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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 AND THE NEED OF INDONESIAN ECONOMIC INVESTMENTS VIEWED FROM ISLAMIC LAW VIEWS RELATED TO ECONOMY

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ABSTRACT

Omnibus Law can be interpreted as a Law (Law) created to target a major issue that might be able to revoke or change several Laws at once so that it becomes simpler. From the government side, they claim there are at least three benefits from implementing Omnibus Law. First, it eliminates overlaps between laws and regulations; Second, the efficiency of the process of change / revocation of laws and regulations. Third, it eliminates sectional egos contained in various laws and regulations. The problem in writing this paper is how can the omnibus law policy answer the investment needs of Indonesia's economy from the perspective of Islamic law related to the economy? Omnibus Law Plans in Indonesia include Omnibus Law Employment Copyright and Tax Omnibus Law. In fact, the Government and Kadin (trade and industry organizations) have formed the Omnibus Law Task Force in an effort to increase investment opportunities from both foreign and domestic investors for the advancement of the Indonesian economy. If you look at the formulation of Islamic economics above, then it can be concluded that Islamic economics involves the management of Islamic economic resources both in individual and institutional dimensions to achieve the benefit of human life in the world and the hereafter. Therefore, the existence of the omnibus law should be to achieve the benefit of human life in the world and the hereafter.

Keywords : *omnibus law, investment, Islamic law*

INTRODUCTION

Since the end of 2019 yesterday, discussions about Omnibus Law began to surface and are still a hot topic of conversation in many places. As it should be, as intellectuals hard-nosed at various government policies those are considered not in favor of the general public, including this Omnibus Law. How about a brief explanation of the Omnibus Law that is being used as talk material for students?

Referring to the general understanding, Omnibus Law can be interpreted as a Law (Law) created to target a major issue that might revoke or amend several Laws at once so that it becomes simpler.

From the government side, they claim there are at least three benefits from implementing Omnibus Law. First, it eliminates overlaps between laws and regulations; Second, the efficiency of the process of change / revocation of laws and regulations. Third, it eliminates sectional egos contained in various laws and regulations. The substance of the Employment Copyright Omnibus has been discussed intensively with 31 relevant Ministries / Institutions, and includes 11 clusters, namely: 1) Simplification of Licensing, 2) Investment Requirements, 3) Employment, 4) Ease, Empowerment and Protection of MSMEs, 5) Ease of Doing Business, 6) Research and Innovation Support, 7) Government Administration, 8) Imposition of Sanctions, 9) Land Procurement, 10) Government Investment and Projects, and 11) Economic Zones. Therefore, the President hopes that the DPR can support the government in realizing this plan. "Now, please support this, don't be too long, and don't complicate things. Because, this is once again to create employment," said the President¹⁴¹.

Seeing that Indonesia's average economic growth in the last 5 years is 5% and 1% of economic growth is only able to absorb as many as 400 thousand workers, the government hopes through the Employment Copyright Bill is economic growth of 6% per year to absorb 7 million unemployed and absorb 2 million new workforce. Investment as a way to open more jobs becomes the government's way to achieve the target of 6% economic growth per year. Therefore a new investment of 4.800 trillion is needed because every 1% of economic growth requires 800 trillion. If investment is one of the paths chosen by the government, the government needs to pay attention to how the investment absorbs labor in Indonesia. The long-term goal of the Cilaka (create employment) Bill is that Indonesia can become a developed country by 2045. Not only that, the Indonesian government also expects Indonesia's GDP to reach 7 trillion US dollars so that Indonesia enters into the top 5 countries The world economy with poverty is near zero percent.

The Problem

From the background description above, the formulation of the problem that the author wants to examine is how can the omnibus law policy answer the needs of Indonesia's economic investment based on the perspective of Islamic law related to the economy?

Methods of Research

The method of approach in this study uses the type of normative juridical research. Normative juridical research is research focused on studying the application of rules or norms in positive law. This type of research is a type of qualitative descriptive research, 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 namely the omnibus law can answer the investment needs of Indonesia's economy based on the perspective of Islamic law related to the economy.

Primary data obtained by researchers refers to data or facts and legal cases obtained directly through library 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

Omnibus law is a statutory regulation that is made to refer to one major issue that may be able to revoke or change several laws into one law that is simpler and more complete to avoid overlapping regulations. This is done to amend several laws into one new law. Literally, Omnibus law is the law for all.

141. www.setkab.go.id

Languages are derived from Latin, which is *omnis* which means ‘for all’ or ‘many’

Jokowi’s prediction, the law allegedly makes investment unattractive. Regulation is overlapping, A complicated bureaucracy. When taking care of licensing snaking. Regulatory obesity has a serious impact: First, weak investment competitiveness (Ease of Doing Business / EoDB) and private sector growth. For example, in the area of EODB business ease released by the World Bank, Indonesia ranked 73 out of 190 countries.

In this 2019 report, Indonesia’s position was down one rank compared to the previous year even though the index achieved by the government rose 1.42 to 67.96. Of the 10 indicators assessed by the World Bank in the period June 2017 to May 2018, Indonesia recorded a decline in four areas. These are dealing with construction permits, protecting minority investors, trading across borders, enforcing contracts; Second, opening up opportunities for corruption. According to the KPK, licensing corruption is still an easy area for regional government corruption. Of the 105 regional heads whose cases are being handled by the KPK, 60 of them are involved in bribery cases, while the rest are related to cases that harm state finances, gratuities, and extortion. Licensing issues are considered often a stumbling block for regional heads that are finally trapped in corruption cases¹⁴².

In various countries, especially common law, it is common to use omnibus law such as the United States, Canada, the Philippines and Australia. Indonesia is relatively new to this. Although in limited cases such as Law Number 7 of 2017 concerning Elections repeal three laws at once, namely: Law Number 42 of 2008 concerning Presidential and Vice Presidential Elections, Law Number 15 of 2011 concerning Election Organizers and Law Number 8 of 2012 about the DPR, DPD and DPRD elections.

Omnibus Law Plans in Indonesia include Omnibus Law Employment Copyright and Tax Omnibus Law. In fact, the Government and Kadin have formed the Omnibus Law Task Force. Of course there are challenges to consider, as follows¹⁴³:

First, ideally, Law Number 12 of 2011 concerning the Formation of Legislation needs to be amended so that the principle or concept of the Omnibus Law gets legal reinforcement and uniformity of patterns including ensuring whether at the regional level, existing regulations can use the concept of Omnibus Law as at the center.

Secondly, when referring to the thought of Mochtar Kusumaatmadja who saw the law not only as a rule and principle, but also included institutions and processes to realize the law in reality, then the consideration of strengthening the awareness and legal culture in society became necessary Because, without that, the law is only text Lost context of implementation.

Third, harmonization with regional policies needs to be considered because; Omnibus Law at the level of the law can also revoke regulations. However, a deep study is needed so that it is not memorable to reduce autonomy. Or even towards the centralization of power which is contrary to the vision of reform.

Fourth, the reform of rules through the Omnibus Law is only one strategy to be investment friendly. Strong law enforcement needs to be accompanied so that investors feel comfortable because legal certainty becomes necessary, not only rules but norms are compatible with implementation.

Some of the objectives of establishing the Omnibus Law include¹⁴⁴:

142. <https://law.uad.ac.id/regulasi-yang-ramah-investasi/>

143. R. Muhammad Mihradi. 2019. Omnibus Law: Menuju Hukum Ranah Investasi. Bogor: Universitas Pakuan.

144. Firman Freaddy Busroh, “Konseptualitas Omnibus Law dalam Menyelesaikan Permasalahan Regulasi Pertanahan”, *Arena Hukum*, Vol. 10, No. 2, (Agustus 2017), p. 247.

1. Overcoming conflicts of laws and regulations quickly, effectively and efficiently;
2. To uniform government policies both at the central and regional levels to support the investment climate;
3. Licensing management is more integrated, efficient and effective;
4. Able to break the long bureaucratic chain;
5. Increased coordination relationships between related agencies because it has been regulated in an integrated omnibus regulation policy;
6. There is guaranteed legal certainty and legal protection for policy makers.

The Government through the Minister of Finance has submitted the Draft Law on Tax Provisions and Facilities for Strengthening the Economy or better known as the tax omnibus law to the House of Representatives on January 31, 2020.

This omnibus law draft was designed to help strengthen the Indonesian economy by providing a number of tax facilities that are expected to increase investment, improve equity and business equality, and improve the quality of human resources. The main points of regulation in the draft omnibus law are as follows¹⁴⁵:

1. Increase the attractiveness of Indonesia as an investment destination country
To maintain Indonesia's economic growth amid the uncertainty and global economic turmoil, the government intends to issue a number of policies that are expected to increase investment, including:
 - Gradual reduction in Corporate Income Tax rates to 22 percent for fiscal years 2021 and 2022, then to 20 percent starting in tax year 2023;
 - A reduction in the corporate income tax rate that goes public to 3 percent lower than the general rate starting in the 2021 tax year;
 - Elimination of income tax on dividends as long as the dividends are invested in Indonesia;
 - Adjustment of Article 26 PPh (income tax) rates on interest income, and
 - Regulations regarding tax facilities, including tax holidays, super deduction and local tax facilities.
2. Increasing fairness and equality in business
To strengthen the Indonesian economy, it is necessary to create a level playing field that will be encouraged by:
 - Taxation of digital transactions conducted by sellers or overseas marketplaces;
 - The central government can set a regional tax rate that applies nationally;
 - Rationalization of local taxes including cancellation of local regulations that hamper investment, and
 - Addition or reduction of types of goods subject to excise other than those stipulated in the Law on Excise.
3. Improving the quality of human resources
In order to strengthen the Indonesian economy, it is necessary to improve the quality of human resources to create innovation and open up new jobs. To accelerate the achievement of this goal the government wants to increase the number of skilled and professional workers from abroad who work in Indonesia. For this reason, the government proposes that foreigners working in Indonesia are only subject to taxes on income sourced in Indonesia (not all income) for the first four years.
4. Encouraging voluntary tax compliance. To help improve voluntary compliance, the government

145. <https://www.pajak.go.id/id/siaran-pers/jaga-ekonomi-indonesia-pemerintah-berharap-omnibus-law-perpajakan-dapat-segera>

intends to improve tax administration through resetting:

- VAT crediting conditions, and
- Sanctions and interest payments, which are proposed, refer to market interest rates.

Considering the importance of these objectives and anticipating future challenges related to the current global situation, the government hopes that the discussion of this bill can be immediately started and, by taking into account input from the public and the business world, can be enacted immediately to help safeguard and strengthen the Indonesian economy.

Economy in Arabic is termed al-iqtisad al-Islami. Al-iqtisad is literally interpreted as middle and just. Economics is defined by the knowledge of the rules relating to the production of wealth, distribution and consumption. Economics in general is defined as a study of human behavior in the use of natural resources. In the midst of the economic crisis in 1998, the Islamic economy that was once underestimated has become a spotlight that needs to be reckoned with in the economic world and has become the center of attention of economists in Indonesia.

In his thoughts on economics, Haidar Naqvi put forward some thoughts. The first thought is related to the issue of the nature of Islamic economics. According to Naqvi, Islamic economics is a study of the economic behavior of Muslims which is regulated based on representative Islamic law in Muslim societies. Islamic economics can also be defined as a study of property management from an Islamic perspective.

Etiologically Haidar Naqvi divides Islamic Economics into two scientific disciplines, namely Normative Islamic Economics and Positive Islamic Economics. Normative Islamic economics discusses Islamic Sharia laws relating to property matters. Islamic economics positively discusses Islamic concepts related to the production of goods and services.

The big theme that dominated Naqvi thinking in Islamic economics was first seen as an attempt by humans to uphold justice based on the principle of divine ethics namely al-adl wal Ikhsan. According to Haidar Naqvi the most dominating thing in Islamic economics is ethics. Second, the role of the state is needed in economic activities.

If you look at the formulation of Islamic economics above, then it can be concluded that Islamic economics involves the management of Islamic economic resources both in individual and institutional dimensions to achieve the benefit of human life in the world and the hereafter¹⁴⁶.

The reasons for the need for Islamic economics can be explained as follows¹⁴⁷:

1. In al-Qur'an and as-Sunnah a lot of information that clearly states the economic points of this formation we make a postulate.
2. This applies to our daily actions and work. This is where "akhlaqul karimah" is needed. General economic science cannot explain why usury is prohibited, why the inheritance and marriage are regulated in such a way as to help in the distribution of income or wealth of the Islamic community.
3. There has been a lot of knowledge that was grown from the treasury of Islam itself and then developed with his time. However, due to worldly problems it seems that Islamic economics is not central to Islamic thought. Therefore the concept of Islamic economics has become obsolete and has never been touched and developed. Indeed, in the Qur'an and the Sunnah there are verses and propositions regarding the economy but most are related to agriculture and trade, not industry.
4. Preparation, development and application of Islamic economics are intended so that Muslims get certainty of their participation in economic development. Muslims are also concerned, among others,

146. Yenti, Elvina, *Integritas Konsep Ekonomi Konvensional Dan Ekonomi Islam*, (Bandung: P.T Alumni, 2013), p. 32.

147. *Ibid.*, p. 40.

by¹⁴⁸:

- a. Economic growth;
- b. Full employment opportunities;
- c. Economic efficiency;
- d. Consolidation of price levels;
- e. Economic freedom;
- f. Equitable distribution of income;
- g. International trade balance.
- h. In addition it is necessary to pay attention to issues including:
 - i. Poverty;
 - j. Pollution;
 - k. Unemployment;
 - l. Inflation;
 - m. Price control;
 - n. Taxation;
 - o. Health;
 - p. Energy;
 - q. The size of the company;
 - r. Protection;
 - s. Free trade;
 - t. State debt.

Conclusion

Omnibus Law Plans in Indonesia include Omnibus Law Employment Copyright and Tax Omnibus Law. In fact, the Government and Kadin have formed the Omnibus Law Task Force in an effort to increase investment opportunities from both foreign and domestic investors for the advancement of the Indonesian economy.

Economy in Arabic is termed al-iqtisad al-Islami. Al-iqtisad is literally interpreted as middle and just. Economics is defined by the knowledge of the rules relating to the production of wealth, distribution and consumption. Economics in general is defined as a study of human behavior in the use of natural resources.

Preparation, development and application of Islamic economics are intended so that Muslims get certainty of their participation in economic development. Muslims are also concerned, among others, the existence of: a. Economic growth; b. Full employment opportunities; c. Economic efficiency; d. Consolidation of price levels; e. Economic freedom; f. Equitable distribution of income; g. International trade balance;

If you look at the formulation of Islamic economics above, then it can be concluded that Islamic economics involves the management of Islamic economic resources both in individual and institutional dimensions to achieve the benefit of human life in the world and the hereafter. Therefore, the existence of the omnibus law should be to achieve the benefit of human life in the world and the hereafter.

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148. *Ibid.*, p. 40.

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