

DAFTAR PUSTAKA

1. Buku, Jurnal, dan Internet

- Adam, Asvi Warman, "Soekarno Menggugat: 100 Pidato Presiden RI 1965-1967", dalam Budi Setiyono dan Bonnie Triyana (ed.), *Revolusi Belum Selesai Kumpulan Pidato Presiden Soekarno 30 September 1965 – Pelengkap Nawaksara*, Semarang: Masyarakat Indonesia Sadar Sejarah (Mesiass), 2003.
- Alrasid, Harun, *Pengisian Jabatan Presiden*, Jakarta : Pustaka Utama Grafiti, 1999.
- Anderson, Benedict R. O'G, *Language and Power Exploring Political Cultures in Indonesia*, Ithaca: Cornell University Press, 1990.
- Andrews, William G., *Constitutions and Constitutionalism*, Princeton, New Jersey: D. Van Nostrand, Co., 1968
- Anshari, Endang Saefuddin, *Piagam Jakarta 22 Juli 1945*, Jakarta : Pustaka Utama Grafiti, 1989.
- Anwar, Rosihan, *Soebadio Sastrosatomo Pengembang Misi Politik*, Jakarta: Pustaka Utama Grafiti, 1995.
- Apter, David, *The Political Modernization*, Chicago: University of Chicago Press, 1965.
- Araki, Mohsen, "Causality and Freedom", dalam *Transcendent Philosophy*, Volume 3, Number 1, March 2002.
- Armas, Adnin, "Tafsir Al-Qur'an atau 'Hermeneutika Al-Qur'an,'" *Islamia*, Thn I, No. 1 Muhamarram 1425/Maret 2004.
- Ashiddiqie, Jimly, *Gagasan Kedaulatan Rakyat dalam Konstitusi dan Pelaksanaannya di Indonesia*, Jakarta: Ichtiar Baru van Hoeve, 1994.
- , *Teori dan Aliran Penafsiran Hukum Tata Negara*, Jakarta: Ind Hill-Co, 1997.
- , dan Musthafa Fakhri, *Mahkamah Konstitusi: Kompilasi Ketentuan UUD, UU dan Peraturan Mahkamah Konstitusi di 78 Negara*, Jakarta: PSHT-UI dan MKRI, 2003.
- , *Mahkamah Konstitusi dan Cita Negara Hukum Indonesia: Refleksi Pelaksanaan Kekuasaan Kehakiman Pasca Amandemen UUD 1945*, Seminar Perkembangan Ketatanegaraan Pasca Amandemen UUD 1945 dan Lokakarya Revisi Kurikulum HTN Asosiasi Pengajar HTN dan HAN, Jakarta 7 September 2004.
- , *Konstitusi dan Konstitutionalisme Indonesia*, Jakarta: Mahkamah Konstitusi dan Pusat Studi HTN Universitas Indonesia, 2004.

- Asad, Mohammad, *The Message of Qur'an*, Giblatar: Dar al-Andalus, 1980.
- Attamimi, A. Hamid S., *Peranan Keputusan Presiden Republik Indonesia dalam Penyelenggaraan Pemerintahan Negara*, Disertasi untuk meraih gelar doktor Ilmu Hukum pada Universitas Indonesia, Jakarta, 1990.
- Avineri, Shlomo, *Hegel's Theory of The Modern State*, Cambridge: At the University Press, 1972.
- Azhar, Muhammad, *Filsafat Politik Perbandingan antara Islam dan Barat*, Jakarta: Rajawali Pers, 1997.
- Azhari, Aidul Fitriadi, *Sistem Pengambilan Keputusan Demokratis Menurut Konstitusi*, Surakarta: Muhammadiyah University Press, 2000.
- *et al.*, *Bersaksi di Tengah Badai Dari Catatan Wiranto*, Jakarta: IDe Indonesia, 2003.
- Badan Pekerja MPR-RI, *Bahan Penjelasan Badan Pekerja MPR dalam Rangka Memasyarakatkan Hasil Sidang Umum MPR 1999 dan Sidang Tahunan MPR 2000*, Jakarta: BP-MPR, 2000.
- Bagaric, Mirko, "Originalism: Why Some Things Should Never Change – Or at Least Not Too Quickly," *University of Tasmanian Law Review*, Vol 19, No. 2, 2000.
- Bahar, Saafroedin, *et. el. (ed.)*, *Risalah Sidang Badan Penyelidik Usaha-Usaha Persiapan Kemerdekaan Indonesia (BPUPKI) – Panitia Persiapan Kemerdekaan Indonesia (PPKI)*, Jakarta: Sekretariat Negara Republik Indonesia, 1995.
- Badudu, J.S., *Membina Bahasa Indonesia Baku 2*, Bandung: Pustaka Prima, 1995.
- Balkin, J.M., "Deconstructive Practice and Legal Theory", *The Yale Law Journal*, Vol. 96: 743, 1987.
- , *Deconstruction's Legal Career (On Line)*, Tersedia: <http://www.yale.edu/lawweb/jbalkin/articles/deccar1.html>. 12 November 2002
- Benditt, Theodore M., *Law as Rule and Principle Problem of Legal Philosophy*, New York: The Harverster Press, 1978.
- Benn, Stanley I., "The Uses of Sovereignty", dalam Anthony Quinton (ed), *Political Philosophy*, Oxford: Oxford University Press, 1982
- Besar, Abdulkadir, "Cita Negara Integralistik: Faham Indonesia," dalam Soeprapto et al (ed.), *Cita Negara Persatuan Indonesia*, Jakarta: BP-7 Pusat, 1996.
- BeVier, Lillian R., "The Integrity and Impersonality of Oroginalism," dalam *Harvard*

- Journal of Law & Public Policy*, Vol. 19, 2, 1996.
- Bieneman, Charles A. Bieneman, "Legal Interpretation and a Constitutional Case: Home Building & Loan Association v. Blaidsdel," *Michigan Law Review* vol. 90, No. 8, Agustus 1992.
- Brest, Paul, "Interpretation and Interest", *Stanford Law Review*, Vol. 34:765, 1982.
- Brown, David, *The State and Ethnic Politics in South East Asia*, New York: Routledge, 1994.
- Berlin, Sir Isaiah, *Two Concept of Liberty*, dalam Quinton, Anthony, *Political Philosophy*, Oxford: Oxford University Press, 1982.
- Bertens, K, *Filsafat Barat Abad XX: Inggris-Jerman*, Jakarta: Gramedia, 1990.
- , *Filsafat Barat Abad XX; Prancis*, Jakarta: Gramedia Pustaka Utama, 1996.
- Bewaji, John A.I., *The Social Contract Tradition (On Line)*, Tersedia: <http://www.bu.edy/wcp/Papers/ Soci/ SociBewa.htm>. 12 November 2002.
- Birch, Anthony H., *The Concepts and Theories of Modern Democracy*, New York: Routledge, 1997.
- Boulanger, Christian, "Europeanisation Through Judicial Activism? The Hungarian Constitutional Courts's Legitimacy and Hungary's 'Return to Europe'," makalah dalam *Conference "Cotours of Legitimacy"* di *The European Studies Centre, St. Anthony's College, University of Oxford*, 24-25 Mei 2002 (*On Line*). Tersedia: <http://www.panyasan.de/ publication/texts/boulanger2002.pdf>. 28 Juli 2003.
- Brugink, J.J.H., *Refleksi Tentang Hukum* (terjemahan), Bandung: Citra Aditya Bakti, 1996.
- Brzezinski, Mark F., "The Emergence of Judicial Review in Eastern Europe: The Case of Poland", dalam *The American Journal of Comparative Law*, Volume XLI, Spring 1993, Number 2.
- Budiardjo, Miriam, *Masalah Kenegaraan*, Jakarta: Gramedia, 1975.
- Burns, Peter J., *The Leiden Legacy Concepts of Law in Indonesia*, Jakarta: Pradnya Paramita, 1999.
- Campos, Paul F., "A Text is Just a Text," *Harvard Journal of Law & Public Policy*, Volume 19, Number 2, 1996.
- Cappelletti, Mauro, *Judicial Review in Contemporary World*, New York: The Bobbs Merrill Company, 1971.

- Chand, Hari, *Modern Jusrisprudence*, Kuala Lumpur: Inrternational Law Book Services, 1994
- Coleman, James S. dan Carl G. Rosberg, Jr. (ed.), "Introduction" dalam *Political Parties and National Integration in Tropical Africa*, Berkeley: University of California Press, 1966.
- Cotterrell, Roger, *The Sociology of Law*, London: Butterworths, 1993.
- Dahl, A, dan Tufte, Edward F., *Size and Democracy*, Stanford University Press, Stanford, 1973
- Dallmays, Fred, "Hermeneutics and the Rule of Law", dalam Gregory Leyh (ed.), *Legal Hermeneutics History, Theory, and Practice*, Berkeley: University of California Press, 1992.
- Daud, Wan Mohd Nor Wan, "Tafsir dan Ta'wil sebagai Metode Ilmiah'" *Islamia*, Thn I, No. 1 Muharram 1425/Maret 2004.
- Derrida, Jacques, *Dissemination*, Chicago: The University of Chicago Press, 1981.
- , *Positions*, Chicago: The University of Chicago Press, 1981.
- , "Force of Law: The 'Mistical Foundation of Athority', " Drucila Cornell et al., ed., *Deconstruction and Possibility of Justice*, New York: Routledge, 1992
- Departemen Agama RI, *Al-Qur'an dan Terjemahannya*, Semarang: Toha Putra, 1989.
- Departemen Pendidikan Nasional, *Kamus Besar Bahasa Indonesia*, Jakarta : Balai Pustaka, 2002.
- Dicey, Albert Vien, *Introduction to Study of the Law of the Constitution*
- Dickey, Laurence dan Nisbet, H.B., (ed.), *Hegel Political Writing*, Cambridge,: Cambridge University Press, 1998.
- Douzinas, Costas, (et. al.), *Postmodern Jurisprudence*, New York: Routledge, 1991.
- Ducat, Craig. R., *Modes of Constitutional Interpretation*, St. Paul, Minn: West Publishing, 1978.
- Duverger, Maurice, *Teori dan Praktek Tata Negara* (terjemahan), Surabaya: Tinta Mas, 1987.
- Dworkin, R, *A Matter of Principle*, Cambridge, Mass: Harvard University Press, 1985.
- , *Law's Empire*, Cambridge, Mass.: Harvard University Press, 1986.
- Effendi, H.A. Masyhur, *Hak Asasi Manusia dalam Hukum Nasional dan Internasional*,

- Jakarta: Ghalia Indonesia, 1994.
- Eisenstadt, S. N., *Pardoxes of Democracy Fragility, Continuity, and Change*, Washington, D.C., The Woodrow Wilson Center Press, 1999
- Elster, Jon dan Rune Slagstad (ed.), *Constitutionalism and Democracy*, Cambridge: Cambridge University Press, 1997.
- Ely, John Hart, *Democracy and Distrust: A Theory of Judicial Review*, Cambridge, Mass.: Harvard University Press, 1980.
- d'Entreves, A.P., *Natural Law An Introduction to Legal Philosophy*, London: Hutchinson, 1977.
- Erdman, Gero, *Neo-Patrimonial Rule Transition to Democracy has not Succeeded, (On Line)*. Tersedia: http://www.dse.de/zeitschr/de_102-4.htm, 31 Januari 2003.
- Farber, Daniel A., "The Dead Hand of the Architect," *Harvard Journal of Law & Public Policy*, Vol. 19, No. 2, 1996.
- Feith, Herbert dan Castles, Lance (ed.) *Pemikiran Politik Indonesia 1945-1965*, Jakarta: LP3ES, 1995.
- Finch, John, *Introduction to Legal Theory*, London: Sweet and Maxwell, 1974.
- Fiss, Owen M., "Objectivity and Interpretation," *Stanford Law Review* Vol. 34:739, 1982.
- Fukuyama, Francis, *The End of History and the Last Man*, New York: The Free Press, 1992
- Friedrich, Carl J., *Constitutional Reason of State the Survival of the Constitutional Order*, Providence, Rhode Island: Brown University Press, 1957.
- , dan Brzezinski, Zbigniew K., *Totalitarian Dictatorship and Autocracy*, New York: Frederick A. Praeger, 1962.
- Gadamer, Hans-Georg, *Philosophical Hermeneutics*, Berkeley: University of California Press, 1976.
- Gaffar, Afan, *Parties and Party System in Indonesia since Constitutional Democratic Era*, tidak diterbitkan, tanpa tahun.
- Galli, Carlo, "Carl Schmitt's Antiliberalisme: Its Theoretical and Historical Sources and Its Philosophical and Political Meaning," dalam *Cardozo Law Review* Vol. 21:1597, 2000.
- Geertz, Clifford, "Agama Jawa" dalam Ahmad Ibrahim et al. (ed.), *Islam di Asia Tenggara Perkembangan Kontemporer*, Jakarta : LP3ES, 1990.

Gonggong, Anhar, *Menengok Sejarah Konstitusi Indonesia*, Jogjakarta: Media Presindo, 2002.

Goodim, Robert E. and Pettit, Philip (ed.), *Contemporary Political Philosophy*, Blackwell Publishers, Oxford, 1997

Gunther, Frieder, "Staatsrechtslehre Between Tradition and cahnge West-German University Teachers of Public Law in the Process of Westernization, 1949-70," makalah pada *Conference The American Impact on Western Euprope: Americanization and Westernization in Transatlantic Perspective*, German Historical Institute, Washington D.C., Maret 25-27, 1999 (*On Line*), Tersedia: <http://www.ghi-dc.org/cinpotweb/westernpapers/guenther.pdf>. 4 April 2003.

Habermas, Jurgen, *Between Facts and Norms*, Cambridge: Polity Press, 1997.

Hagopian, Mark N., *Regimes, Movements, and Ideologies*, New York: Longman, 1978.

Hamilton, A., et. al., *The Federalist*, New York: The Colonial Press, 1901.

Hampstead, Lord Lloyd of, dan Freeman, M.D.A., *Lloyd's Introduction to Jurisprudence*, London: Stevens & Sons, 1985.

Hart, H.L.A., *The Concept of Law*, Oxford: Clarendon, 1961.

Hatta. Mohammad, "Demokrasi Asli Indonesia dan Kedaulatan Rakyat" dalam Budiardjo, Miriam, *Masalah Kenegaraan*, Jakarta: Gramedia, 1975.

Hayek, F.A., *The Constitution of Liberty*, London: Routledge, 1976.

Held, David, *Models of Democracy*, Cambridge: Polity Press, 1996.

-----, "Democracy from City States to Cosmopolitan Order", dalam Robert E. Goodim and Philip Pettit (ed.), *Contemporary Political Philosophy*, Blackwell Publishers, Oxford, 1997.

Harrison, Paul R., "Niklas Luhmann and the Theory of Social System", dalam David Roberts (ed.), *Reconstructing Theory: Gadamer, Habermas, Luhmann*, Melbourne: Melbourne University Press, 1995

Hegel, G.W.F., "Lectures on the Philosophy of History (1827-1831, Part IV, Section 3: The New Age" , dalam Laurence Dickey dan H.B. Nisbet (eds.), *Hegel Political Writing*, Cambridge,: Cambridge University Press

-----, *Hegel's Philosophy of Right*, (terjemahan T.M. Knox), Oxford: Oxford University Press, 1981.

Hesse, Konrad, *Grunziige des Verpassungsrechts de Bundesrepublik Deutschland*, Heidelberlg, Karlsruhe: Muller, Juristicher Verl., 1980.

- Hobbes, Thomas, *Leviathan*, London: Penguin Book, 1972.
- Holton, Richard, "Positivism and the Internal Point of View," *Law and Philosophy* 17: 597-625, 1998.
- Hoy, David Couzens, "Dworkin's Constructive Optimism v. Deconstructive Legal Nihilism," *Law and Philosophy* 6 (1987).
- Huntington, Samuel P. (ed.), *Changing Patterns of Military Policies*, New York: Free Press, 1970.
- , "Social and Institutional Dynamics of One-Party Systems," dalam Samuel P. Huntington dan C.H. Moore (ed.), *Authoritarian Politics in Modern Society*, New York: Basic Books, 1970.
- , dan C.H. Moore (ed.), *Authoritarian Politics in Modern Society*, New York: Basic Books, 1970.
- Ibrahim, Ahmad, et al. (ed.), *Islam di Asia Tenggara Perkembangan Kontemporer*, Jakarta : LP3ES, 1990.
- Jameson, Fredric, *The Political Unconscious: Narrative as A Socially Symbolic Act*, London: Methuen, 1981.
- Janowitz, Morris, *The Military in the Political Development of New Nations*, Chicago: University of Chicago Press, 1967.
- Jindan, Khalid Ibrahim, *The Islamic Theory of Government According to Ibn Taymiyah*, Washington: Georgetown University, 1979.
- , *Teori Politik Islam Telaah Kritis Ibnu Taymiyah tentang Pemerintahan Islam* (terjemahan), Surabaya: Risalah Gusti, 1995
- Karim, M. Rusli, *Perjalanan Partai Politik di Indonesia Sebuah Potret Pasang Surut*, Jakarta: Rajawali, 1983.
- Kay, Richard S., "Originalist' Values and Constitutional Interpretation," *Harvard Journal of Law & Public Policy*, Volume 19, Number 2, 1996.
- Kelly, Alfred H. et. al., *The American Constitution Its Origins and Development*, New York: W.W. Norton and Co. , 1983
- Kelsen, Hans, *General Theory of Law and State*, New York: Russel and Russel, 1973.
- , *The Pure Theory of Law*, University of California Press: Berkeley, 1978
- Khadduri, Majid dalam "The Nature of the Islamic State," dalam *Islamic Culture* 21 (1947).

- , Majid Khadduri, *The Islamic Conception of Justice*, Baltimore, Maryland: The John Hopkins Press, 1984.
- , *Teologi Keadilan Perpektif Islam* (terjemahan), Surabaya: Risalah Gusti, 1999.
- King, Brett W., *Wild Political Dreaming: Historical Context, Popular Sovereignty, and Supermajority Rules*, (On Line) Tersedia: http://www.law.ipenn.edu/conlaw/issues/vol2/num3/king_tf.html. 14 November 2003.
- Klages, Mary, *Structuralism/Poststructuralism* (On Line), Tersedia: <http://www.colorado.edu/English/ENGL2012Klages/1derrida.htm>. 12 November 2002.
- Kortmann, C.A.J.M., *Constitutioneel Recht*, Deventer: Kluwer, 1990.
- Koesnoe, Mohammad, "Musyawarah", dalam Miriam Budiardjo, *Masalah Kenegaraan*, Jakarta: Gramedia, 1975.
- Koesnodiprodjo, *Himpunan Undang-Undang, Peraturan-peraturan, Penetapan-penetapan Pemerintah Republik Indonesia*, Jakarta: Penerbitan Baru, 1948.
- Kra, Pauline, *The Concept of National Character in 18th Century France*, (On Line). Tersedia: http://www.cromohs.unifi.it/7_2002/kra.html. 14 November 2002.
- Kuhn, Thomas S., *The Structure of Scientific Revolutions*, Chicago: University of Chicago Press, 1970.
- Lairg, Lord Irvine of, "Sovereignty in Comparative Perspective: Constitutionalism in Britain and America," dalam *New York University Law Review*, Volume 76, April 2001, Number 1.
- Lane, Jessica, "The Poetics of Legal Interpretation," *Columbia Law Review* Vol. 87: 197, 1987.
- Langewiesche, Dieter, *Liberalism in Germany*, (Terj. Christiane Benerji), London: Macmillan Press, 2000.
- Lev, Daniel S., *Hukum dan Politik di Indonesia: Kesinambungan dan Perubahan*, Jakarta: LP3ES, 1990.
- Lewis, William Draper, *Interpreting the Constitution*, Virginia: The Michie Company, 1937.
- Leyh, Gregory (ed.), *Legal Hermeneutics History, Theory, and Practice*, Berkeley: University of California Press, 1992.
- Liddle, R. William (ed.), *Crafting Indonesia Democracy*, Bandung: Mizan, 2001.
- Lindsay, A. D., *The Modern Democratic State*, New York: Oxford University Press,

1955.

Linz, Juan J., "Defining and Crafting Democratic Transition, Constitution, and Consolidation", dalam R. William Liddle (ed.), *Crafting Indonesia Democracy*, Bandung: Mizan, 2001.

Litowitz, Donald E., *Postmodern Philosophy and Law*, Kansas: Kansas University Press, 1997.

Little, Daniel, *Varieties of Social Explanation: An Introduction to the Philosophy of Social Science*, Oxford: Westview Press, 1991

Locke, Jhon, *Two Treatise of Government*, London: JM Dent & Sons, 1924.

Logemann, J.H.A., *Keterangan-keterangan Baru Tentang Terjadinya UUD 1945*, Malang: Laboratorium IKIP Malang, 1982.

Maarif, Ahmad Syafii, *Islam dan Masalah Kenegaraan, Studi tentang Percaturan dalam Konstituante*, Jakarta: LP3ES, 1987.

MacGregor, David, *Hegel and Marx After the Fall of Communism*, Cardiff: University of Wales Press, 1998

MacIver, R.M., *The Web of Government*, New York: The MacMillan, 1957.

Macpherson, C.B., *The Life and Times of Liberal Democracy*, Oxford: Oxford University Press, 1977.

Madjid, Nurcholish, *Islam Agama Kemanusiaan: Membangun Tradisi dan Visi Baru Islam di Indonesia*, Jakarta: Paramadina, 1995.

Mahendra, Yusril Ihza, *Politik dan Perubahan Penafsiran Atas Konstitusi*, Pidato Pengukuhan Guru Besar Madya Hukum Tata Negara pada Fakultas Hukum Universitas Indonesia, Jakarta, 25 April 1998.

Mahfud, Moh., M.D., *Politik Hukum di Indonesia*, Jakarta: LP3ES, 1998.

Manan, Bagir (ed.), *Kedaulatan Rakyat, Hak Asasi Manusia, dan Negara Hukum*, Jakarta: Gaya Media Pratama, 1996.

Mangkusasmito, Prawoto, *Pertumbuhan Historis Rumus Dasar Negara dan Sebuah Projeksi*, Jakarta : Hudaya, 1970.

Mansoer, Moh. Tolchah, *Pembahasan Beberapa Aspek tentang Kekuasaan-kekuasaan Eksekutif dan Legislatif Negara Indonesia*, Jakarta: Pradnya Paramita, 1983.

Mansour, Ashraf, *Hegel's Critique of Liberalism and Social Contract Theories in the Jena Lectures, (On Line)*. Tersedia: <http://marxists.anu.edu.au/reference/archive/hegel/txt/mansour.htm>. 14 November 2002.

- Marmor, Andrei, *Interpretation and Legal Theory*, Oxford: Clarendon Press, 1994.
- Mattulada, "Demokrasi dalam Tradisi Masyarakat Indonesia", dalam *Demokrasi dan Proses Politik*, Jakarta; LP3ES, 1986.
- Maududi, Abul A'la Al-, *Hukum dan Konstitusi Sistem Politik Islam*, terjemahan, Bandung: Mizan, 1995.
- Mawardi, Imam Al-, *Al-Ahkam al-Sulthaniyyah, Prinsip-prinsip Penyelenggaraan Negara Islam* terjemahan, Jakarta: Darul Falah, 2000.
-----, *Al-Ahkam Al-Sulthaniyyah fi al-Wilaayah al-Diniyah*, Beirut: Daar el-Kitaab al-Araby, t.t.
- Merrill, Thomas W., "Bork v. Burke," *Harvard Jurnal of Law & Public Policy*, Vol. 19, No. 2, 1996.
- Merrill, David, "Hegel's Corporation and Associationalism: Democracy and the Economy", makalah untuk *Political Studies Association-UK 50th Annual Conference*, 10-13 April 2000, London, hlm. 13-14 (*On Line*). Tersedia: <http://www.psa.ac.uk/2000/Merrill%20David.pdf>. 5 November 2002.
- Moertono, Soemarsaid, *Negara dan Usaha Bina Negara di Jawa Masa Lampau Studi Tentang Masa Mataram II Abad XVI sampai XIX*, Jakarta: Yayasan Obor Indonesia, 1985.
- Moore, Michael S., "The Dead Hand of Constitutional Tradition," *Harvard Journal of Law & Public Policy*, Vol. 19, No. 2, 1996.
- Muhono, *Ketetapan MPRS dan Peraturan Negara Jang Penting bagi Anggota Angkatan Bersendjata*, t.t., 1966.
- Muldoon, Mark S., "Reading, Imagination, and Interpretation: A Ricoeur Response", dalam *International Philosophical Quarterly*, Vol. XL, No. 1 Issue No. 157 (March 2000).
- Mulkhan, Abdul Munir, *Ajaran dan Jalan Kematian Syekh Siti jenar Konflik Elite dan Lahirnya Mas Karebet*, Yogyakarta: Kreasi Wacana, 2003.
- Naim, Abdullahi Ahmed An-, *Toward an Islamic Reformation Civil Liberties, Human Rights, and Internasional Law*, New York: Syracuse University Press, 1996, hlm. 75-84.
- Nasir, Malik Ahmad, "Hermeneutika Kritis (Studi Kritis atas Pemikiran Habermas)," *Islamia*, Thn I, No. 1 Muharram 1425/Maret 2004.
- Nasroen, M., *Dasar Falsafah Minangkabau*, Jakarta: Bulan Bintang, 1971
- Nasution, Adnan Buyung, *Aspirasi Pemerintahan Konstitusional di Indonesia: Studi Sosio Legal atas Konstituante 1956-1959*, Jakarta: Pustaka Utama Grafiti, 1995.

- , *Konstitusi, Demokrasi, dan Makna Kemerdekaan*, Orasi Ilmiah dalam Rangka Hari Ulang Tahun ke-35 Lembaga Ilmu Pengetahuan Indonesia, Jakarta 22 Agustus 2002.
- Noer, Deliar, "Perkembangan Demokrasi Kita", dalam *Demokrasi dan Proses Politik*, Jakarta; LP3ES, 1986.
- , *Gerakan Modern Islam di Indonesia 1900-1942*, Jakarta: LP3ES, 1996.
- Norris, Christopher, *Deconstruction Theory and Practice*, London: Routledge, 1993.
- Nonet, Phillippe dan Selznick, Philip, *Law and Society in Transition: Toward Responsive Law*, New York: Harper & Row, 1978
- Notonagoro, *Pancasila Dasar Falsafah Negara*, Jakarta: Pantjuran Tudjuh, 1974.
- Nozick, Robert, *Anarchy, State, and Utopia*, New York: Basic Books Inc., 1974
- Padover, Saul K., *The Complete Jefferson*, New York, 1943
- Pelczynski, Z.A., *The State and Civil Society*, Cambridge: Cambridge University Press, 1984. (On Line). Tersedia: <http://www.marxists.org/reference/subject/philosophy/works/ot/pelczyns.htm>. 5 November 2002.
- Phillips, O Hood and Jackson, Paul, *Constitutional and Administrative Law*, London: Sweet Maxwell, 1987
- Pringgodigdo, A.K., *Kedudukan Presiden Menurut Tiga Undang-Undang Dasar dalam Teori dan Praktek*, Jakarta: Pembangunan, 1956.
- Quinton, Anthoni, *Political Philosophy*, Oxford: Oxford University Press, 1982.
- Ranawijaya, Usep, *Hukum Tata Negara Indonesia Dasar-dasarnya*, Jakarta: Ghalia Indonesia, 1983.
- , "Sistem Kepartaian untuk Indonesia", dalam Bagir Manan (ed.), *Kedaulatan Rakyat, Hak Asasi Manusia, dan Negara Hukum*, Jakarta: Gaya Media Pratama, 1996.
- Rappaport, David, "A Comparative Theory of Military and Political Types," dalam Samuel P. Huntington (ed.), *Changing Patterns of Military Policies*, New York: Free Press, 1970.
- Rakove, Jack N., *Original Meaning: Politics and Ideas in The Making of Constitution*, New York: Alfred A. Knopf, 1996.
- Rappaport, David, "A Comparative Theory of Military and Political Types," dalam Samuel P. Huntington (ed.), *Changing Patterns of Military Policies*, New York: Free Press, 1970.

- Rawls, J., *A Theory of Justice*, Oxford: Oxford University Press, 1972.
- Raz, Joseph, *The Concept of a Legal System*, Oxford; Oxford University Press, 1970.
- Redish, Martin H., "Interpretivism and the Judicial Role in a Constitutional Democracy: Seeking an Alternative to Originalism," *Harvard Jurnal of Law & Public Policy*, Vol. 19, No. 2, 1996.
- Richards, David A.J., *Toleration and the Constitution*, Oxford: Oxford University Press, 1986.
- Roberts, David (ed), *Reconstructing Theory: Gadamer, Habermas, Luhmann*, Melbourne: Melbourne University Press, 1995.
- Rommen, Heinrich A., *The Natural Law A Study in Legal and Social History and Philosophy*, Indianapolis: Liberty Fund, 1998.
- Rosecrance, Richard, *Kebangkitan Negara Dagang: Perdagangan dan Penaklukan di Dunia Modern*, (terjemahan) Jakarta: Gramedia Pustaka Utama
- , *The Rise of the Trading State*, Ithaca, 1986.
- Rousseau, J.J., "Discourse on Political Economy" (1758) dalam *The Social Contract and Discourse* (trans. G.D.H. Cole), Everyman's Library, 1927.
- , *The Contract Social and Discourse on the Origin of Equality* (ed. Lester G. Gracker), New York: Washington Square Press, 1967.
- , *Perihal Kontrak Sosial atau Prinsip-prinsip Hukum Politik*, Jakarta : Dian Rakyat, 1989
- Rothermund, Dietmar, "Nationalism and the Reconstruction of Traditions in Asia", dalam Sri Kuhnt-Saptodewo, Volker Grabowsky, dan Martin Grosheim (eds.), *Nationalism and Cultural Revival in Southeast Asia: Perspectives from the Centre and the Region*, Wiesbaden ; Harrasowitz, 1997
- Rubinfeld, Jed, "Reading the Constitution as Spoken," *The Yale Law Journal*, Vol. 104: 1119, 1995
- Runciman, W.G. (ed.), *Weber Selection in Translation*, Cambridge: Cambridge University Press, 1978.
- Sager, Lawrence G., "The Dead Hand and Constitutional Amendment," *Harvard Journal of Law & Public Policy*, Vol. 19, No. 2, 1996.
- Saptodewo, Sri Kuhnt-, et. al. (eds.), *Nationalism and Cultural Revival in Southeast Asia: Perspectives from the Centre and the Region*, Wiesbaden ; Harrasowitz, 1997

- Scheuerman, William E., *Between the Norm and the Exception: The Frankfurt School and the Rule of Law*, Cambridge, Mass.: The MIT Press, 1994
- Schmid, J.J. Von, *Pemikiran Tentang Negara dan Hukum dalam Abad ke-XIX*, Jakarta: Erlangga, 1979
- Schubert, Glendon, *The Constitutional Polity*, Boston: Boston University Press, 1970.
- Schumpeter, Joseph A., *Capitalism, Socialism, and Democracy*, New York: Haper, 1974.
- Sekretariat Negara DPR-RI, *10 Tahun Parlemen Republik Indonesia 1950-1960*, Jakarta: Sekretariat Negara DPR-RI, 1960.
- Setiyono, Budi dan Bonnie Triyana (ed.), *Revolusi Belum Selesai Kumpulan Pidato Presiden Soekarno 30 September 1965 – Pelengkap Nawaksara*, Semarang: Masyarakat Indonesia Sadar Sejarah (Mesiass), 2003.
- Shabuni, Syekh Muhammad Ali Ash-, *Ikhtisar Ulumul Qur'an Praktis*, Jakarta: Pustaka Amani, 2001.
- Simanjuntak, Marsilam, *Pandangan Negara Integralistik*, Jakarta: Pustaka Utama Grafiti, 1994.
- Simorangkir, J.C.T. dan B. Mang Reng Say, *Tentang dan Sekitar Undang-Undang Dasar 1945*, Jakarta: Jambatan, 1979.
- Simorangkir, J.C.T., *Penetapan UUD Dilihat Dari Segi Hukum Tata Negara Indonesia*, Jakarta: Gunung Agung, 1984.
- Singer, Peter, *Hegel*, Oxford: Oxford University Press, 1983
- Singer, Josep William, "The Player and the Cards: Nihilism and Legal Theory," *The Yale Law Journal*, Volume 94 : 1, 1984.
- Singodimedjo, Kasman, *Hidup Itu Berjuang*, Jakarta: Bulan Bintang, 1982.
- Sjadzali, Munawir, *Islam dan Tata Negara Ajaran, Sejarah, dan Pemikiran*, Jakarta: Penerbit Universitas Indonesia (UI-Press), 1993.
- Slagstad, Rune, "Liberal Constitutionalism and Its Critics: Carl Schmitt and Max Weber," dalam Jon Elster dan Rune Slagstad (ed.), *Constitutionalism and Democracy*, Cambridge: Cambridge University Press, 1997
- Soekarno, *Res Publica Sekali Lagi Res Publica*, Penerbitan Khusus No. 51, Jakarta: Kementrian Penerangan, 1959.
- , *Di Bawah Bendera Revolusi*, II, Jakarta: Di Bawah Bendera Revolusi, 1965.

- , “Penemuan Kembali Revolusi Kita: Amanat Presiden Sukarno pada Ulang Tahun Proklamasi Kemerdekaan Indonesia, 17 Agustus 1959 di Jakarta” dalam Soekarno, *Di Bawah Bendera Revolusi*, II, Jakarta: Di Bawah Bendera Revolusi, 1965.
- , “Re-So-Pim (Revolusi-Sosialisme Indonesia-Pimpinan Nasional),” dalam Muhono, *Ketetapan MPRS dan Peraturan Negara Jang Penting bagi Anggauta Angkatan Bersendjata*, t.t., 1966.
- Soemantri, Sri, *Prosedur dan Sistem Perubahan Konstitusi*, Bandung: Alumni, 1987.
- , *Tentang Lembaga-lembaga Negara Menurut UUD 1945*, Bandung: Citra Aditya Bhakti, 1989.
- Smith, Edward C., *Pembreidelan Pers di Indonesia*, Jakarta: Pustaka Grafiti Pers, 1986.
- Smith, Eivind, *Constitutional Justice under Old Constitutional*, The Hague: Kluwer Law International, 1995.
- Suharto, Ugi, “Apakah Al-Qur'an Memerlukan Hermeneutika?” *Islamia*, Thn I, No. 1 Muharram 1425/Maret 2004.
- Suma, Muhammad Amin, *Studi Ilmu-ilmu Al-Qur'an 2*, Jakarta: Pustaka Firdaus, 2001.
- , *Pengantar Tafsir Ahkam*, Jakarta: Rajawali Pers, 2001.
- Suny, Ismail, *Pergeseran Kekuasaan Eksekutif*, Jakarta; Aksara baru, 1986.
- Suparlan, Parsudi, “Demokrasi dalam Tradisi Masyarakat Pedesaan Jawa” dalam LP3ES, *Demokrasi dan Proses Politik*, Jakarta; LP3ES, 1986
- Soeprapto et al (ed.), *Cita Negara Persatuan Indonesia*, Jakarta: BP-7 Pusat, 1996.
- Suraji dan Pularyono, *Himpunan Beranotasi Ketetapan Majelis Permusyawaratan Rakyat Republik Indonesia 1960-2001*, Jakarta: Tatanusa, 2001.
- Surjomihardjo, Abdurrachman, “Cita-cita Demokrasi dan Pendidikan Bangsa” dalam LP3ES, *Demokrasi dan Proses Politik*, Jakarta; LP3ES, 1986
- Sustein, Cass R., “Five Theses on Originalism,” dalam *Harvard Journal of Law & Public Policy*, Vol. 19, 2, 1996.
- Swisher, Carl Brent, *The Growth of Constitutional Power in the United States*, Chicago, Illinois: University of Chicago Press, 1946.
- Syam, Firdaus, *Amien Rais Politisi Merakyat & Intelektual yang Saleh*, Jakarta: Pustaka Al-Kautsar, 2003.

- Tibi, Bassam, *The Challenge of Fundamentalism Political Islam and the New World Disorder*, Berkeley: University of California Press, 1998.
- Tiedeman, Christopher G., *The Unwritten Constitution of the United States: A Philosophical Inquiry into The Fundamentals of American Constitutional Law*, New York: G.P. Putnam's Sons, 1890.
- Tjokroaminoto, Oemar Said, *Tafsir Program Azas dan Program Tandhim Partai Sjarikat Islam Indonesia*, Jakarta: Badan Pekerja Partai Sjarikat Islam Indonesia, t.t..
- Totalitarianism/Authoritarianism, (On Line)*. Tersedia: <http://www.usask.ca/faculty/prof_pages/schwab/Week5_TotalitarianismAuthoritarianismParliemneta ry.ppt>. 1 April 2003.
- Tunggal, Hadi Setia, *Ketetapan dan Keputusan Majelis Permusyawaratan Rakyat Republik Indonesia Tahun 2003*, Jakarta: Harvarindo, 2003.
- Tushnet, Mark N., "Following the Rules Laid Down: A Critique of Interpretivism and Neutral Principle," *Harvard Law Review*, Vol. 96: 781, 1983.
- Uchrawi, Zaim, *Mohammad Amien Rais Memimpin dengan Nurani*, Jakarta: Teraju, 2004.
- Umari, Akram Diya Al-, *Madinan Society at The Time of Prophet vol. 2 : Jihad Against the Mushrikūn* (terjemahan), Herndon, Virginia: The International Institute of Islamic Thought, 1995.
- , *Al-Mujtama' al-Madani fi 'ahd al-Nubuwah: Al-Jihad Didd al-Mushrikin*, (1942)
- Unger, Roberto Mangabeira, *Law in Modern Society*, New York: The Free Press, 1976.
- Utrecht, E., *Pengantar Hukum Administrasi Negara Indonesia*, Surabaya: Tinta Mas, 1986
- Vincent, Andrew, *Theories of the State*, New York: Basil Blackwell, 1997.
- Wheare, K.C., *The Modern Constitution*, New York: Oxford University Press, 1975.
- Wignjosoebroto, Soetandyo, *Dari Hukum Kolonial ke Hukum Nasional Dinamika Sosial Politik dalam Perkembangan Hukum di Indonesia*, Jakarta: Raja Grafindo Persada, 1995.
- Wittgenstein, Ludwig, *Philosophical Investigations*, New York: MacMillan, 1958.
- Wolfe, Christopher, *The Rise of Modern Judicial Review: From Constitutional Interpretation to Judge-Made Law*, New York: Basic Books, 1986.

Wolhoff, G.J., *Pengantar Hukum Tata Negara Republik Indonesia*, Jakarta; Timun Mas, 1955

Wolin, Richard, *The Terms of Cultural Criticism*, New York: Columbia University Press, 1992.

Wormuth, Francis D., *The Origins of Modern Constitutionalism*, New York: Harper and Brothers, 1949

Yamin, Muhammad, *Proklamasi dan Konstitusi Republik Indonesia*, Jakarta: Djambatan, 1958.

Zaid, Nasr Hamid Abu, *Tektualitas Al-Qur'an Kritik terhadap Ulumul Qur'an*, Yogyakarta: LkiS, 2002.

Zarkasyi, Hamid Fahmy, "Menguak Nilai di Balik Hermeneutika," *Islamia*, Thn I, No. 1 Muharram 1425/Maret 2004.

B. Dokumen dan Peraturan Perundang-undangan

Undang-Undang Dasar dan Penjelasan tentang Undang-Undang Dasar Negara Indonesia (*Berita Republik Indonesia*, Tahun II, No. 7, 15 Februari 1946)

Putusan Mahkamah Konstitusi Republik Indonesia Perkara Nomor 005/PUU-I/2003.

Putusan Mahkamah Konstitusi Republik Indonesia Perkara Nomor 012/PUU-I/2003.

Putusan Mahkamah Konstitusi Republik Indonesia Perkara Nomor 011-017/PUU-I/2003.

Putusan Mahkamah Konstitusi Republik Indonesia Perkara Nomor 013/PUU-I/2003.

Putusan Mahkamah Konstitusi Republik Indonesia Perkara Nomor 068/SKLN-II/2004.

Penetapan Presiden No. 1 Tahun 1959 tentang Tugas Dewan Perwakilan Rakyat Berdasarkan Undang-Undang No. 7 Th. 1953 (LN 1959-76, Penj. TLN 1815; mb 22 Juli 1959).