

DAFTAR BACAAN

Buku

- Azhari, *Negara Hukum Indonesia: Analisis Yuridis Normatif tentang Unsur-Unsurnya*, UI Press, Jakarta, 1995.
- Asshiddiqie, Jimly, *Hukum Tata Negara Darurat*, Rajawali Press, Jakarta, 2007.
- Ávila, Humberto, *Theory of Legal Principles*, Springer, Dordrecht, 2007.
- Bailey, Jeremy D., *Thomas Jefferson and Executive Power*, Cambridge University Press, Cambridge, 2007.
- Barnett, Hilaire, *Constitutional and Administrative Law*, Cavendish Publishing Ltd., London, 2002.
- Basah, Sjachran, *Perlindungan Hukum terhadap Sikap-Tindak Administrasi Negara*, Alumni, Bandung, 1986.
- Bradley, A.W., dan K.D. Ewing, *Constitutional and Administrative Law*, Pearson Education Ltd., Harlow-London, 2007.
- Brouwer, J.G., dan A.E. Schilder, *A Survey of Dutch Administrative Law*, Ars Aequi Libri, Nijmegen, 1998.
- Bruggink, J.J.H., *Refleksi tentang Hukum*, Citra Aditya Bakti, Bandung, 1996.
- Carroll, Alex, *Constitutional and Administrative Law*, Pearson Education Limited, Harlow-London, 2007.
- Corwin, Edward S., *The Constitution and What It Means Today*, Princeton University Press, New Jersey, 1978.
- Craig, P.P., *Administrative Law*, Sweet & Maxwell, London, 1983.
- D'Amato, Anthony, *Analytic Jurisprudence Anthology*, Anderson Publishing Co., Cincinnati-Ohio, 1995.
- Davis, Kenneth Culp, *Administrative Law: Cases – Text – Problems*, West Publishing Co., St. Paul-Minnesota, 1977.
- Dicey, A.V., *Introduction to the Study of the Law of the Constitution*, MacMillan and Co. Ltd., London, 1915.
- Dworkin, Ronald, *Taking Rights Seriously*, Harvard University Press, Cambridge-Mass., 1978.

- Fatovic, Clement, *Outside the Law: Emergency and Executive Power*, The John Hopkins University Press, Baltimore, 2009.
- Finnis, John, *Natural Law and Natural Rights*, Oxford University Press, Oxford, 2011.
- Fletcher, George P., *Basic Concepts of Legal Thought*, Oxford University Press, Oxford, 1996.
- Foster, Steven, *The Judiciary, Civil Liberties and Human Rights*, Edinburgh University Press, Edinburgh, 2006.
- Gardam, Judith, *Necessity, Proportionality and the Use of Force by States*, Cambridge University Press, Cambridge, 2004.
- Garner, Bryan A., Editor in Chief, *Black's Law Dictionary*, Ninth Edition, West, St. Paul-Minnesota, 2009.
- Gellhorn, Ernest, dan Barry B. Boyer, *Administrative Law and Process in a Nutshell*, West Publishing Co., St. Paul-Minn., 1981.
- Hadjon, Philipus M., *Pengertian-pengertian Dasar tentang Tindak Pemerintahan (Bestuurshandeling)*, Djumali, Surabaya, 1985.
- _____, *Perlindungan Hukum Bagi Rakyat di Indonesia*, Penerbit Bina Ilmu, Surabaya, 1987.
- _____, *Pemerintahan Menurut Hukum (Wet – En Rechtmatig Bestuur)*, Surabaya: Yuridika, 1992.
- Hadjon, Philipus M., et.al., *Pengantar Hukum Administrasi Indonesia*, Gadjah Mada University Press, Yogyakarta, 2002.
- Hamilton, Alexander, James Madison dan John Jay, *The Federalist with Letters of Brutus* (Terence Ball, ed.), Cambridge University Press, Cambridge, 2003.
- Hamson, C.J., *Executive Discretion and Judicial Control: An Aspect of the French Conseil d'Etat*, Stevens & Sons, London, 1954.
- Hart, H.L.A., *The Concept of Law*, Clarendon Press, Oxford, 1994.
- Henkin, Louis, *The Rights of Man Today*, Columbia University Press, New York, 1988.
- Hepburn, Samantha, *Principles of Equity and Trusts Law*, Cavendish Publishing, Sydney-London, 2001.
- Hudson, Alastair, *Understanding Equity and Trusts*, Routledge, London-New York, 2008.

- Jayawickrama, Nihal, *The Judicial Application of Human Rights Law: National, Regional and International Jurisprudence*, Cambridge University Press, Cambridge, 2002.
- Kelsen, Hans, *General Theory of Law and State*, Russell & Russell, New York, 1961.
- _____, *The Pure Theory of Law*, University of California Press, Berkeley, 1967.
- Künnecke, Martina, *Tradition and Change in Administrative Law: An Anglo-German Comparison*, Springer, Berlin, 2007.
- Kurnia, Titon Slamet, *Hak atas Derajat Kesehatan Optimal sebagai HAM di Indonesia*, PT. Alumni, Bandung, 2007.
- Lazar, Nomi Claire, *States of Emergency in Liberal Democracies*, Cambridge University Press, Cambridge, 2009.
- Le Sueur, Andrew, Javan Herberg dan Rosalind English, *Principles of Public Law*, Cavendish Publishing Ltd., London, 1999.
- Lord Lloyd of Hampstead dan M.D.A. Freeman, *Lloyd's Introduction to Jurisprudence*, English Language Book Society dan Stevens, London, 1985.
- Lubis, Todung Mulya, *In Search of Human Rights: Legal-Political Dilemmas of the Indonesia's New Order 1966-1990*, Gramedia Pustaka Utama dan Yayasan SPES, Jakarta, 1993.
- Malanczuk, Peter, *Akehurst's Modern Introduction to International Law*, Routledge, London-New York, 2002.
- Marzuki, Peter Mahmud, *Pengantar Ilmu Hukum*, Kencana, Jakarta, 2008.
- _____, *Penelitian Hukum*, Kencana, Jakarta, 2009.
- _____, *An Introduction to Indonesian Law*, Setara Press, Malang, 2011.
- Mathis, Klaus, *Efficiency Instead of Justice? Searching for the Philosophical Foundations of the Economic Analysis of Law*, Springer, Dordrecht, 2009.
- McCoubrey, Hilaire, dan Nigel D. White, *Textbook on Jurisprudence*, Blackstone Press Ltd., London, 1996.
- McLeod, Ian, *Legal Theory*, Pallgrave-Macmillan, London, 2003.
- Minarno, Nur Basuki, *Penyalahgunaan Wewenang dalam Pengelolaan Keuangan Daerah yang Berimplikasi Tindak Pidana Korupsi*, Laksbang Mediatama, Yogyakarta, 2011.

- Murphy, Mark C., *Natural Law in Jurisprudence and Politics*, Cambridge University Press, Cambridge, 2006.
- Nickel, James W., *Hak Asasi Manusia: Refleksi Filosofis atas Deklarasi Universal Hak Asasi Manusia*, Gramedia Pustaka Utama, Jakarta, 1996.
- Panizzon, Marion, *Good Faith in the Jurisprudence of the WTO: The Protection of Legitimate Expectations, Good Faith Interpretation and Fair Dispute Settlement*, Hart Publishing, Oxford-Portland, 2006.
- Paust, Jordan J., *Beyond the Law: The Bush Administration's Unlawful Responses in the 'War' on Terror*, Cambridge University Press, Cambridge, 2007.
- Perry, Clive, *The Sources and Evidences of International Law*, Manchester University Press, Manchester, 1965.
- Posner, Eric A., dan Adrian Vermeule, *Terror in Balance: Security, Liberty and the Courts*, Oxford University Press, Oxford, 2007.
- Pound, Roscoe, *Law Finding Through Experience and Reason*, The University of Georgia Press, Athens, 1960.
- Purbopranoto, Kuntjoro, *Beberapa Catatan Hukum Tata Pemerintahan dan Peradilan Administrasi Negara*, Alumni, Bandung, 1975.
- _____, *Hak-Hak Asasi Manusia dan Pancasila*, Pradnya Paramita, Jakarta, 1982.
- Rangkuti, Siti Sundari, *Hukum Lingkungan dan Kebijakan Lingkungan Nasional*, Airlangga University Press, Surabaya, 2000.
- Ratnapala, Suri, *Jurisprudence*, Cambridge University Press, 2009.
- Rawls, John, *A Theory of Justice*, The Belknap Press of Harvard University Press, Cambridge-Massachusetts, 1999.
- Sahetapy, J.E., *Pidana Mati dalam Negara Pancasila*, Citra Aditya Bakti, Bandung, 2007.
- Sapardjaja, Komariah Emong, *Ajaran Sifat Melawan-Hukum Materiel dalam Hukum Pidana Indonesia: Studi Kasus tentang Penerapan dan Perkembangannya dalam Yurisprudensi*, Alumni, Bandung, 2002.
- Setiardja, A. Gunawan, *Hak-hak Asasi Manusia Berdasarkan Ideologi Pancasila*, Kanisius, Yogyakarta, 1993.
- Sidharta, Bernard Arief, *Refleksi tentang Struktur Ilmu Hukum: Sebuah Penelitian tentang Fundasi Kefilsafatan dan Sifat Keilmuan Ilmu Hukum sebagai Landasan Pengembangan Ilmu Hukum Nasional Indonesia*, Mandar Maju, Bandung, 2000.

- Sieghart, Paul, *The International Law of Human Rights*, Clarendon Press, Oxford, 1983.
- Skhlar, Judith N., *Legalism: An Essay on Law, Morals and Politics*, Harvard University Press, Cambridge-Massachusetts, 1964.
- Spelt, N.M., dan J.B.J.M. ten Berge, *Pengantar Hukum Perizinan*, Yuridika, Surabaya, 1993.
- Sumaryono, E., *Etika dan Hukum: Relevansi Teori Hukum Kodrat Thomas Aquinas*, Kanisius, Yogyakarta, 2002.
- Tamanaha, Brian Z., *On the Rule of Law*, Cambridge University Press, Cambridge, 2004.
- _____, *Law as a Means to an End: Threat to the Rule of Law*, Cambridge University Press, Cambridge, 2006.
- Tebbit, Mark, *Philosophy of Law: An Introduction*, Routledge, London-New York, 2005.
- Ujan, Andre Ata, *Keadilan dan Demokrasi: Telaah Filsafat Politik John Rawls*, Penerbit Kanisius, Yogyakarta, 2001.
- Utrecht, E., *Pengantar Hukum Administrasi Negara Indonesia*, Ichtiar, Jakarta, 1962.
- Vlies, I.C. van der, *Buku Pegangan Perancang Peraturan Perundang-undangan, Dirjen Peraturan Perundang-undangan-Departemen Hukum dan HAM*, Jakarta, 2005.
- Wacks, Raymond, *Philosophy of Law: A Very Short Introduction*, Oxford University Press, Oxford, 2006.
- Wade, H.W.R., *Administrative Law*, English Language Book Society-Oxford University Press, London, 1986.
- Wijoyo, Suparto, *Refleksi Mata Rantai Pengaturan Hukum Pengelolaan Lingkungan secara Terpadu: Studi Kasus Pencemaran Udara*, Airlangga University Press, Surabaya, 2005.
- Wilk, Kurt, *The Legal Philosophy of Lask, Radbruch and Dabin*, Cambridge-Mass.: Harvard University Press, 1950.

Bab dalam Buku

- Cherry, Mark J., "Natural Law and the Possibility of Global Ethics: An Introduction to a Culture in Crisis," dalam Mark J. Cherry, ed., *Natural Law and the Possibility of Global Ethics*, Kluwer Academic Publishers, New York, 2004.

- Dyzenhaus, David, "The Compulsion of Legality," dalam Victor Ramraj, ed., *Emergencies and the Limits of Legality*, Cambridge University Press, Cambridge, 2008.
- Gross, Oren, "Extra-Legality and the Ethic of Political Responsibility," dalam Victor Ramraj, ed., *Emergencies and the Limits of Legality*, Cambridge University Press, Cambridge, 2008.
- Hadjon, Philipus M., "Judicial Review of Administrative Actions and Governmental Liability in Indonesia," dalam Yong Zhang, ed., *Comparative Studies on Governmental Liability in East and Southeast Asia*, Kluwer Law International, the Hague, 1999.
- _____, "Analisis atas Putusan Perkara Ir. Akbar Tandjung Ditinjau dari Sudut Pandang Hukum Administrasi Negara," dalam Amir Syamsuddin, et.al., *Putusan Perkara Akbar Tandjung (Analisis Yuridis Para Ahli Hukum)*, Pustaka Sinar Harapan, Jakarta, 2004.
- Lazar, Nomi Claire, "A Topography of Emergency Power," dalam Victor Ramraj, ed., *Emergencies and the Limits of Legality*, Cambridge University Press, Cambridge, 2008.
- Mettraux, Guenaell, "Trial at Nuremberg," dalam William A. Schabas dan Nadia Bernaz, eds., *Routledge Handbook of International Criminal Law*, London-New York, Routledge, 2011.
- O'Sullivan, Maria, "Failure to Exercise Discretion or Perform Duties," dalam Matthew Groves dan H.P. Lee, eds., *Australian Administrative Law: Fundamentals, Principles and Doctrines*, Cambridge University Press, Cambridge, 2007.
- Tamanaha, Brian Z., "A Concise Guide to the Rule of Law," dalam Gianluigi Palombella & Neil Walker, eds., *Relocating the Rule of Law*, Hart Publishing, Oxford-Portland, 2009.
- Weiss, Edith Brown, dalam Karen A. Moir, *Intergenerational Equity and Large-scale Mining in Latin America: The implications of Limited Human Rights Protections for Future Generations*, University of Essex, 2012.
- Zolo, Danilo., "The Rule of Law: A Critical Reappraisal," dalam Pietro Costa dan Danilo Zolo, eds., *The Rule of Law: History, Theory and Criticism*, Springer, Dordrecht, 2007.

Jurnal

- Barnett, Randy E., "Who's Afraid of Unenumerated Rights?," *University of Pennsylvania Journal of Constitutional Law*, Vol. 9, 2006.

- Bedner, Adriaan, "An Elementary Approach to the Rule of Law," *Hague Journal on the Rule of Law*, Vol. 2, 2010.
- Bendor, Ariel L., "On Aristotelian Equality, the Fundamental Right to Equality, and Governmental Discretion," *Review of Constitutional Studies*, Vol. 8, 2003.
- Christie, George C., "An Essay on Discretion," *Duke Law Journal*, 1986.
- Davis, Kenneth Culp, "Ripeness of Governmental Action for Judicial Review: Part One," *Harvard Law Review*, Vol. 68, 1955.
- _____, "Ripeness of Governmental Action for Judicial Review: Part Two," *Harvard Law Review*, Vol. 68, 1955.
- _____, "Informal Administrative Action: Another View," *The American University Law Review*, Vol. 26, 1977.
- Dworkin, Ronald, "The Model of Rules," *The University of Chicago Law Review*, Vol. 35, 1967.
- Fletcher, George P., "Some Unwise Reflections About Discretion," *Law and Contemporary Problems*, Vol. 47, 1984.
- Goldsmith, Jack, dan John F. Manning, "The President's Completion Power," *Yale Law Journal*, Vol. 115, 2006.
- Gosalbo-Bono, Ricardo, "The Significance of the Rule of Law and Its Implications for the European Unions and the United States," *University of Pittsburgh Law Review*, Vol. 72, 2010.
- Grey, J.H., "Discretion in Administrative Law," *Osgoode Hall Law Journal*, Vol. 17, 1979.
- Hart, H.L.A., "Between Utility and Rights," *Columbia Law Review*, Vol. 79, 1979.
- Koch Jr., Charles H., "Judicial Review of Administrative Discretion," *The George Washington Law Review*, Vol. 54, 1986.
- Koh, Harold Hongju, "Setting the World Right," *Yale Law Journal*, Vol. 115, 2006.
- Leawoods, Heather, "Gustav Radbruch: An Extraordinary Legal Philosopher," *Washington University Journal of Law and Policy*, Vol. 2, 2000.
- Main, Thomas O., "Traditional Equity and Contemporary Procedure," *Washington University Law Review*, Vol. 78, 2003.

- Marx, Fritz Morstein, "Comparative Administrative Law: A Note on Review of Discretion," *University of Pennsylvania Law Review*, Vol. 87, 1939.
- Nolan-Haley, Jacqueline, "Merger of Law and Mediation: Lessons from Equity Jurisprudence and Roscoe Pound," *Cardozo Journal of Conflict Resolution*, Vol. 6, 2004.
- Nzelibe, Jide, dan John Yoo, "Rational War and Constitutional Design," *Yale Law Journal*, Vol. 115, 2006.
- Post, Robert C., "The Management of Speech: Discretion and Rights," *The Supreme Court Review*, 1984.
- Pound, Roscoe, "The Decadence of Equity," *Columbia Law Review*, Vol. 5, 1905.
- _____, "Justice according to Law," *Columbia Law Review*, Vol. 13, 1913.
- Prakash, Saikrishna B., "The Executive's Duty to Disregard Unconstitutional Laws," *Georgetown Law Journal*, Vol. 96, 2008.
- Radbruch, Gustav, "Statutory Lawlessness and Supra-Statutory Law," *Oxford Journal of Legal Studies*, Vol. 26, 2006 (diterjemahkan oleh Bonnie Litschewski Paulson dan Stanley L. Paulson).
- _____, "Five Minutes of Legal Philosophy," *Oxford Journal of Legal Studies*, Vol. 26, 2006 (diterjemahkan oleh Bonnie Litschewski Paulson dan Stanley L. Paulson).
- Razi, G.M., "Reflections on Equity in the Civil Law System," *The American University Law Review*, Vol. 13, 1963.
- Reid, Charles J., "The Three Antinomies of Modern Legal Positivism and Their Resolution in Christian Legal Thought," *Regent University Law Review*, Vol. 18, 2005.
- Rubin, Edward L., "Discretion and Its Discontents," *Chicago-Kent Law Review*, Vol. 72, 1997.
- Scalia, Antonin, "The Rule of Law as a Law of Rules," *The University of Chicago Law Review*, Vol. 56, 1989.
- Sunstein, Cass R., "Problem with Rules," *California Law Review*, Vol. 83, 1995.

Lain-lain

- Bahar, Saafroedin dkk., *Risalah Sidang Badan Penyelidik Usaha-Usaha Persiapan Kemerdekaan Indonesia (BPUPKI) dan Panitia Persiapan Kemerdekaan Indonesia (PPKI)*, Sekretariat Negara Republik Indonesia, 1998.

Mortimer, Matthew, *Is Positive Authorisation in Law Necessary for Lawful Public Body Action?*, dissertation, Bachelor of Laws (honours), University of Otago, 2012.

Owen McIntyre, *Utilisation and Environmental Protection of Shared International Freshwater Resources – The Role of Equity*, Faculty of Law University College Cork.
http://www.nuigalway.ie/dern/documents/53_owen_mcintyre.pdf. Diakses pada tanggal 17 Mei 2015.

Scheppele, Kim Lane, “Law in a Time of Emergency: States of Exception and the Temptations of 9/11,” *Public Law and Legal Theory Research Papers Series*, University of Pennsylvania Law School, Research Paper No. 60, 2004.

