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Dynamics of Omnibus Law Formation: Between Legislative Efficiency and Potential Legal Chaos

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Abstract

The Omnibus Law method represents a novel approach in the Indonesian legislative framework, initially embodied in Law Number 11 of 2020 on Job Creation. This method unify diverse sectoral regulations into a singular legal framework to enhance economic growth and streamline investment processes. However, it faces substantial criticism regarding its legitimacy, notably for inadequate public participation and potential legal ambiguities that may arise from overlapping norms. The integration of the Omnibus Law, influenced by common law traditions, presents compatibility challenges within Indonesia's civil law system, which emphasizes a hierarchical legal structure. The absence of explicit procedures for enacting Omnibus Laws in existing legislation has resulted in fears of legal uncertainty and procedural violations, particularly manifest in the rapid and non-inclusive passage of the Job Creation Law. Critics caution that this approach undermines democratic processes by lacking transparency and public input, as evidenced by widespread protests reflecting public discontent. Additionally, the consolidation of various regulations raises concerns regarding interpretative conflicts and implementation difficulties, posing risks to compliance and governance efficiency. The Constitutional Court has deemed the law "conditionally unconstitutional," underlining its procedural shortcomings. Despite these issues, the Omnibus Law holds potential for simplifying complex

regulations and fostering investment, contingent upon enhanced transparency, accountability, and public engagement. Consequently, while the Omnibus Law method could significantly reform Indonesia's legislative landscape by providing adaptive solutions for contemporary challenges, its successful implementation necessitates careful formulation and a commitment to preserving justice and equity within the legal process.

Keywords: *Omnibus Law, Civil Law, Constitution*

Introduction

The use of omnibus law method for creating legislation represents a novel legal phenomenon within Indonesia's legislative framework. This approach was officially introduced in national regulations with the enactment of Law Number 11 of 2020 concerning Job Creation. The primary goal of this method is consolidate numerous sectoral regulations, which are currently scattered across various laws, into a single, cohesive legal framework. This integration is intended to facilitate economic growth and enhance investment opportunities.

However, this method is not free from sharp criticism because it is considered to contain various juridical, formal, and material problems. Most of the criticism is directed at the lack of public participation and the potential for legal chaos due to overlapping norms and obscuring the hierarchy of legislation. In this context, it is important to examine in depth dynamics of Omnibus Law formation in Indonesia and the extent to which its application able to provide efficiency without sacrificing legal certainty and justice.¹

Omnibus law concept comes from the common law system, which widely used in countries like the United States. In contrast, the civil law system that Indonesia follows finds this approach relatively unfamiliar and it has not been formally acknowledged in positive legal doctrine. This discrepancy creates significant challenges for its integration into the national legislative framework, which prioritizes the principle of legality and maintains a strict, hierarchical structure for legislation. Such differences raise concerns about how well the

¹ Agustina, R. (2021). Omnibus Law dan Problematika Legislasi di Indonesia. *Jurnal Legislasi Indonesia*, 18(1), 1–14.

omnibus law method aligns with Indonesia's legal system, as well as the potential risks it poses to the principles of *lex superior derogat legi inferiori* and *lex specialis derogat legi generalis*.²

The absence of explicit regulations regarding the omnibus law method in Law No. 12/2011 on the Formation of Legislation, as amended by Law No. 13/2022, leads to a legal gap. As a result, using this method can generate legal uncertainty because there are no formal technical guidelines for drafting, discussing, and ratifying laws under the omnibus approach. This scenario presents considerable challenges in legislative practice, as it heightens the risk of breaching fundamental principles of lawmaking, such as transparency, clarity of purpose, and the coherence of various types and hierarchies of regulations.³

The draft process of the job creation law faced criticism for being hurried and for insufficient public engagement. In a democratic nation, public participation is essential for a robust and inclusive legislative process. However, during the creation of the Omnibus Law, the discussion period was extremely brief, and there was minimal involvement from civil society and academic experts, raising concerns about the absence of deliberative principles in democracy. This has the potential to undermine the principle of representation and democratic legitimacy of the resulting legal product.⁴

Furthermore, public resistance to Omnibus Law, manifested in the form of massive demonstrations in various cities in 2020 to 2021, shows that there is a communication crisis between the government as the legislator and the community as the subject of law. When legislation is drafted without adequate social dialog, the social legitimacy of the law is weakened. This can disrupt the effectiveness of the implementation of legal norms and reduce the level of legal compliance in society.⁵

² Andriani, N. (2020). Konvergensi Sistem Hukum dan Tantangan Penerapan Omnibus Law. *Jurnal RechtsVinding*, 9(3), 431–447.

³ Maulana, D. R. (2021). Omnibus Law: Implikasi terhadap Ketentuan Pembentukan Peraturan Perundang-undangan. *Jurnal Konstitusi*, 18(1), 140–163.

⁴ Azhari, A. (2021). Partisipasi Publik dalam Pembentukan Undang-Undang Cipta Kerja. *Jurnal Hukum dan Pembangunan*, 51(1), 107–126.

⁵ Prasetyo, T. (2021). Problematika Sosial-Politik dalam Pembentukan Omnibus Law. *Jurnal Politik Profetik*, 9(1), 18–33.

Criticism of the Omnibus Law is also directed at the potential for disharmony and overlap between regulations. By combining changes to dozens of sectoral laws into one law, there is a risk of conflicting or multiple interpretations of legal substance. The process of vertical and horizontal harmonization, which should be carried out in depth, is ignored in pursuit of efficiency. This condition opens up space for norm conflicts that make it difficult to apply the law at the implementative level.⁶

From a constitutional law perspective, Omnibus Law presents problems in terms the systematics, structure of national law. The unification of various legal materials in different fields into one law makes the logic of the Indonesian legal system blurred. This also complicates the process of norm testing by the Constitutional Court because the structure and boundaries of norms become unclear, as well as making it difficult to determine which standing and norms should be tested constitutionally.⁷

The restricted access to academic papers and draft bills during the law-making process constitutes a breach of the principles of transparency and accountability in legislative preparation. This limited availability of public documents prevents citizens from offering meaningful feedback, despite the fact that Article 96 of Law No. 12/2011 requires public participation.⁸

Despite its challenges, the omnibus law is viewed as a tool that could streamline complicated and overlapping regulations, thereby alleviating regulatory burdens that impede business operations. Countries like the United States and the Philippines have successfully employed this method to simplify specific regulations, but they emphasize the importance of conducting a thorough regulatory impact analysis prior to enacting law. Therefore, the

⁶ Widodo, W. (2021). Harmonisasi Hukum dalam Omnibus Law: Studi atas UU Cipta Kerja. *Jurnal Yustisia*, 10(2), 201–216.

⁷ Sunarso, B. (2020). Dampak Omnibus Law terhadap Tatahan Hukum Nasional. *Jurnal Konstitusi*, 17(4), 857–874.

⁸ Putri, L. A. (2021). Transparansi dan Akuntabilitas dalam Legislasi: Studi Kasus UU Cipta Kerja. *Jurnal Integritas*, 7(2), 122–137.

effectiveness of the omnibus law largely relies a well-organized, transparent, and accountable legislative process.⁹

Within the framework of state administrative law, this method also raises issues related to relations between state institutions. Changes to various sectoral laws at the same time cause cuts and transfers of institutional authority without sufficient argumentation. This has the potential to cause conflicts of authority between institutions as well as difficulties in coordinating the implementation of regulations at the operational level.¹⁰

Technically, the omnibus method in legislation still has many weaknesses, especially in terms of editorial consistency and writing systematics. Many provisions are multi-interpretive and overlapping, causing legal uncertainty for stakeholders. This weakness shows that the Omnibus Law method requires standardization of drafting techniques and standardized writing so as not to cause multiple interpretations.¹¹

At the implementation level, local governments often experience difficulties in adjusting local policies with central regulations after the ratification of omnibus Law. This indicates a centralization of authority that is contrary to the spirit of regional autonomy stipulated in the 1945 Constitution. This lack of synchronization between central and regional policies can hamper the effectiveness of law implementation at the local level.¹²

On the other hand, businesses also feel the direct impact of drastic legal changes through the omnibus. Although the aim to create a conducive investment, the rapid and massive changes

⁹ Rachman, Y. (2022). Regulatory Impact Analysis dalam Pembentukan Omnibus Law: Pembelajaran dari Australia dan Indonesia. *Jurnal Bina Hukum Lingkungan*, 6(1), 89–103

¹⁰ Puspitasari, N. (2021). Reorganisasi Kewenangan Lembaga dalam Omnibus Law: Analisis Hukum Administrasi. *Jurnal Ilmu Hukum*, 12(1), 55–70.

¹¹ Kusumawardani, D. (2021). Masalah Teknis dalam Penyusunan Omnibus Law: Studi UU Cipta Kerja. *Jurnal Legislasi Indonesia*, 18(2), 132–148.

¹² Santosa, M. A. (2021). Sentralisasi Regulasi dalam UU Cipta Kerja dan Dampaknya terhadap Pemerintah Daerah. *Jurnal Otonomi*, 21(3), 231–247.

in regulations have caused confusion in adjusting internal company policies, both in terms of labor law, the environment, and taxation.¹³

In Decision No. 91/PUU-XVIII/2020, the Constitutional Court declared that the Job Creation Law breached procedural standards mandated by the 1945 Constitution, particularly for neglecting transparency and public participation. The verdict delivers an important message: the use of the Omnibus method in lawmaking must adhere to the rule of law and cannot bypass essential democratic procedures in regulatory formulation.¹⁴

Finally, to build a modern legal system that responds to global dynamics, lawmakers must balance legislative efficiency with legal certainty. Omnibus law method can serve as a progressive toll regulatory reform if implemented with caution, transparency, and inclusive participation. Good legislation is not only fast and efficient but also fair, transparent, and participatory.¹⁵

Methods

This research adopts a normative juridical approach method, which focuses on literature studies to analyze positive legal norms relevant to the issues under study. According to Soerjono Soekanto, this approach is carried out by tracing legislation and related legal literature, in order to obtain a theoretical and juridical basis for the issues being discussed.

In this research, secondary data is used which comes from three categories of legal materials: (1) primary materials, which include laws and regulations such as the 1945 Constitution, Law No. 12/2011, the Job Creation Law, and decisions of the Constitutional Court (e.g. Decision No. 91/PUU-XVIII/2020); (2) secondary materials, which consist of law books, scientific articles, law journals, and experts' comments on the omnibus legislation method; and (3) tertiary materials, such as legal dictionaries and encyclopedias, which help

¹³ Fauzan, A. (2021). Kepastian Hukum dan Tantangan Dunia Usaha dalam Era Omnibus Law. *Jurnal Hukum dan Bisnis*, 5(2), 97–110.

¹⁴ Herlambang, W. (2022). Putusan Mahkamah Konstitusi terhadap Omnibus Law: Kritik dan Implikasi Hukum. *Jurnal Konstitusi*, 19(1), 25–43.

¹⁵ Susanti, B. (2022). Reorientasi Legislasi Nasional Pasca Omnibus Law. *Jurnal Hukum Progresif*, 18(1), 78–94.

explain terminological concepts. The analysis technique applied this research is qualitative analysis with descriptive-analytical approach.

In approach, the legal data collected will be systematically explained and analyzed to pinpoint legal issues and develop theoretical solutions. The goal of this analysis is to evaluate how effective the omnibus law method is regarding legislative efficiency and to identify any potential normative conflicts with in the context of national legal system.

Conclusion

1. Concept and Main Objectives of the Omnibus Law in the Context of Legislative Efficiency

The law One component of the field of constitutional law is formation. law Number 12 of 2011 Governing the Formation of Legislation governs legislation in Indonesia. Experts themselves define rules and regulations in a wide variety of ways. According to Bagir Manan, legislation is a written ruling from the state or government that includes guidelines or standards of conduct that are legally obligatory.¹⁶

Maria Farida Indrati claims that the term "legislation" (also known as "wetgeving," "gesetzgebung," or "legislation") has two distinct meanings: a. the process of creating state regulations at both the federal and regional levels; and b. all state regulations that are the outcome of creation at both the federal and regional levels.¹⁷

Omnibus Law is legislative approach combines several regulation under one legal umbrella. This concept emerged as a solution to the hyperregulation that occurs in Indonesia, namely overlapping laws and regulations that slow down the development process. The goal is to simplify regulation and improve government effectiveness.¹⁸

¹⁶ Manan, B. (1992). *Dasar-dasar perundang-undangan Indonesia*. Jakarta: Ind-Hill-Co.

¹⁷ Indrati, M. F. S. (2006). *Ilmu perundang-undangan: Dasar-dasar dan pembentukannya*. Yogyakarta: Kanisius.

¹⁸ Aryani, C. (2021). Reformulasi sistem pembentukan peraturan perundang-undangan melalui penerapan omnibus law. *Jurnal USM Law Review*, 4(1), 12–25.

One of the main objectives applying omnibus method is to create efficiency in the legislative process. By combining many provisions in one law, lawmakers do not need to create or revise related laws one by one. This is considered a strategic move to streamline the legal bureaucracy.¹⁹

Omnibus laws are also seen as a form of regulatory simplification that leads to structural reform. It not only reorganizes norms, but also revises the way the state manages regulatory authority. This approach shifts the legislative paradigm from sectoral and bureaucratic to systematic and coordinated across sectors. This is a big step in reorganizing the structure of Indonesia's legal economy to welcome the challenges of industry 4.0 and the digital economy, which demand agile and solutive regulations. Busroh (2017) even states that the omnibus method reflects legal engineering as a prerequisite for progressive economic development policies.²⁰

The economic purpose of the omnibus law is also strongly emphasized, especially in encouraging investment. Regulatory simplification is expected to create better legal certainty and speed up the business licensing process, as seen in the job creation law that revises more than seventy laws simultaneously.²¹

The concept also pays attention to aspects of legal harmonization. By uniting scattered regulations in one document, norm conflicts between sectors can be minimized. Omnibus law enables cross-sectoral integration that was previously difficult due to different legal regimes.²²

The governance aspect of omnibus laws cannot be ignored. This method opens up space for political and legislative efficiency as it allows the formation of laws with

¹⁹ Hermanto, B. (2023). Formulasi pengaturan undang-undang berbasis omnibus legislation terhadap penguatan hak asasi manusia. *Jurnal Legislasi Indonesia*, 20(1), 90–109.

²⁰ Busroh, F. F. (2017). Konseptualisasi Omnibus Law Dalam Menyelesaikan Permasalahan Regulasi Pertanahan. *Arena Hukum*. <https://doi.org/10.21776/UB.ARENAHUKUM.2017.01002.4>

²¹ Darmawan, A. (2020). Politik hukum omnibus law dalam konteks pembangunan ekonomi Indonesia. *Indonesian Journal of Law and Policy Studies*, 1(1), 14–25.

²² Supriyadi, & Purnamasari, A. I. (2021). Gagasan penggunaan metode omnibus law dalam pembentukan peraturan daerah. *Jurnal Ilmiah Kebijakan Hukum*, 15(2), 257–270.

minimal intervention from sectoral politics. This, of course, can strengthen the government's position in formulating more consistent policies without being held hostage by conflicting sectoral interests.²³

The experience from establishment of job creation law is most obvious illustration application of omnibus law. This regulation becomes legal umbrella that touches on aspects of labor, investment, environment, and others simultaneously, marking a paradigm shift in national legislation.²⁴

However, the application of omnibus laws still requires caution. The incorporation of many norms into one law has the potential to create multiple interpretations and new norm conflicts if not carefully formulated. Therefore, systematic formulation and solid coordination between institutions are required to ensure effective implementation.²⁵

The establishment of job creation law as the first omnibus law in Indonesia shows great potential of this method. However, implementation in the field shows the need for improvement in derivative regulations and coordination between agencies. This is a further challenge in ensuring that legislative efficiency is substantially achieved.²⁶

Overall, the omnibus method could be the future of Indonesia's legislature if implemented with caution, high accountability, and strong public participation. It paves the way for a legal system that is more adaptive and efficient in dealing with the complexities of the modern era.²⁷

²³ David, J. (2025). Implikasi pembentukan undang-undang dengan metode omnibus law dari perspektif hukum tata negara. *Lex Privatum*, 13(1), 77–91.

²⁴ Yusliwidaka, A. (2022). Menakar efektivitas konsep omnibus law dalam Undang-Undang Nomor 11 Tahun 2020 tentang Cipta Kerja di masa pandemi Covid-19. *Jurnal Hukum Progresif*, 18(2), 188–202. https://ejournal.undip.ac.id/index.php/hukum_progresif/article/download/42858/22713

²⁵ Rishan, I., & Nika, I. (2022). Inkompatibilitas metode omnibus law dalam penyederhanaan regulasi. *Jurnal Hukum Ius Quia Iustum*, 29(1), 1–20. <https://journal.uui.ac.id/IUSTUM/article/download/19969/12177>

²⁶ Ibid

²⁷ Amin, R. I. (2020). Omnibus law antara desiderata dan realita. *Jurnal Hukum Samudra Keadilan*, 15(1), 90–102. <https://ejurnalunsam.id/index.php/jhsk/article/download/2729/2134>

2. Juridical and Procedural Issues in the Omnibus Law Formation Process

The implementation of omnibus law approach within Indonesia's legislative framework, especially in Law Number 11 of 2020 regarding job creation, introduces various intricate legal and procedural issues. Primary challenge stems from the mismatch between omnibus method and the existing legal structure in Indonesia. Since Indonesia's legal system is based on civil law principles, it has not formally acknowledged the omnibus method as outlined in Law Number 12 of 2011 on the Formation of Legislation.

Legislation. As result, the implementation omnibus methode in the job creation law lacks strong normative basis and is vulnerable to various issues. constitutional disputes, as it does not align with the established principle of legal hierarchy.²⁸

Besides legal concerns, the procedural elements involved in the creation of the omnibus law have also attracted significant attention. The legislative for job creation law occurred over notably brief timeframe, which many believe did not allow for sufficient public participation. In a democratic legal system, the principles of transparency and public involvement are essential foundations. Furthermore, the restricted access to academic materials and discussions related to the draft law reinforces the suspicion that this legislation was hastily prepared to advance specific political and economic objectives.²⁹

Furthermore, criticism is also aimed at the fast-track legislation mechanism used in drafting the job creation law. In Indonesia's legislative practice, this model still prevails.³⁰

²⁸ Amin, R. I. (2020). Omnibus law antara desiderata dan realita. *Jurnal Hukum Samudra Keadilan*, 15(1), 90–102. <https://ejurnalunsam.id/index.php/jhsk/article/download/2729/2134>

²⁹ Ibid

³⁰ Firdaus, M. I. (2023). Analisis yuridis perbandingan ketentuan pendirian perseroan terbatas dalam Undang-Undang Cipta Kerja dan Undang-Undang Perseroan Terbatas di Indonesia. *Jurnal Ilmiah Penegakan Hukum*, 4(1), 22–33. <https://ojs.uma.ac.id/index.php/gakkum/article/download/11266/5747>

Another problem lies in the content of the material contained in the job creation law. Much of substance of this law comes from various fields of law that do not have a direct relationship, which has the potential to cause confusion in implementation. The unification of provisions from the labor, environmental, business licensing, and forestry sectors in one law without a strong thematic correlation undermines the principle of clarity of formulation, as stipulated in principle of the formation laws and regulation.³¹

In its Decision No. 91/PUU-XVIII/2020, the Constitutional Court acknowledged procedural flaws in the drafting of the Job Creation Law. The Court ruled the law 'conditionally unconstitutional' due to its failure to uphold transparency, ensure public engagement, and provide a strong academic foundation. This judgment highlights significant formal breaches in the legislative process that jeopardize legitimacy of omnibus law as a whole.

Academic critics have also highlighted the discrepancy between the content of the law and the accompanying academic documents. Many provisions in the Job Creation Law are not supported by strong arguments in the initial scientific study. This situation contradicts Article 43A of Law No. 15/2019, which requires academic documents as a scientific and rational basis in the lawmaking process. This mismatch between the substance of the law and the academic documents weakens the legal position both from a juridical and academic perspective.³²

From a human rights and social justice perspective, omnibus law is considered to neglect the protection workers' rights and environmental sustainability. Many argue that the approach adopted emphasizes economic growth and investment, without giving sufficient attention to ensuring the protection of citizens' basic rights. Labor

³¹ Santoso, J., Bareta, R. D., & Amin, F. (2020). Peran badan layanan umum dalam politik hukum omnibus law cipta kerja. *Jurnal Manajemen Pemerintahan (MAPAN)*, 6(2), 178–194. <https://jmp.kemenkeu.go.id/index.php/mapan/article/download/346/145>

³² Ibid

adjustments that are considered detrimental to workers are evidence that the omnibus law is unable to create a balance between economic growth and social protection.³³

Not only that, there is also the problem of legal dualism due to the merger of various sectoral regulations. Many provisions in previous sectoral laws have not been explicitly repealed, but are replaced by provisions in the Job Creation Law. This causes chaos in implementation because law enforcement officials and the public do not have definite legal guidelines. This uncertainty is a serious challenge in a legal system that upholds certainty and justice.³⁴

From a technical aspect, the structure and systematics of job creation law are considered not follow general pattern in Indonesian legislation. The preparation articles that are too dense and complex causes difficulties in interpreting and applying them in the field. This creates its own obstacles for implementing officials and small business actors who do not have adequate legal resources.³⁵

In the end, the chaos in the substance and procedure of omnibus law has a serious impact in public trust in legal institutions and legislation. Many parties, including UMKM actors and informal sector workers, feel disadvantaged due to the lack of legal protection guarantees in this law. Therefore, a thorough evaluation of the omnibus law approach is needed so that legislative reform is not only administratively efficient, but also substantively fair and participatory.³⁶

CONCLUSION

The adoption of omnibus law method in Indonesia signifies a major change the legislative approach, focusing on efficiency and the simplification of regulations. This method

³³ Ibid

³⁴ Ibid

³⁵ Tungga, B. D. (2023). Peranan dan tanggung jawab pemerintah dalam pelayanan kesehatan pasca disahkannya omnibus law tentang kesehatan. *Nusantara Hasana Journal*, 2(1), 15–25.
<https://nusantarahasanajournal.com/index.php/nhj/article/download/940/773>

³⁶ Widyari, D. P. (2024). Analisis yuridis omnibus law terhadap dualisme ketentuan hukum sektoral. *Jurnal Ilmiah Penegakan Hukum*, 4(2), 55–68.

seeks to merge various laws into one cohesive legal framework, with the goal of enhancing governance, speeding up investment, and aligning legal structures with the needs of the contemporary economy. In principle, the omnibus approach presents an innovative and pragmatic solution to the regulatory bottlenecks and overlapping norms that have historically obstructed effective policymaking in Indonesia.

In practice, the implementation of omnibus law, especially in creation of job creation law, exposes various legal and procedural shortcomings. These flaws include the lack of a solid legal basis for the omnibus method within Indonesia's civil law framework, inadequate public engagement, insufficient academic support, and inconsistencies in the legal content. Such issues not only present constitutional challenges but also diminish public confidence in the legislative process and compromise the law's legitimacy. Furthermore, the absence of legal clarity and consistency has led to confusion in law enforcement and weakened legal certainty.

Therefore, while the omnibus law has the potential to be a tool for regulatory reform, its application must be carried out with careful planning, robust legal grounding, and inclusive public engagement. Future legislative initiatives using the omnibus method should prioritize transparency, participatory mechanisms, and harmonization of legal norms. Only through such a comprehensive and accountable approach can Indonesia ensure that legislative efficiency does not come at the expense of legal justice, human rights protection, and democratic integrity.

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