011, as amended by Law Number 13 of 2022, running from the 1945 Constitution through statutes and Government Regulations to Presidential Regulations and regional regulations.

A corollary is the maxim lex superior derogat legi inferiori: lower legislation must not conflict with higher legislation, and an implementing regulation must elaborate never depart from the parent statute. The maxim delegatus non potest delegare complements this structure: a delegate may not further delegate the authority received unless the parent statute expressly permits it. In the aviation context, the validity of sub-delegation from a Government Regulation to a Ministerial Regulation turns squarely on whether the Aviation Law provides such express permission.

The position of the Ministerial Regulation is therefore delicate. When issued on direct delegation from a statute, it enjoys a firm basis of legitimacy; when issued on sub-delegation from a Government Regulation, its validity is contingent on express statutory authorisation. Where a directly delegated Ministerial Regulation and a Government Regulation address the same subject, the ordinary hierarchical solution may not settle the conflict cleanly, and a harmonisation mechanism becomes necessary.

4.3 Legal Certainty and the Rechtsstaat

Gustav Radbruch conceived the idea of law as a triad of values: legal certainty, justice, and purposiveness. Legal certainty is a fundamental social need: law must be clear, non-contradictory, and predictable, and it can be secured only through positivisation law that is written and duly promulgated. Certainty and justice together express the essence of law, for the good ordering of law is possible only where positive law realises the principles of justice.

In the setting of delegated legislation, legal certainty demands clarity of mandate (does the statute expressly delegate?), clarity of form (is the instrument identified?), observance of any statutory deadline, and the actual availability of the implementing regulation. The absence of an implementing regulation produces both legal vacuum (rechtsvacuum) and legal uncertainty (rechtsonzekerheid): subjects cannot know their rights and duties with precision or find clear guidance for action. Delay or omission in forming implementing regulations therefore offends the principle of legal certainty.

These requirements are underpinned by the constitutional commitment to the rechtsstaat in Article 1(3) of the 1945 Constitution. The rule-of-law state requires that every rule binding the public possess a clear basis of legitimacy; an implementing regulation formed without a statutory mandate, or exceeding the limits of the delegation granted, may be regarded as unconstitutional and void. Purposiveness, the third Radbruchian value, tempers this formalism: delegation itself is a device for utility, allowing the executive to keep the law responsive to social and technological change without sacrificing certainty.

5. CONCLUSION

The delegation of rule-making authority in the Aviation Law is comprehensive but imprecise. It employs three types of delegation to Government Regulations, to Ministerial Regulations, and to other forms yet supplies no clear criterion distinguishing the material proper to each, and it permits, in practice, chained sub-delegation from Government Regulations to Ministerial Regulations without an express statutory basis. That practice strains the principle delegatus non potest delegare and unsettles the hierarchy of legislation, a difficulty compounded by the partial repeals effected by the Job Creation Law and Law Number 21 of 2025 on Airspace Management.

Implementation of the mandate has fallen short. Measured against the two-year deadline in Article 466, every identified implementing regulation was issued between one and ten years late, and several mandates on accident investigation and the Aviation Profession Council, on the joint use of air-force bases and airports, and on public participation remain unfulfilled. The consequences run through the legal system: legal vacuum and material uncertainty erode legal certainty; the absence of key instruments blunts the enforcement of professional ethics and confines public participation; and successive reforms have generated vertical disharmony that now requires systematic revision.

To meet these deficits, the article proposes the Regulatory Delegation Compliance Model, which orders reform into five feedback-linked functions formulate, plan, assess, enact, and monitor supported by capacity and coordination enablers and disciplined by the principles of legal certainty, hierarchy, and the rechtsstaat. Legislators should draft delegation clauses more precisely and regulate sub-delegation expressly; the government should discharge the pending mandates on a prioritised roadmap, apply regulatory impact assessment, and align existing instruments with the post-2025 framework. Future research should test the model empirically, compare Indonesia's practice with that of other ICAO states, and examine in depth the implications of Law Number 21 of 2025. Delegation is indispensable to modern legislation, but it is legitimate only where the executive discharges the mandate faithfully and under effective oversight; the timely, well-formed implementing regulation is where the rule-of-law commitment of the Aviation Law is ultimately kept or broken.

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