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THE 1ST PROCEEDING INTERNATIONAL CONFERENCE AND CALL PAPER

Omnibus Law Opportunities And Challenges Towards
Entrepreneurs And Labor : Comparative Review

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*" Omnibus Law Opportunities And Challenges Towards
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*" Omnibus Law Opportunities And Challenges Towards Entrepreneurs And Labor
: Comparative Review"*

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OMNIBUS LAW AS SIMPLIFICATION OF LEGISLATION IN INDONESIA

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ABSTRACT

At present, the application of the Omnibus Law or “Omnibus Law” has become the political will of the President because it has been officially presented before the Plenary Session of the MPR-RI at the inauguration ceremony of President Joko Widodo on October 20, 2019 ago. However, the omnibus law policy is only for 2 bills, namely the bills related to Job Creation and bills related to Empowerment of Micro, Small and Medium Enterprises. However, the mention of the two Laws in the President’s official speech can be considered only as an example or as a “pilot project”. The problem in this paper is how is the omnibus law in the process of simplifying legislation in Indonesia? To overcome the tendency towards less productive national legislation, several changes in national legislation and policies are needed. First, the legislative mechanism can be made simpler, including the format of the law can be arranged to be simpler. Second, each law has an equal position with other laws. Therefore, to ensure that there is integration in every agenda for the formation of laws, the practice of ‘omnibus law’ as a custom formed in the ‘common law’ system since 1937 can be applied in Indonesia, even though Indonesia adheres to the tradition of ‘civil law’ system.

Keywords : *omnibus law, simplification, legislation*

INTRODUCTION

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia explicitly states that, “The State of Indonesia is a state of law.” As a consequence of the mandate of the constitution, Indonesia wants to adhere to the concept of the rule of law in carrying out all aspects of state life.

Before we enter and conclude if Indonesia is a state of law, according to Yudi Latif, we must first distinguish between *recht* and *wet*. In Dutch *rechts* means law while *wet* is the law, and the term *recht* always refers to the law on which it adheres to a *grundnorm* or state fundamental norm.

The key word for *rechtsstaat* is the existence of a basic norm that underlies the creation of laws in the territory of the Unitary Republic of Indonesia, and of course we know the basic norm together is Pancasila. This was also reinforced by Soepomo's¹ statement which said that "by understanding the integral nature of law, where the state as the organizer of the justice of the whole people, ..., then we will be able to implement a unified and fair Indonesian State, as already contained in the Panca Dharma²". Then, Soepomo continued, "then the state can only be fair, if it carries out a sense of justice for the people and leads the people to noble ideals, according to the flow of the times"³.

After the reformation, the legislative process which can be said to be very productive was only in the reign of the Reform Cabinet led by President B.J. Habibie. In just 18 months, as many as 67 new laws were issued, minus 1 Law that had been passed by the Parliament but was not approved by the President because of the consideration of the many objections raised by community groups at that time, namely the Law on Dangerous Conditions. The rest, until now, the trend that occurs is that the number of production of laws that have succeeded in getting approval in the DPR and approved by the President as it should continue to decline. In fact, the DPR-RI period 2014-2019 - in 5 years - only succeeded in passing 84 Laws that are far below the achievements of the DPR-RI Period 2009-2014 which succeeded in passing 125 Laws in 5 years.

The productivity of legislation during the last two periods, compared with the achievements of the DPR-RI in the crisis period, under the B.J government. Habibie is considered to be very much decreased. If during the administration of the reform cabinet, the legislative productivity could be said to be 3.7 Laws per month, then the productivity of the DPR-RI period 2009-2014 only recorded 2.1 Laws every month. Even less is the DPR-RI 2014-2019 period, which is 1.4 Laws per month. Some even say that the DPR-RI 2014-2019 period was recorded as the worst period in history, at least after the reform period. The phenomenon of decreasing legislation productivity must be understood thoroughly, not by finding a scapegoat on the issue of the quality of the leadership or the quality of members of the DPR and the party system during these periods. The factors causing the decline in productivity are complex and complex, not singular. First, since the reformation, there has been a shift of legislative power from the hands of the President to the DPR, so that the technical drafting process of each Act is idealized to be completed by the DPR-RI as a political institution from drafting to ratification of material (joint agreement between the DPR and the Government), not prepared by technical institutions of the executive government which have more control over data and information, expert staff and supporting funds, and better understand when a law is needed to become an official policy in the administration of state power.

As for the phenomenon regarding the laws and regulations that are now surfacing and drawing debate, when the government submits the Draft Bill on the Employment Copyright to the House of Representatives⁴. The debate over this arose not without reason, because the Draft Bill on Employment Copyright was formed by the government through the Omnibus Law. Not only that, even of the 50 Draft Laws included in the 2020 National Legislation Program (Prolegnas), four of them are omnibus law consisting of a Bill on the National Capital, a Bill on Pharmaceuticals, a Bill on Employment Creation, and a Bill on Provisions and Tax Facilities for Strengthening the Economy⁵.

1 Penyusun batang tubuh Undang-Undang Dasar 1945 lulus cumlaude di Universitas Leiden, Belanda.

2 Yudi Latif. *Negara Paripurna*. (Jakarta : Kompas Gramedia, 2011) p.530. Yang dimaksud Panca Darma oleh Soepomo adalah lima pedoman hidup *Chuo Sangi In*.

3 *ibid* p. 530

4 CNBC Indonesia, <https://www.cnbcindonesia.com/news/20200212114420-4-137233/hari-ini-draft-omnibus-law-cilaka-diserahkan-ke-dpr>,

5 CNN Indonesia, <https://www.cnnindonesia.com/nasional/20200122164312-32-467714/4-ruu-omnibus-law-dikebut-dpr>

At present, the application of the Omnibus Law or “Omnibus Law” has become the political will of the President because it has been officially presented before the Plenary Session of the MPR-RI at the inauguration ceremony of President Joko Widodo on October 20, 2019 ago. However, the omnibus law policy is only for 2 bills, namely the bills related to Job Creation and bills related to Empowerment of Micro, Small and Medium Enterprises. However, the mention of the two Laws in the President’s official speech can be considered only as an example or as a “pilot project”.

The Problem

How is the omnibus law in the process of simplifying legislation in Indonesia?

Methods of Research

The method of approach in this study uses the type of normative juridical research. Normative juridical research is research focused on examining the application of rules or norms in positive law. This type of research is a type of qualitative descriptive study, because in this study describes the situation that occurs at present in a systematic and factual manner with the aim to explain and the solution of the problem under study is the omnibus law in the process of simplifying legislation in Indonesia.

Primary data obtained by researchers refers to data or facts and legal cases obtained directly through literature studies relating to research objects and practices that can be seen and related to research objects. The data analysis method used is normative qualitative, namely the decomposition of data analysis which starts with the information obtained to achieve clarity of the problem to be discussed.

Research Result and Discussion

To overcome the tendency towards less productive national legislation, several changes in national legislation and policies are needed. First, the legislative mechanism can be made simpler, including the format of the law can be arranged to be simpler. For example, if 1-2 articles are needed to enact a new policy, the Act that is formed is sufficient to consist of only a few articles that do not need to be compiled in a comprehensive systematic, ranging from A to Z as is customary so far. In fact, the provisions needed to accommodate ideas that need to be formulated as new policies are sufficiently stated in just a few sentences. With this simpler format, it can be guaranteed that future productivity of the law will be further increased in accordance with legal requirements in government and development practices⁶.

However, the negative impact of such simplification will result in the number of laws that are not integrated and integrated, so that increasingly requires a comprehensive integration in 1 manuscript of the law. For example, the Criminal Law Book, the Law Code for Judicial Procedures, the Business Law Code, the Family Law Book, the Election Law and the Election of Public Officials, and so forth. This is called codification. This can even be done not only with regard to the law, but also with various implementing regulations and regulations at the central level, so that for a legal field it can be recorded in one integrated text. However, if such a codification is carried out in the DPR’s political forum, it will certainly hamper the rate of productivity of legislation. Therefore, I propose that the codification is sufficient to be carried out by the Government while being monitored formally and materially by the DPR as it should.

In fact, related to the administrative codification, I also propose that the text of the Explanation of the Law be returned as an administrative task only from the Government as in the days of the Dutch East Indies, not and not discussed and stipulated in the DPR’s official forum as an inseparable part of the draft text invite. The Explanatory Text of the Law is needed for socialization materials that can be explored in more detail

6 Jimly Asshiddiqie. 2019. *Penyederhanaan Legislasi dan Kodifikasi Administratif*. Jakarta: Materi Makalah Omnibus Law.

from the minutes of the proceedings and discussion meetings of the Draft Law concerned in the DPR-RI. To implement this idea, a change to the Act concerning the Formation of Laws and Regulations is needed now.

Codification of plus or minus new policies regarding the Explanation status of the Act will ensure the formation of clarity, integration and coverage among the legal texts that can facilitate the implementation of various laws separated by the implementing apparatus, facilitate legal education activities and correctional efforts in the midst of society, as well as facilitating justice seekers in practice, codification efforts can be taken as an inseparable part of the process of forming, enacting and promulgating (disseminating) the Act. However, during this time, the codification effort has always been understood as an inseparable part of the legislation task in the political forum in the DPR-RI. In the future it is proposed that the codification process be carried out by the government alone under the supervision of the DPR to ensure that no new norms are made in the explanation of the Act and in the codification draft prepared by the government. The codification so far can be said to be a legislative codification, which I propose amending it to be simpler into administrative codification by the government while remaining under the supervision of the DPR.

Second, each law has an equal position with other laws. Therefore, to ensure that there is integration in every agenda for the formation of laws, the practice of ‘omnibus law’ as a custom formed in the ‘common law’ system since 1937 can be applied in Indonesia, even though Indonesia adheres to the tradition of ‘civil law’ system. The Omnibus Law is nothing but a format for the formation of a comprehensive law by regulating the material of other laws which are interrelated with the substance governed by the amended or formed Act. With the format of the Omnibus Act, the formation of 1 Law is carried out by considering all material provisions that are directly or indirectly interrelated that are regulated in various other laws at once. Thus, the material of a law need not only be fixed and limited to matters directly related to the title of the relevant law as practiced in Indonesia so far, but can also reach the material contained in various other laws that are implemented in the field is directly or indirectly related to one another.

For example, the Law on Shipping in Canada which adheres to the ‘common law’ tradition of British influence and at the same time the ‘civil law’ tradition of French influence, was revised or amended in 1937 by changing various legal provisions not related to shipping legal material. One of the warm national problems faced by the Canadian Government at that time was the marital and divorce issues of seamen who caused many legal complications in the application of the Law on Shipping in the field. Therefore, within the framework of the amendment to the Law on Shipping, various law materials were also changed, but in the field there were interrelated relationships, namely the Law on Marriage, the Law on Divorce, and even the Law on Marriage agreements and laws related to other family matters. Amendments to the Law on Shipping that cover a range of other legal material that extends beyond the substance of the law on shipping initially caused widespread controversy in Canada, but eventually it was accepted and later came to be known as ‘omnibus law’, namely the law laws that cover a lot of material or all other related legal materials, both directly and indirectly. This kind of practice is certainly not uncommon in the ‘civil law’ tradition but is forever seen as good and continues to be practiced today as the “Omnibus Law” or the Omnibus Law.

Compare, for example, with the custom that is commonly applied in the formation of laws in Indonesia so far, so that there are laws that have been revised 4 times with increasingly longer titles, such as “Law No. X concerning the Fourth Amendment to the Law on State Administrative Courts as amended by Law No. Y, and amended again by Law No. Z, and was last amended by Law No. PQR concerning State Administrative Court “. Even though such law in its implementation in the field still faces problems overlapping with various other laws, which are unimaginable to be overcome through various agenda changes to the law that has been repeated many times. With the idea of the Omnibus Law, all of that can be expected to be completed every time a law is drafted, discussed, and enacted in the DPR-RI.

Thankfully now, the application of the Omnibus Law or “Omnibus Law” has become the political will of the President because it was officially presented before the MPR-RI Plenary Session at the inauguration ceremony of President Joko Widodo on October 20, 2019 ago. I am happy, the idea that I have been promoting since I became the Chair of the Constitutional Court (2003-2008), is now officially accepted by the public, even spoken in the President’s official speech. We are grateful, that has become the President’s resolve even though what is explicitly stated is only for 2 bills, namely the Draft Bill relating to Job Creation and the Draft Bill concerning Empowerment of Micro, Small and Medium Enterprises. However, the mention of the two Laws in the President’s official speech can be considered only as an example or as a “pilot project”. Both were initiated, among others, in the context of increasing the ease of doing business in Indonesia, which has been discussed several times at the Coordinating Ministry for the Economy from period to period.

Even in 2018, the Center for Legal Analysis and Evaluation of the Ministry of Law and Human Rights BPHN has also reported the results of its analysis of 271 laws and regulations in the context of ease of business or “Ease of Doing Business” (EODB) in Indonesia. The motive of treating the law as a means to support national economic development activities is certainly not wrong, but it should only be seen as one of the goals, among the more noble goals, namely to organize and reform the Indonesian legal system as a whole in accordance with the demands developmental needs of the times. Therefore, the application of the Omnibus Law idea should not only be limited to licensing issues and ease of doing business, but must also be understood as a comprehensive and integrated effort in the framework of structuring the Indonesian legal system and legislation based on the Pancasila and the 1945 Constitution, because basically, all laws and other legal products always have a material connection between one and another that - inevitably - causes non-integration which makes it difficult to implement and implement in the field.

There are so many examples that can be described regarding the interrelated relations between 1 Law and the other Law in the framework of structuring an integrated national legal system. For example, the Law on Elections, Law on Election Organizers, Law on Elections, Law on Election which has now been integrated into Law on Organizing Elections, still has direct or indirect links with many other laws, such as Law on Political Parties, Law on Court The Constitution, the Law on State Administrative Courts, and even the Law on Civil Society Organizations, and the Law on Regional Government. For example, the Law on the Governing of Aceh regulates matters that are not the same as the regional administrations of other provinces which are regulated according to the Law on Regional Government. It also regulates regional head elections held by the Independent Election Commission (KIP). The term used is not general election but independent election. Therefore in its implementation, KIP (Independent Election Commission) was formed as the organizer and Panwaslih (Election Supervisory Committee) as supervisor. The term used is not the KPU and Bawaslu with the number of members stipulated in the Law on Election Organizer. However, in the field, between the KPU and KIP, and between Bawaslu and Panwaslih, technical problems arose which made it difficult, because there was no integration of normative material on the Election Law and the Law on the Government of Aceh.

As well as some related matters, for example, with the status of Political Parties as election participants who are subject to legal disputes concerning election results in the Constitutional Court but also are subject to dispute case law concerning the electoral process in Bawaslu and the State Administrative High Court as appellate courts. In addition, political parties are also subject to the dissolution of political parties in the Constitutional Court which is also related to social organizations (CSOs). Can be questioned whether a political party if it is dissolved, also includes the necessity of the dissolution of all organizations that become ‘underbouw ‘ or not. Or vice versa if an organization has the status of a mass organization, but the purpose and program of its activities are purely in the political field as a political party, such as the Hizb

ut-Tahrir Indonesia (HTI) organization. Whether such an organization should not be understood and treated as a political party only, and is also regulated in a unity of the Act with a law governing political parties, because the material is interrelated with one another.

All of this can be regulated in an integrated manner with the “Omnibus Law” approach, so that harmonization can be carried out effectively in a single law that is comprehensive and covers, at least in contexts that are interrelated to one another to facilitate its application in the field. In line and even at the same time, all existing laws that are interrelated can also be administratively codified into a unified Book of the Election Law.

Conclusion

Omnibus law is a product of the Act that can revoke or amend several existing laws that can be scattered in several regulations, then streamlined in one Act to better target the solution to a conflict between government administrators and regulations legislation with specific objectives to improve the investment climate and as a guarantee of legal certainty and legal protection for policy makers. In the hierarchy / sequence of laws and regulations in Indonesia, the concept of Omnibus Law has not been included as a principle in legal sources, but harmonization of laws and regulations in Indonesia is continuously carried out to minimize conflicts of laws and regulations. To overcome the tendency towards less productive national legislation, several changes in national legislation and policies are needed. First, the legislative mechanism can be made simpler, including the format of the law can be arranged to be simpler. Second, each law has an equal position with other laws. Therefore, to ensure that there is integration in every agenda for the formation of laws, the practice of ‘omnibus law’ as a custom formed in the ‘common law’ system since 1937 can be applied in Indonesia, even though Indonesia adheres to the tradition of ‘civil law’ system.

References

1. Jimly Asshiddiqie. 2019. *Penyederhanaan Legislasi dan Kodifikasi Administratif*. Jakarta: Materi Makalah Omnibus Law.
2. Yudi Latif. 2011. *Negara Paripurna*. Jakarta: Kompas Gramedia.
3. CNBC Indonesia, <https://www.cnbcindonesia.com/news/20200212114420-4-137233/hari-ini-draft-omnibus-law-cilaka-diserahkan-ke-dpr>
4. CNN Indonesia, <https://www.cnnindonesia.com/nasional/20200122164312-32-467714/4-ruu-omnibus-law-dikebut-dpr>
5. <https://www.hukumonline.com/berita/baca/lt58a6fc84b8ec3/menimbang-konsep-omnibus-law-bila-diterapkan-di-indonesia/>