

Local Regulation Review in Realizes Legal Order of the Local Governance

Andi Bau Inggit AR, A. Pangerang Moenta, Marwati Riza, Hamzah Halim
Graduate School, Hasanuddin University, South Sulawesi, Indonesia

Abstract

The concept of local autonomy is granted to the people as a whole legal community with authority to regulate and manage the government affairs. Local regulation in its formation both formally and materially should be suitable to the provisions of higher legislation. The type of research is normative and empirical/sociological. Legal resources using primary and secondary data. Data have been obtained from this research were analyzed by using qualitative-descriptive and using theoretical basis and data in its discussion. The results of the research shows that the essence of local regulations review is an action to assess in both formal and material on local regulation by the Supreme Court and the Central Government (Ministry of Domestic Affairs) through the procedures of review that have been determined by the laws and regulations in an effort to ensure the realization of legal order based on justice, legal certainty and utility principles. However, it has not been realized because the dualism of local regulations review that indicates the occurrence of legal disorder in the review of local regulations.

Keywords: Executive Review, Judicial Review, Local Autonomy, Local Regulation

1. Introduction

The Unitary State of the Republic of Indonesia is a law-based country and not based on power only. The constitutional State is a country where the administrator of government (government) and its people should be based on the law, it is intended to prevent the arbitrary actions of the government (ruler) and actions of the people who do their own will. The confirmation of Indonesia as a constitutional State that during this is regulated in the Constitution of the Republic of Indonesia 1945, in the third amendment of 1945 Constitution Article 1 Paragraph (3), regulates that: “*Indonesia State is a constitutional State.*” The consequences of this provision that any attitudes, policies, and behavior of the State apparatus and the peoples must based on and in accordance with the law.

In the 19th century and beginning of the 20th century the idea of the necessity of the restriction gets juridical formulation, legal experts Continental Western Europe such as Immanuel Kant (1724-1804) and Friedrich Julius Stahl use a term *rechtstaat*, while the Anglo Saxon such as AV Dicey use the term *Rule of Law*.¹ These formulations only juridical and only related to the field of law and not surprising it in narrow limits. For both formulations are formulated in a situation that is still dominated by the idea that the State and the government should not intervene in the affairs of its citizens, except in matters of public interest, such as natural disasters, foreign affairs, and defense.

In this view the State is considered as *Night Guard State (Nachtwachterstaat)* were very narrow its movement, not only in politics, but especially in the field of economic. The State only has a passive task, acting if human rights are violated or threatened public order and security. The concept of constitutional State is narrow, and therefore often called the “Classical Constitutional State”. But in the 20th century, especially after World War II, there have been changes in the social and economic. These changes are caused by several factors. As the Unitary State if the central government and local authorities are not equal. According to C. F. Strong, there are two important properties of the unitary State, the supremacy of central parliamentary, and the absence of additional sovereign entity.²

In the context of Indonesia as a unitary State can be categorized as a unitary State with a form of decentralization.³ As indicated above shows that the provisions of statutory require multilevel autonomy from provincial to district/municipality. With the presence of word “*divided over*” then it is clear that our country is a unitary State in which sovereignty lies in the center. Besides the words *divided over* is also means a relationship between central and local, as well as between provinces and districts/cities are hierarchical-vertical. Accordingly, the policies are made and implemented by the region is an integral part of national policy. The difference is

¹ Miriam Budiardjo. 2008. *Dasar-dasar Ilmu Politik*. Jakarta: PT Gramedia Pustaka Utama. Page. 113

² C. F. Strong. 2004. *Konstitusi-Konstitusi Politik Modern: Studi Perbandingan tentang Sejarah dan Bentuk-bentuk Konstitusi Dunia*. (The English Book Society and Sidgwick & Jackson Limited London, 1966) Translated by: SPA Teamwork, Bandung: Nusamedia.

³ See Article 18 paragraph (1), (2), (4) and (5) of the 1945 Constitution. “The Unitary State of the Republic of Indonesia shall be divided into provinces and the provinces shall be divided into districts and municipalities, where each province, district, and municipality shall have a regional administration, stipulated by virtue of law.”

located on how to utilize the wisdom, potential, innovation, competitiveness, and the regions creativity to achieve the national goals at the local level which in turn will support the achievement of national goals overall.

In essence, the concept of local autonomy is granted to the people as a whole legal community with authority to regulate and manage the government affairs that granted by the central government to the regions and its implementation is conducted by the local government, assisted by the local regional apparatus. In order to provide a broader space to regions to organize and manages the lives of its citizens then the central government in shaping policy should pay attention to local wisdom and vice versa the regions when shaping policy in the form of local regulation should also pay attention to national interests. Thus, it will create a balance between synergic national interests and remain considering the conditions, peculiarities, and local wisdom in governance as a whole.¹

Firstly, a note on terminology. The laws produced by all local governments — whether provincial, district or city, or legislative or executive² — are referred to, in the Indonesian legal literature, generically as *Perda* (*Peraturan Daerah*, literally regional regulations, which I have thus far translated as “local regulation”). Local regulation in its formation both formally and materially should be suitable to the provisions of higher legislation. When local regulations the substances of material are inappropriate or contrary to the higher laws and regulations, it can be tested (*review*). All regulation products as a result of regulation by the State can be combated through legal remedies provided by our constitutional system. In the review, the local regulations are stipulated in the Local Government Act, the authority to test or review the local regulations by the executive, namely the President and Minister that usually so-called “*executive review*”. As for regulatory review by the Supreme Court as a judicial institution called “*judicial review*”. Based on the provisions as mentioned above it is clear that one of the controls on the issuance of local regulations is review of local regulations by *judicial review* or *executive review*.

Based on the issue of this study, in fact local autonomy as now applied in Indonesia is considered to be a new problem in investment activity in some regions. Local regulation that formed it still has shortcomings, it can be seen from the slow of Indonesia economic such as the weakening of rupiah against dollar, increasing poverty and unemployment, and it would not be separated from the role of regulation in governing it.

Currently, the government is more aggressively in effort to improve the investment climate. One of them, by issuing a Policy Package, which until now has arrived in Vol. XII. Ironically, in the midst of the governments’ efforts is actually “hindered” by a number of local regulatory and it considered inhibit increased investment in the region. Daily data from the UKs leading economy, *The Economist*, mention for 2015 Indonesia is in second place after China as a destination for global investment. The data of Investment Coordinating Board (ICB) showed the realization of Foreign Direct Investment (FDI) and Domestic Investment (DCI) in the first semester in 2015 is rose compared to the same period in the previous year. The number of workers absorbed is quite significant, approximately 685 thousand peoples. Investment Coordinating Board (ICB) mentions figure the ease to invest in Indonesia rose from 120 to 109 ratings in the world. Although the ratings go up, Indonesia is still lagging behind neighboring countries; Singapore in 2, Thailand in 46, and Malaysia in 26 in the worlds.³

Local government should consider a number of aspects when designing the regulation of local level, such as local regulations.⁴ Local government should begin aware of the issue of investment that is now being pursued by the Central Government. As well as in the establishment of local regulations should not ignore the principles of economic, because it considered policy that close to the welfare.

2. Objective of the Research

The negative phenomena that occur are discrepancies between local legislation with higher legislation and public interest, namely many local regulations have been canceled. The President of Indonesia Joko Widodo announced the cancellation of as many as 3143 Local Regulation and Regulation of Regional Head which are considered problematic. The President considered that as many as 3143 local regulation is problematic inhibits acceleration in face competition to increase investment.⁵ Thousands of local regulations that are considered problematic are regulation that inhibit the growth of local economy, local regulation that extend the bureaucracy, which inhibit the process of licensing, inhibit the ease of doing and contrary to the higher legislation.

¹ Titahelu, J., Irwansyah, I., Awaludin, H., & Ashri, M. (2015). “Strengthening Pela-Gandong Alliance Based on John Rawls’ Theory of Justice”. *Hasanuddin Law Review*, 1(3), 417-429. doi: <http://dx.doi.org/10.20956/halrev.v1n3.119>

² Simon Butt. (2010). “Regional autonomy and legal disorder: The proliferation of local laws in Indonesia”. *SYDNEY Law Review*, Vol. 32: 177-191.

³ Source: Finansial Bisnis: Available online at: <http://finansial.bisnis.com/read/20161115/9/602808/peringkat-kemudahan-investasi-indonesia-naik> Accessed on Nov 22, 2016.

⁴ Tommy, F. (2013). "Territorial Splits in Decentralizing Indonesia, 2000–2012: Local Development Drivers or Hindrance?" *Journal of Space and Polity* 17(2): 180-196.

⁵ Source: Ministry of Domestic Affairs of the Republic of Indonesia: <http://www.kemendagri.go.id/news/2016/06/13/presiden-umumkan-pembatalan-3143-perda-bermasalah>, Accessed on 11 July 2016 at 10.00 WITA.

A large number of local regulations were canceled as well as its effects as described above, illustrates that local governments with local representatives are considered less to pay attention to local conditions and provisions of the higher legislation in the process of local regulation establishing, as well as the dualism of arrangement concerns the review or review of local regulation that can lead to law uncertainty in local governance, so that if something like this happens repeatedly it will cause disorder in local governance

3. Method of the Research

The type of research is normative and empirical/sociological.¹ This type of research is often called *socio-legal research* as a research that focused on legal arrangements and the application of law in the context of reality in the community. In other words, assess law both in terms of *law in books* and in the aspect of *law in action*. This research was conducted in Jakarta and South Sulawesi Province. Population is whole object or whole individual or symptom or event or entire unit is being investigated.² The population in this research is overall agencies that conduct review or reviewing the local regional at centre level in Indonesia. Based on population is determined sample or informant by using sampling methods professionally that is *purposive sampling* to select a sample based on certain considerations as its position.

A sample is a subset or part of the population.³ The sampling technique used in this research is *purposive sampling*⁴ it was done by taking a subject that is based on specific objectives and that gives same occasion. Sample of this research is the Central Government (Ministry of Domestic Affairs), the Supreme Court (Supreme Court Judge), the House of Representatives (Legislation Agency of DPR RI), as well as the Legal Bureau of the Government of South Sulawesi Province. Data have been obtained from this research were analyzed by using qualitative-descriptive and using theoretical basis and data in its discussion. Data originates in primary and secondary data. By qualitative-descriptive, describes and explains by referring to the norms of law. In addition, explained by describing the reality conditions of local regulations review in local governance.

4. The Essence of Local Regulation Review in Realizes Legal Order of Local Governance

Essence can be understood as the core, and also as general properties than something. In English, often get terms like *substance* or *essence*, which they point an *essential nature* or *ultimate nature of a thing*. So it can be understood as the self, or identity, or the image of something.⁵ Regarding the issue of essence it can be achieved through a few basic questions, namely a) whether the something, b) why and for what exist, and c) how the existence. Related to the dissertation, the author will discuss about the essence of local regulation, in which the local regulation is a form of legislation.

The issue of subject and object in the perspective of legislation review; can cause a variety of terminology that sometimes and even often a mistake in understand it. For example, the term *toetsingsrecht* is compared to the meaning of *judicial review*. Both of these terms has a different sense, because *toetsingsrecht* has a wider meaning and still general and can be attached to the power institutions of state are judicial, legislative and executive.⁶ While judicial review, the extent and its scope is limited to the authority of review done through judicial mechanisms and its institutions is simply attached to the institution of judicial power.⁷

Indeed, quite apart from the Indonesian problem of flawed bureaucratic review, it seems critical that in all states in which power has been de-concentrated or decentralised, there be an independent body with power to determine legitimate disputes over the relative jurisdictions of central and regional governments.⁸ Without such a body, delineation between the functions and powers of the various levels of government will almost certainly remain unresolved, and local and central governments will stand accused, with likely regularity, of exceeding their jurisdictions and encroaching upon the lawmaking powers.

The review, hence carried out in order to set up local regulations can be assessed whether in accordance with the higher constitution and public interest/morality or not. If there are local regulations which do not conflict with the higher constitution and/or public policy/morality it must be canceled and revoked. It aims to create a climate of legislation which is orderly so that the local governance is always running smoothly, and

¹ Soerjono Soekanto, 2006. *Pengantar Penelitian Hukum*, Third edition. UI Press, Jakarta. Page. 53

² Ronny Hanitijo Soemitro. 1994. *Metodologi Penelitian Hukum dan Jurimetri*. Ghalia Indonesia. Jakarta. Page. 44.

³ *Ibid.* Page.119.

⁴ Soerjono Soekanto, *Op.cit.*, Page.196.

⁵ Suparlan Suhartono, 1997. *Filsafat Ilmu Pengetahuan*, Program Pascasarjana Universitas Hasanuddin. Page. 13

⁶ Jimly Asshiddiqie, 2005. *Model-model Pengujian Konstitusional di Berbagai Negara*, Jakarta: Konstitusi press, Pages. 4 - 7

⁷ *Ibid.* Compare to Henry J. Abraham. *The Judicial Process - An Introductory of the Court of The United States, England, and France*, Third Edition Revised and enlarged (London: Oxford University Press, 1975) p. 280; "Judicial review is the power of any court to hold unconstitutional and hence unenforceable any law, any official action based upon a law, or any other action by a public official that it deems - upon careful, normally painstaking, reflection and the line with the canons of the thought tradition of the law as well as judicial self-restraint - to be conflict with the basic law - in the United States its constitution".

⁸ Daniel S. Lev. (1978). "Judicial Authority and the Struggle for An Indonesian Rechtsstaat" *Law and Society Review* 37(13).

consistent with the national governance.

4.1 Legal Norm as Review Object

Norm is rules that must be obeyed by a person in relation to their neighbors and the environment. The term *norm* comes from Latin *norm* or in Arabic, and is often referred to guidelines, standards or rules in the Indonesian language.¹ In its development, the norm was interpreted as a measure or standard for a person to act or behave in society. Thus, the core of a norm is all rules that must be obeyed.

Legal norms in terms of the addressee, or for whom it is intended, it can distinguish between common legal norms and individual legal norms.² Common legal norm is a legal norm intended for many people not certain. Individual legal norm is legal norms intended or addressed to someone, some people, or many people and certain.

Legal norms in terms of thing regulated or its actions/behavior can be distinguished between abstract legal norms and concrete legal norm. Abstract legal norms are legal norms that look ones' deeds are no limits in the sense of non-concrete. Concrete legal norm is a legal norm to the ones' deeds that is more real (concrete).³

Legal norms as review object here is the object of legal norms that were tested. In general, legal norm can be either legal decisions (i) as a result of determination activity (sets) that are administrative in Dutch referred to as *beschikking*; or (ii) as a result of judgment activities (judge) such verdict by the judge; or (iii) as a result of regulatory activity (organizing) in Dutch so-called *regeling*, either in the form of legislation as *legislative acts* or in the form of regulation as *executive acts*.

Local regulation is legislation that the legal norm is a general-abstract. One example of local regulation in Wajo No. 32 of 2011 concerns the retribution of printing costs replacement of identity cards and civil registration certificate. This local regulation indicates that the target or subject are all citizens in Wajo district (general), on the retribution of printing costs replacement of identity cards and civil registration certificate shows that regulated becomes the object of regulation is the retribution of printing cost replacement of identity cards and civil registration certificate. This local regulation become the object of further review, as for the reasons for review a local regulation is to determine whether this local regulation has been prepared properly in terms of both substance and formal.

If all substance or material and the principles that have been determined have been included in a local regulation and in the process of its formation has followed the conditions as determined, it will produce a good regulation, so it can be concluded that the results of review depends on the process and the result of the establishment. Local regulation formed/arranged in accordance with the formation mechanism of good regulation, it will produce regulations that well anyway, so that in review we will get good results, namely the compatibility of local regulations on the basis of its formation/no finding conflict norms with the higher norms, as well as compatibility with public interests/morality.

The principle of formation and substance of local regulation against legislation and legal principles that grow and develop in society is not contrary to the principle of the Unitary State of the Republic of Indonesia.

4.2 Purposes of Local Regulation Review

Indonesia as a unitary State divided into provincial, district and municipality, where each region has authority to govern and manage own-affairs of government based on the principle of autonomy. Autonomy in this case is not independence but autonomy. This autonomy is autonomy in order to regulate and manage the region in a way, creating legal product and in this case the local regulations are adapted to the specific conditions of the region without prejudice to compliance with legislation and higher public interest/ethics, so that local regulations that contain directions of regional development can be consistent with the direction of national development which basically aims to achieve state goals together.

The purpose of State as contained in the preamble of the 1945 Constitution, fourth paragraph states:
And then to form a Government of the State of Indonesia that protects all Indonesian people and the entire land of Indonesia and to develop the welfare of the people, the life of the nation, and participate in the world orderliness based on freedom, eternal peace and social justice, National Freedom of Indonesia is prepared in a Constitution of the State of Indonesia, formed in a structure of the State of the Republic of Indonesia with people sovereignty based on the One Supreme God, Just and civilized humanity, Indonesian unity and Democracy lead by wisdom in Deliberation/Representation, and by realizing a Social justice to all Indonesian people.

In the governance of the Republic of Indonesia, the purpose of State is to protect the people of

¹ Algra, N.E. & Duyvendijk, K. Van. 1981. *Rechtsaanvang* (enkelehoofdstukken over recht en rechtswetenschap voor het on derwijs in de inleiding tot de rechtswetenschaps. Tjeenk Willink: Alphenaan de Rijn. Compare to Achmad Ali. 2008. *Menguak Tabir Hukum*, Gahlia Indonesia, Bogor Selatan. p. 32; Maria Farida, 1999, *Ilmu Perundang-undangan*. Kansius, Yogyakarta, Page.6.

² Satjipto Rahardjo, 2006, *Ilmu Hukum*. 6th edition, Citra Aditya Bakti, Bandung, Page.37.

³ Philipus M. Hadjon. *et. al.* 2011. *Pengantar Hukum Administrasi Negara*. Gajah Mada University Press: Yogyakarta. Page.125

Indonesia and the country of Indonesia, promote the general welfare, educating the nation, participates in the world orderliness based on freedom, lasting peace and social justice. In effort to achieve the objective of State, Pancasila became the foundations, for which the need for order and the rule of law in regulating society and the State, in order that these objectives can be achieved.

As a *philosophische grondslag*, Pancasila essentially as a source of legal order in Indonesia. In its position, Pancasila as source of elaboration in the process of law drafting in Indonesia. Pancasila that it contains religious values, the value of moral law, the value of natural law, and religious value as a legal source material for the positive law of Indonesia. Thus, Pancasila determine the content and form of legislation in Indonesia are arranged in a hierarchical structure that is the 1945 Constitution as an elaboration of Pancasila, then the legislation as further regulation of the Constitution, the Government Regulation, Presidential Decree, provincial regulations, and district/municipal regulations as the implementing regulations of the legislation, so that the material content between each other to be interrelated and do not contradict each other.

The local regulation of both provincial and district/municipal whose formation made by Parliament together with Regional Head shall refer to the higher legislation and public interest as precise, as known in the establishment of local regulations, the local governments must pay attention to the specific conditions of the region in order to regulations produced can become effective.

In an effort to achieve the goal of the State, the government as a holder of government authorized to supervise the local governance in carrying out such surveillance conducted on local regulations. Government supervises for 2 (two) phases, namely preventive and repressive. Preventive supervision is a supervision which conducted before any regulations stipulated as regulations, namely when the drafting of local regulation will be given a registration number and stage of evaluation of several local regulations, while the repressive supervision is a supervision of the legislation, in the form of cancellation of local regulation, if a regulation considered contrary to higher legislation and public/morality.

The purpose of this regulation review is done as follows: *First*, realize justice, which is expected to be fully tested by the Supreme Court, the whole community in a region that is harmed by the formation of a regulation to obtain justice. *Second*, achieve usefulness. In this case, the tests conducted by the Ministry of Domestic Affairs that have an impact on the cancellation of local regulations are considered more efficient in terms of both time and mechanism, so fluency in conduct local governance is more ease and quick to be realized, and care to the community can be implemented in good.

Third, the realization of legal certainty. The review of local regulation by both the Supreme Court and the Ministry of Domestic Affairs are together to obtain legal certainty regarding a local regulation, if there is a conflict with the higher regulation, these regulations will be canceled. The Supreme Court cancelled the local regulations in which the substance is contradictory with higher regulation, while the Ministry of Domestic Affairs has authority to test a wider, in addition to test the suitability of the substance of regulation by higher regulation, it also review regulations are contrary to the public interest/mortality or not.

Last but not least, for the creation of legal order the local governance. Local regulation review aims to realize legal order of local governance, because if the local regulation is contrary to the higher law and allowed to continue to apply without review, may lead to paralysis and chaos in local governance, for those who feel harmed by the presence of a local regulation is not will implement these regulations, for examples the local regulations governing the levy or tax, if the regulations are contrary to law because levy of retribution and taxes more than prescribed by law then it would not be implemented by the community, and local revenue that should be levied, although small but for the provisions of these local regulations, it not levied and the region did not earn revenues from income sources as appropriate. The existing data that the numbers of local regulations are canceled each year more than 1000 local regulations; even in 2016 there are 3000 local regulations that have been canceled by the Minister of Domestic Affairs. Thus, the purpose of the State as already contained in the preamble of the Constitution, then elaborated in laws, government regulations, will be difficult to achieve. The legal order or *rechts orde* is a roundness and overall legal regulations.

5. Conclusion

The essence of local regulations review is an action to assess in both formal and material on local regulation by the Supreme Court and the Central Government (Ministry of Domestic Affairs) through the procedures of review that have been determined by the laws and regulations in an effort to ensure the realization of legal order based on justice, legal certainty and utility principles (promote community's prosperity) in conducting local government. However, it has not been realized because the dualism of local regulations review that indicates the occurrence of legal disorder in the review of local regulations.

References

Achmad Ali. 2008. *Menguak Tabir Hukum*, Gahlia Indonesia, Bogor Selatan. p. 32; Maria Farida, 1999, *Ilmu Perundang-undangan*. Kansius, Yogyakarta.

- Algra, N.E. & Duyvendijk, K. Van. 1981. *Rechtsaanvang (enkelehoofdstukken over recht en rechtswetenschap voor het on derwijs in de inleiding tot de rechtswetenschaps. Tjeenk Willink: Alphenaan de Rijn.*
- C. F. Strong. 2004. *Konstitusi-Konstitusi Politik Modern: Studi Perbandingan tentang Sejarah dan Bentuk-bentuk Konstitusi Dunia.* (The English Book Society and Sidgwick & Jackson Limited London, 1966)
Translated by: SPA Teamwork, Bandung: Nusamedia.
- Daniel S. Lev. (1978). "Judicial Authority and the Struggle for An Indonesian Rechtsstaat" *Law and Society Review* 37(13).
- Finansial Bisnis: Available online at: <http://finansial.bisnis.com/read/20161115/9/602808/peringkat-kemudahan-investasi-indonesia-naik> Accessed on Nov 22, 2016.
- Henry J. Abraham. 1975. *The Judicial Process - An Introductory of the Court of The United States, England, and France*, Third Edition Revised and enlarged. London: Oxford University Press.
- Jimly Asshiddiqie, 2005. *Model-model Pengujian Konstitusional di Berbagai Negara*, Jakarta: Konstitusi press.
- Miriam Budiardjo. 2008. *Dasar-dasar Ilmu Politik*. Jakarta: PT Gramedia Pustaka Utama.
- Philipus M. Hadjon. et. al. 2011. *Pengantar Hukum Administrasi Negara*. Gajah Mada University Press: Yogyakarta.
- Ronny Hanitijo Soemitro. 1994. *Metodologi Penelitian Hukum dan Jurimetri*. Ghalia Indonesia. Jakarta.
- Satjipto Rahardjo, 2006, *Ilmu Hukum*. 6th edition, Citra Aditya Bakti, Bandung.
- Simon Butt. (2010). "Regional autonomy and legal disorder: The proliferation of local laws in Indonesia". *SYDNEY Law Review*, Vol. 32: 177-191.
- Soerjono Soekanto, 2006. *Pengantar Penelitian Hukum*, Third edition. UI Press, Jakarta.
- Suparlan Suhartono, 1997. *Filsafat Ilmu Pengetahuan*, Program Pascasarjana Universitas Hasanuddin.
- The Ministry of Domestic Affairs of the Republic of Indonesia: <http://www.kemendagri.go.id/news/2016/06/13/presiden-umumkan-pembatalan-3143-perda-bermasalah>, Accessed on 11 July 2016 at 10.00 WITA.
- Titahelu, J., Irwansyah, I., Awaludin, H., & Ashri, M. (2015). "Strengthening Pela-Gandong Alliance Based on John Rawls' Theory of Justice". *Hasanuddin Law Review*, 1(3), 417-429. doi: <http://dx.doi.org/10.20956/halrev.v1n3.119>
- Tommy, F. (2013). "Territorial Splits in Decentralizing Indonesia, 2000–2012: Local Development Drivers or Hindrance?" *Journal of Space and Polity* 17(2): 180-196.