

LEGAL POLICY IN THE FORMATION OF THE OMNIBUS LAW ON JOB CREATION IN INDONESIA

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Abstract

This article aims to investigate the legal politics related to the formation of the Job Creation Omnibus Law in Indonesia, as well as analyzing the problems and challenges. The Omnibus Law was initiated as a strategic step in efforts to reform law and increase Indonesia's economic competitiveness. The research method used is normative legal research with a descriptive and evaluative analysis approach to the legal basis, formation process and impact of the Job Creation Omnibus Law on society and the economy. The research results show that the Job Creation Omnibus Law has the main objective of simplifying regulations, encouraging investment, and reducing bureaucratic obstacles in order to increase economic growth. However, the implementation of this Law faces a number of problems which include legal uncertainty, inadequate labor protection, and potentially detrimental environmental impacts. The discussion identified several main challenges faced in the process of forming and implementing the Omnibus Law on Job Creation, including resistance from various parties including labor unions, concerns regarding loss of workers' rights, as well as complexity in drafting regulations which could give rise to ambiguity and conflicts of interpretation.

Keywords: *politics, law, omnibus law, job creation.*

I. Introduction

The formulation of omnibus laws in Indonesia, particularly Law Number 11 of 2020 on Job Creation, poses challenges and problems in the legal system^{1, 2, 3}. The complexity of drafting laws through the omnibus method can lead to legal uncertainty and an increase in new regulations⁴. The objectives of fairness, public benefit, and legal certainty may not be fully reflected in the formation of statutory

regulations through omnibus laws⁵. Additionally, the process of law formation in Indonesia has been criticized for being rushed and lacking community involvement, impacting the quality and effectiveness of the laws created. These challenges highlight the need for a more transparent, inclusive, and well-defined approach to law formation to ensure the intended outcomes are achieved in Indonesia's legal system.

¹ Risky Wahyudi Irianto, "Studi Konfigurasi Politik Uu Nomor 11 Tahun 2020 Tentang Cipta Kerja: Sebuah Tinjauan Literatur," *Journal Publicuho* 5, no. 4 (January 10, 2023): 1245–60, <https://doi.org/10.35817/publicuho.v5i4.69>.

² "No Title," n.d., <https://doi.org/2.> (2023). Metode Omnibus Law dalam Pembaharuan Hukum Pembentukan Peraturan Perundang-Undangan di Indonesia (Studi Perbandingan Negara Kanada, Amerika Serikat, Filipina dan Vietnam). *Jurnal Hukum IUS QUIA IUSTUM*, doi: 10.20885/iustum.vol30.iss2.art1.

³ Marsudi Dedi Putra et al., "Legislative Formation Design Using the Right Omnibus Law in

Indonesia," *International Journal of Social Science Research and Review* 6, no. 7 (July 6, 2023): 119–29, <https://doi.org/10.47814/ijssr.v6i7.1295>.

⁴ Zico Junius Fernando, "Legal Politics Formation Of Legislation In The Indonesia National Legal System," *Jurnal Hukum Progresif* 10, no. 1 (April 30, 2022): 25–36, <https://doi.org/10.14710/jhp.10.1.25-36>.

⁵ Asri Agustiwi, "Problems For The Development Of Legislation Regulations In Indonesia," *International Journal of Social Science* 2, no. 2 (August 3, 2022): 1491–96, <https://doi.org/10.53625/ijss.v2i2.3081>.

The creation of the Omnibus Law in Indonesia, specifically the Job Creation Law, aimed to address regulatory problems, reduce unemployment, and improve investment competitiveness^{6, 7, 8}. However, challenges arose regarding democratic participation, legal certainty, and protection of vulnerable groups like female workers^{9, 10}. The Omnibus Law's implementation faced conflicts and controversies, impacting various sectors and legal regulations in Indonesia. The research objectives included simplifying regulations, enhancing competitiveness, and ensuring legal certainty for investors. Despite the positive changes seen in the economy, concerns remain about the law's impact on public participation, workers' rights, and the overall democratic process. Addressing these challenges is crucial for achieving the intended goals of the Omnibus Law in Indonesia.

The formation of the Omnibus Law Cipta Kerja in Indonesia involves various challenges and issues. Research indicates that the application of the omnibus law, particularly in the case of the Job Creation Law, has undemocratic

implications as it restricts public participation¹¹. Furthermore, the method of drafting laws through an omnibus law is complex and may lead to legal uncertainty, potentially resulting in an increase in new regulations¹². Additionally, the Omnibus Law has raised concerns regarding its impact on vulnerable groups like women workers, with implications such as reduced minimum wages and easier termination of employment without demands¹³. The study also highlights the political implications of using the omnibus law method in the formation of legal products, such as the Health Bill, aiming to enhance public health and fulfill the right to health as a human right¹⁴.

The Omnibus Law Cipta Kerja is a controversial policy in Indonesia aimed at addressing economic challenges exacerbated by the COVID-19 pandemic. It introduces new legal methods, including balancing principles and the omnibus law approach, to improve the economy and reduce unemployment rates^{15, 16, 17, 18, 19}. This law has sparked debates due to its impact on various sectors, including labor

⁶ Marsudi Dedi Putra et al., "Democratic Omnibus Law in Indonesia," *International Journal of Social Science Research and Review* 6, no. 6 (June 8, 2023): 244–57, <https://doi.org/10.47814/ijssrr.v6i6.1148>.

⁷ Marulak Pardede, "Dilema Reformasi Regulasi Hukum Investasi Dalam Sistem Hukum Sipil dalam Perspektif Jaminan Kepastian Hukum Penanaman Modal (Suatu Upaya Peningkatan Iklim Daya Saing Dan Jaminan Kepastian Hukum Penanaman Modal)," *Jurnal Penelitian Hukum De Jure* 23, no. 2 (June 30, 2023): 231, <https://doi.org/10.30641/dejure.2023.V23.231-244>.

⁸ "No Title," n.d.

⁹ (I Gusti Kade Budhi Harryarsana et al. 2023)

¹⁰ Sriayu Aritha Panggabean and Amaludin Sikumbang, "Undang-Undang Cipta Kerja Dan Dampaknya Terhadap Ekonomi Mikro," *Jesya* 6, no. 2 (June 4, 2023): 2289–2300, <https://doi.org/10.36778/jesya.v6i2.1242>.

¹¹ Putra et al., "Democratic Omnibus Law in Indonesia."

¹² "No Title," n.d.

¹³ Putra et al., "Legislative Formation Design Using the Right Omnibus Law in Indonesia."

¹⁴ (I Gusti Kade Budhi Harryarsana et al. 2023)

¹⁵ Nabila Meilana Kristianti, "K, Untuk Kontroversi Konsep Omnibus Law Dalam Pembentukan Rancangan Undang-Undang Cipta Kerja," *Jurnal Rechten : Riset Hukum Dan Hak Asasi Manusia* 5, no. 1 (May 15, 2023): 24–30, <https://doi.org/10.52005/rechten.v5i1.111>.

¹⁶ Panggabean and Sikumbang, "Undang-Undang Cipta Kerja Dan Dampaknya Terhadap Ekonomi Mikro."

¹⁷ Yandriza Yandriza, Tenofrimer Tenofrimer, and Siska Elvandari, "Penerapan Asas Keseimbangan Dalam Undang-Undang Cipta Kerja (Omnibus Law) Terhadap Pemenuhan Hak Atas Kesehatan Di Indonesia," *UNES Journal of Swara Justisia* 6, no. 4 (January 10, 2023): 494, <https://doi.org/10.31933/ujsj.v6i4.297>.

¹⁸ Syafriadi Syafriadi, "Undang-Undang Cipta Kerja Pasca Revisi Kedua Undang-Undang Nomor 12 Tahun 2011," *Jurnal Hukum Ius Quia Iustum* 30, no. 2 (May 1, 2023): 277–99, <https://doi.org/10.20885/iustum.vol30.iss2.art3>.

¹⁹ Rulli putra ananda, "Kewenangan Pengelolaan Sda Oleh Pemerintah Daerah Pasca Omnibus Law," *Jurnal Rechten : Riset Hukum Dan Hak Asasi Manusia* 4, no. 3 (December 28, 2022): 50–62, <https://doi.org/10.52005/rechten.v4i3.106>.

rights, health regulations, and decentralization of authority to local governments. While proponents believe it can rescue Indonesia's struggling economy, critics argue that it may worsen the situation for the population. The Omnibus Law Cipta Kerja represents a significant shift in Indonesia's legal landscape, introducing new mechanisms and regulations to navigate the challenges posed by the pandemic and economic instability.

The Omnibus Law Cipta Kerja in Indonesia refers to a comprehensive legal framework aimed at addressing various aspects of the economy and labor laws^{20, 21, 22, 23, 24}. It was introduced to streamline regulations, boost investment, enhance economic competitiveness, and tackle bureaucratic hurdles. The law has sparked debates due to its impact on constitutional rights, especially concerning labor rights and environmental protection. The Second Amendment to the Law on the Establishment of Legislation formalized the Omnibus Law method, which was initially unfamiliar in Indonesia's legal system, making it a standard for law formation in the country. Despite its intentions to stabilize the economy post-COVID-19, the law has faced criticism and controversy, with conflicting views on its effectiveness and implications for the population.

²⁰ Panggabean and Sikumbang, "Undang-Undang Cipta Kerja Dan Dampaknya Terhadap Ekonomi Mikro."

²¹ Syafriadi, "Undang-Undang Cipta Kerja Pasca Revisi Kedua Undang-Undang Nomor 12 Tahun 2011."

²² Kristianti, "K, Untuk Kontroversi Kontroversi Konsep Omnibus Law Dalam Pembentukan Rancangan Undang-Undang Cipta Kerja."

²³ Dominikus Rato et al., "Konstitusionalitas Pasal-Pasal Dalam Uu Cipta Kerja: Telaah Terhadap Perlindungan Hak-Hak Konstitusional," *Seikat: Jurnal Ilmu Sosial, Politik Dan Hukum* 2, no. 3 (June 14, 2023): 305–17, <https://doi.org/10.55681/seikat.v2i3.572>.

²⁴ Yandriza, Tenofrimer, and Elvandari, "Penerapan Asas Keseimbangan Dalam Undang-Undang Cipta Kerja (Omnibus Law) Terhadap Pemenuhan Hak Atas Kesehatan Di Indonesia."

²⁵ Oky Mayrudin, Rina Shahriyani Shahrullah, and Ampuan Situmeang, "Pengaruh

The Work Creation Omnibus Law was established to address various aspects of labor regulations and job creation in Indonesia. It aims to streamline existing laws, enhance worker protection, and boost investment opportunities. The law introduces changes in labor norms, such as regulations on foreign workers, work relations, wages, and termination of employment²⁵. However, there are concerns that the law may disadvantage workers by promoting flexible work arrangements that could lead to uncertainty and marginalization²⁶. Additionally, the law is expected to impact various sectors, including the construction industry, by focusing on job creation, worker welfare, and regional empowerment²⁷. Overall, the Work Creation Omnibus Law represents a significant legislative effort to revamp labor regulations and stimulate economic growth in Indonesia.

The basic principles of the Omnibus Job Creation Law involve streamlining regulations, enhancing worker protection, and supporting economic growth. The law aims to consolidate various laws into a single legislation²⁸ while addressing normative rights of workers²⁹. It introduces changes in labor contracts, such as providing severance pay but limiting permanent

Omnibus Law Terhadap Kontrak Kerja: Studi Di Kota Batam," *Legal Spirit* 7, no. 1 (May 23, 2023): 117, <https://doi.org/10.31328/lv.v7i1.4563>.

²⁶ "No Title," n.d., <https://doi.org/2.> Muhammad, Zubi., Marzuki, Marzuki., Ibnu, Affan. (2021). Tinjauan yuridis perlindungan hak-hak normatif tenaga kerja setelah berlakunya undang-undang cipta kerja (omnibus law).

²⁷ I Made Sarjana et al., "Omnibuslaw Employment Cluster: Is Ita Form Of Labor Expwitation In The Indonesian Context?," *UUM Journal of Legal Studies* 14 (2023), <https://doi.org/10.32890/uumjls2023.14.1.3>.

²⁸ Mayrudin, Shahrullah, and Situmeang, "Pengaruh Omnibus Law Terhadap Kontrak Kerja: Studi Di Kota Batam."

²⁹ Krista Yitawati et al., "Problematika Dan Implikasi Omnibus Law Cipta Kerja Pada Perseroan Terbatas," *YUSTISIA MERDEKA: Jurnal Ilmiah Hukum* 8, no. 2 (November 14, 2022): 102–10, <https://doi.org/10.33319/yume.v8i2.187>.

employment opportunities³⁰. Additionally, the law expands the concept of Limited Liability Companies, potentially impacting business continuity³¹. From a sustainable development perspective, the law raises questions about whether it prioritizes business ease over human rights obligations³². Despite aiming to boost the economy and attract investors, the law faces resistance due to perceived shortcomings in considering sociological principles and potential corruption risks

The Omnibus Law on Job Creation aims to streamline and consolidate various laws to address legal issues efficiently. It focuses on improving workers' welfare, enhancing investment opportunities, and simplifying bureaucratic processes^{33, 34, 35, 36, 37}. However, criticisms have arisen regarding its impact on workers' rights, such as the potential for short-term contracts and lack of guarantees for workers³⁸. The law also faces resistance due to perceived shortcomings in sociological principles and public participation during its formation. Despite its noble intentions to boost economic growth by reducing regulatory barriers, the law's implementation has sparked debates and concerns among various stakeholders.

II. Legal Materials and Methods

The research adopts a normative legal research approach with descriptive and evaluative analysis to examine the legal foundation,

³⁰ Diah Imaningrum Susanti, "TAKING OMNIBUS LAW SERIOUSLY," *Jurnal Dinamika HAM (Journal of Human Rights)* 12, no. 2 (January 29, 2021): 21, <https://doi.org/10.24123/jdh.v12i2.3963>.

³¹ "No Title," n.d.

³² Fadrijin Wira Perdana et al., "Omnibus Law Undang-Undang Cipta Kerja Dalam Perspektif Sosiologi Hukum," *Jurnal Indonesia Sosial Sains* 3, no. 6 (June 25, 2022): 1018–25, <https://doi.org/10.36418/jiss.v3i6.670>.

³³ "No Title," n.d.

³⁴ Rohim Nur, "Дилемма Решения Конституционного Суда Об Обязанности Правительства Пересмотреть Свод Законов о Создании Рабочих Мест (The Dilemma of the Constitutional Court's Decision Regarding the Government's Obligation to Revise the Omnibus Law on Job Creation)," *SALAM: Jurnal Sosial Dan*

formation process, and impact of Indonesia's Job Creation Omnibus Law on society and the economy. This method allows for a comprehensive understanding of the complex legal and political dynamics surrounding the formulation and implementation of omnibus laws, particularly focusing on the challenges and controversies arising from the Job Creation Law. By analyzing various legal materials, including academic studies, legislative documents, and expert opinions, this research aims to shed light on the multifaceted implications of the Omnibus Law on Indonesia's legal system, economic landscape, and societal dynamics. Through a systematic examination of legal principles, political processes, and societal reactions, this study seeks to provide valuable insights into the ongoing debates and future prospects of omnibus laws in Indonesia

III. Result and Discussion

a. Legal Political Dynamics in the Formation of the Job Creation Omnibus Law

Legal politics play a significant role in the formation of omnibus laws, particularly in the context of the Job Creation Law in Indonesia. The Omnibus Law on Job Creation aimed to address legal issues such as overlapping regulations, legal uncertainty, and the need to attract foreign investment to boost the national economy^{39, 40}. The process of drafting and

Budaya Syar-I 9, no. 2 (April 28, 2022): 659–70, <https://doi.org/10.15408/sjsbs.v9i2.25882>.

³⁵ Wira Perdana et al., "Omnibus Law Undang-Undang Cipta Kerja Dalam Perspektif Sosiologi Hukum."

³⁶ Mayrudin, Shahrullah, and Situmeang, "Pengaruh Omnibus Law Terhadap Kontrak Kerja: Studi Di Kota Batam."

³⁷ Ahmad Azharil, "Problematika Penerapan Sistem Omnibus Law Ke Dalam Sistem Hukum Nasional Indonesia Melalui Undang-Undang No.11 Tahun 2020 Tentang Cipta Lapangan Kerja," *JOURNAL of LEGAL RESEARCH* 2, no. 2 (January 20, 2020), <https://doi.org/10.15408/jlr.v2i1.19293>.

³⁸ Azharil.

³⁹ "No Title," n.d.

⁴⁰ Alsyam Alsyam and Yunita Syofyan, "Model Omnibus Law Dalam Penyusunan Peraturan

enacting the Job Creation Law involved a long and intricate political process, reflecting a merger of legal and political considerations to facilitate the law's issuance⁴¹. Despite the intention to stimulate economic transformation and job creation, there are concerns about the potential negative impact on workers' rights and status due to the flexible working relationships introduced by the law⁴². This highlights the intricate interplay between legal and political factors in the formulation and implementation of omnibus laws like the Job Creation Law.

The establishment of the Omnibus Law on Job Creation in Indonesia was driven by the government's aim to simplify regulatory constraints, improve the investment ecosystem, and enhance the country's competitiveness in the face of global economic challenges⁴³. This legislative initiative was seen as a legal breakthrough to address hyperregulation by amending, deleting, and creating new provisions from various laws⁴⁴. The Omnibus Law aimed to improve the welfare of employees by providing benefits such as severance pay, although it also raised concerns among workers regarding job security and contract terms⁴⁵. The political configuration of this law was intended to stimulate economic transformation and job creation, aligning with Indonesia's legal system and democratic principles⁴⁶. This legislative process marked a

significant milestone in Indonesian lawmaking, introducing the Omnibus Method for the first time in drafting laws⁴⁷.

The formation of the Omnibus Law on Job Creation involves various legal perspectives and interests. It aims to simplify regulatory constraints, attract foreign investors, and improve the national economy^{48, 49}. However, there are concerns regarding the potential negation of diverse interests of individual laws, lack of juridical basis in drafting, and contradictions in the basic concept of Limited Liability Companies⁵⁰. The method of forming omnibus laws is relatively new in Indonesia, aiming to address overlapping regulations and enhance legal certainty and investment value⁵¹. Sociological principles were not adequately considered during the drafting process, leading to community resistance and concerns about corruption vulnerabilities⁵². Overall, the Omnibus Law on Job Creation combines various laws into a single legislation, impacting legal, political, and economic aspects with implications for both regulatory frameworks and business operations.

The formation of the Omnibus Law on Job Creation involved various actors with significant influence. The President's leadership, backed by a strong parliamentary coalition, accelerated the law's discussion⁵³.

Perundang-Undangan Yang Berlaku Di Indonesia,” *UNES Law Review* 5, no. 3 (March 8, 2023): 835–46, <https://doi.org/10.31933/unesrev.v5i3.423>.

⁴¹ Risky Wahyudi Irianto, “Studi Konfigurasi Politik Uu Nomor 11 Tahun 2020 Tentang Cipta Kerja: Sebuah Tinjauan Literatur.”

⁴² Wira Perdana et al., “Omnibus Law Undang-Undang Cipta Kerja Dalam Perspektif Sosiologi Hukum.”

⁴³ Mayrudin, Shahrullah, and Situmeang, “Pengaruh Omnibus Law Terhadap Kontrak Kerja: Studi Di Kota Batam.”

⁴⁴ Habibah Zulaiha, “Dampak Pengesahan Ruu Omnibus Law Dalam Perspektif Hukum Ketenagakerjaan,” *Qawānīn Journal of Economic Syaria Law* 6, no. 2 (December 29, 2022): 199–228, <https://doi.org/10.30762/qaw.v6i2.168>.

⁴⁵ Risky Wahyudi Irianto, “Studi Konfigurasi Politik Uu Nomor 11 Tahun 2020 Tentang Cipta Kerja: Sebuah Tinjauan Literatur.”

⁴⁶ Ahmad Muzayyin S et al., “The Establishment Of Legislation Using Omnibus Law

As A Legal Breakthrough By The Government,” *Unram Law Review* 6, no. 2 (October 30, 2022), <https://doi.org/10.29303/ulrev.v6i2.219>.

⁴⁷ alysam And Syofyan, “Model Omnibus Law Dalam Penyusunan Peraturan Perundang-Undangan Yang Berlaku Di Indonesia.”

⁴⁸ Habibah Zulaiha, “Dampak Pengesahan Ruu Omnibus Law Dalam Perspektif Hukum Ketenagakerjaan.”

⁴⁹ Wira Perdana et al., “Omnibus Law Undang-Undang Cipta Kerja Dalam Perspektif Sosiologi Hukum.”

⁵⁰ Yitawati et al., “Problematika Dan Implikasi Omnibus Law Cipta Kerja Pada Perseroan Terbatas.”

⁵¹ “No Title,” n.d.

⁵² Wira Perdana et al., “Omnibus Law Undang-Undang Cipta Kerja Dalam Perspektif Sosiologi Hukum.”

⁵³ Agus Suntoro and Kania Rahma Nureda, “Omnibus Law: Dominasi Kekuasaan Eksekutif Dalam Pembentukan Legislasi,” *Veritas et Justitia* 8,

The law aimed to provide legal protection and support for Micro, Small, and Medium Enterprises (MSMEs), facilitating their business activities and partnerships with larger enterprises⁵⁴. The mass media played a crucial role in shaping public opinion, with government elites and businessmen promoting positive sentiments, while activists and academics expressed concerns about labor rights and environmental impacts⁵⁵. Additionally, regional governments faced dilemmas in aligning their regulations with the new law, highlighting the law's implications on decentralization and regional autonomy⁵⁶. Overall, a complex interplay of actors, including the government, media, and regional authorities, influenced the formation and reception of the Omnibus Law on Job Creation.

The establishment of the Omnibus Law on Job Creation in Indonesia has sparked significant public controversy^{57, 58, 59, 60, 61}. Critics argue that the law, aimed at simplifying regulations and attracting investments, neglects sociological principles, potentially leading to resistance from the community. Concerns also arise regarding the law's impact on existing legislation, such as the potential contradictions with the Limited Liability Companies Law and the removal of minimum capital limits.

Moreover, the method of law-making through the Omnibus Law is contentious, as it bypasses traditional legislative processes, raising questions about its constitutionality and enforceability. Overall, the Omnibus Law on Job Creation faces opposition due to perceived shortcomings in transparency, representation, and adherence to legal principles, fueling public discontent and debate.

b. Problems with the Implementation of the Omnibus Law on Job Creation

The implementation of the Omnibus Law on Job Creation in Indonesia has raised several issues. Firstly, the law has caused consternation among workers due to concerns about their job security and welfare⁶². Secondly, the method of forming omnibus laws in Indonesia has been criticized for potentially neglecting the diverse interests of individual laws and lacking a juridical basis, leading to legal uncertainties and violations of principles like openness and participation⁶³. Additionally, the application of the omnibus law in Indonesia, particularly in the case of the Job Creation Law, has been deemed undemocratic as it restricts public participation, highlighting the need for changes to ensure democratic principles are upheld in legislative processes⁶⁴. These challenges

no. 1 (June 27, 2022): 109–39, <https://doi.org/10.25123/vej.v8i1.4340>.

⁵⁴ Salwa Nida, “Legal Protection Urgency for MSMEs Actors as Well as Partnership Program Which Are Regulated According to Law Number 11 of 2020 on Job Creation,” *Walisono Law Review (Walrev)* 4, no. 2 (October 31, 2022): 257–84, <https://doi.org/10.21580/walrev.2022.4.2.11675>.

⁵⁵ Yulia Neta, Malicia Evendia, and Ade Arif Firmansyah, “Implications Of Omnibus Law On Job Creation Towards Regulations In Decentralization Perspective,” *Cepalo* 6, no. 1 (November 7, 2022): 63–76, <https://doi.org/10.25041/cepalo.v6no2.2683>.

⁵⁶ Hedi Pudjo Santosa et al., “Omnibus Law Discourse on Television: Support Elite or Public?,” *Jurnal ASPIKOM* 7, no. 1 (January 25, 2022): 16, <https://doi.org/10.24329/aspikom.v7i1.1017>.

⁵⁷ Mayrudin, Shahrullah, and Situmeang, “Pengaruh Omnibus Law Terhadap Kontrak Kerja: Studi Di Kota Batam.”

⁵⁸ Wira Perdana et al., “Omnibus Law Undang-Undang Cipta Kerja Dalam Perspektif Sosiologi Hukum.”

⁵⁹ Jessica Vincentia Marpaung, Gwendolyn Ingrid Utama, and Florence Hermawan, “Constitutionality Of The Omnibus Law Number 11 Of 2020 On Job Creation,” *Dialogia Iuridica* 14, no. 1 (November 29, 2022): 167–97, <https://doi.org/10.28932/di.v14i1.5405>.

⁶⁰ Putu Eva Ditayani Antari, “The Implementation of Omnibus Law in Indonesia Law Making Process on Philosophy Review,” *De Jure: Jurnal Hukum Dan Syar'iah* 14, no. 1 (June 30, 2022): 179–94, <https://doi.org/10.18860/j-fsh.v14i1.15757>.

⁶¹ Yitawati et al., “Problematika Dan Implikasi Omnibus Law Cipta Kerja Pada Perseroan Terbatas.”

⁶² Mayrudin, Shahrullah, and Situmeang, “Pengaruh Omnibus Law Terhadap Kontrak Kerja: Studi Di Kota Batam.”

⁶³ “No Title,” n.d.

⁶⁴ Yitawati et al., “Problematika Dan Implikasi Omnibus Law Cipta Kerja Pada Perseroan Terbatas.”

underscore the complexity and contentious nature of implementing omnibus laws like the Job Creation Law in Indonesia.

The Omnibus Law on Job Creation in Indonesia aims to simplify various regulations related to investment to enhance competitiveness and ease of doing business. However, the law has faced consternation among workers due to concerns about its impact on job security⁶⁵. The method of forming omnibus laws is relatively new in Indonesia, with overlapping regulations causing legal uncertainty and disharmony, impacting investment attractiveness⁶⁶. The law has repealed and changed numerous regulations, including affecting the Limited Liability Companies Law, potentially compromising diverse interests and violating principles of openness and participation⁶⁷. President Joko Widodo introduced the concept of the Omnibus Law to streamline regulatory constraints and improve the investment ecosystem, aiming to strengthen the national economy and enhance competitiveness⁶⁸.

The Omnibus Law on Job Creation in Indonesia has sparked various social and economic impacts. It aims to simplify regulations, improve welfare, and enhance the investment ecosystem^{69, 70}. However, concerns arise

regarding the potential marginalization of workers due to flexible work arrangements and uncertainties⁷¹. The law has repealed and modified numerous regulations, affecting various sectors including labor laws and limited liability companies^{72, 73}. While it introduces benefits like severance pay, it also allows employers to avoid certain expenses by adjusting employee contracts. The law's implications on regional regulations involve deregulation and the need for harmonization to optimize autonomy and governance tasks. Overall, the Omnibus Law on Job Creation presents a complex landscape of changes with both positive and negative consequences on social and economic aspects in Indonesia.

The Labor Creation Omnibus Law in Indonesia has sparked conflicts and concerns regarding potential conflicts of interest. The law, aimed at simplifying regulations and boosting the business climate, has faced opposition due to its perceived bias towards entrepreneurs and lack of clarity on workers' rights^{74, 75, 76}. The establishment of individual small businesses as individual companies under the law has raised questions about transparency, accountability, and the potential for subjective decision-

⁶⁵ Mayrudin, Shahrullah, and Situmeang, "Pengaruh Omnibus Law Terhadap Kontrak Kerja: Studi Di Kota Batam."

⁶⁶ Pardede, "Dilema Reformasi Regulasi Hukum Investasi Dalam Sistem Hukum Sipil dalam Perspektif Jaminan Kepastian Hukum Penanaman Modal (Suatu Upaya Peningkatan Iklim Daya Saing Dan Jaminan Kepastian Hukum Penanaman Modal)."

⁶⁷ "No Title," n.d.

⁶⁸ Yitawati et al., "Problematika Dan Implikasi Omnibus Law Cipta Kerja Pada Perseroan Terbatas."

⁶⁹ Mayrudin, Shahrullah, and Situmeang, "Pengaruh Omnibus Law Terhadap Kontrak Kerja: Studi Di Kota Batam."

⁷⁰ Neta, Evendia, and Firmansyah, "Implications Of Omnibus Law On Job Creation Towards Regulations In Decentralization Perspective."

⁷¹ Habibah Zulaiha, "Dampak Pengesahan Ruu Omnibus Law Dalam Perspektif Hukum Ketenagakerjaan."

⁷² Sarjana et al., "Omnibuslaw Employment Cluster: Is It a Form Of Labor Exploitation In The Indonesian Context?"

⁷³ Yitawati et al., "Problematika Dan Implikasi Omnibus Law Cipta Kerja Pada Perseroan Terbatas."

⁷⁴ Luthfi Mohamad Zen and Yeti Sumiyati, "Problematika Hukum Pengelolaan Usaha Mikro Dan Kecil Sebagai Perseroan Perorangan," *LITIGASI* 23, no. 1 (April 22, 2022): 83–100, <https://doi.org/10.23969/litigasi.v23i1.5287>.

⁷⁵ Delia Intan Hidayah and Agus Machfud Fauzi, "Perjalanan Omnibus Law Dalam Sistem Hukum Di Indonesia (Studi Tentang Penolakan Masyarakat Probolinggo Dalam Perspektif Sosiologi Hukum)," *Wajah Hukum* 5, no. 1 (April 26, 2021): 321, <https://doi.org/10.33087/wjh.v5i1.290>.

⁷⁶ Trisya Benazir Dewinagara, I Gusti Ayu Ketut Rachmi Handayani, and Hari Purwadi, "The Omnibus Law Concept in the Job Creation Law and the Legal Consequences for Limited Liability Companies," *SASI* 28, no. 2 (July 3, 2022): 323, <https://doi.org/10.47268/sasi.v28i2.963>.

making, leading to conflicts of interest⁷⁷. Additionally, the law's provisions, such as those related to outsourcing, severance pay, and employment termination, have been criticized for potentially undermining workers' rights and job security⁷⁸. These conflicts highlight the challenges in balancing the interests of businesses and workers under the Omnibus Law.

The rejection of the Labor Creation Omnibus Law in Indonesia stems from various societal perspectives. Political parties play a crucial role in organizing and increasing political participation among workers⁷⁹. Demonstrations against the law have led to conflicts and social change, with students demanding changes due to perceived societal detriments⁸⁰. The law's creation without considering sociological principles has led to community resistance, urging the government to focus on eradicating corruption and upholding human rights⁸¹. Social media, particularly Twitter, has been a platform for public discourse and criticism of the law, with hashtags like #MosiTidakPercaya and #Tolakomnibuslaw reflecting public discontent and political communication efforts⁸². Overall,

rejection of the Labor Creation Omnibus Law is multifaceted, involving political, social, and legal considerations⁸³.

c. Challenges and Future Prospects of the Omnibus Law on Job Creation

Future challenges and prospects for the Job Creation Omnibus Law in Indonesia include concerns over the dominance of executive power, lack of public participation in the law formation process, and potential contradictions in existing regulations such as the Limited Liability Companies Law^{84, 85, 86}. The implementation of the omnibus law has led to changes in numerous laws and regulations, impacting various sectors and potentially affecting business continuity due to the removal of minimum capital limits for companies^{87, 88}. Additionally, the delegation of norms from higher regulations to regional governments poses challenges for harmonizing and synchronizing regional regulations, affecting the autonomy and co-administration tasks of local authorities. These issues highlight the need for ongoing monitoring and adjustments to ensure the effective and equitable implementation of the Job Creation Omnibus

⁷⁷ Andi Batubara, Amiludin Amiludin, and Muhammad Asmawi, "Omnibuslaw Is Linked To The Achievement Of Country Goals," *JHR (Jurnal Hukum Replik)* 9, no. 2 (October 2, 2021): 172, <https://doi.org/10.31000/jhr.v9i2.4844>.

⁷⁸ Panggabean and Sikumbang, "Undang-Undang Cipta Kerja Dan Dampaknya Terhadap Ekonomi Mikro."

⁷⁹ Yarnes Imanuel Foni and Phil Aditya Perdana, "The Role Of Political Parties With The Worker Movement Rejecting The Omnibus Job Creation Law," *Unram Law Review* 6, no. 1 (April 30, 2022), <https://doi.org/10.29303/ulrev.v6i1.224>.

⁸⁰ Hidayah and Fauzi, "Perjalanan Omnibus Law Dalam Sistem Hukum Di Indonesia (Studi Tentang Penolakan Masyarakat Probolinggo Dalam Perspektif Sosiologi Hukum)."

⁸¹ Wira Perdana et al., "Omnibus Law Undang-Undang Cipta Kerja Dalam Perspektif Sosiologi Hukum."

⁸² Anang Setiawan, Herdin Arie Saputra, and Helen Dian Fridayani, "Political Communication And Public Sphere Democracy (An Analysis: The Hashtags Usage Of Rejection The Omnibus Law 2020 On Twitter)," *Profetik: Jurnal*

Komunikasi 14, no. 1 (August 18, 2021): 51, <https://doi.org/10.14421/pjk.v14i1.2106>.

⁸³ Sigit Gunawan, Muhammad Rasyid Ridho, and Amiludin Amiludin, "Pros And Cons Law Of Creation Based On Legal Sociology Analysis," *JHR (Jurnal Hukum Replik)* 8, no. 2 (December 1, 2020): 47, <https://doi.org/10.31000/jhr.v8i2.3583>.

⁸⁴ "Challenges and Future Prospects," in *The Cambridge Handbook of Natural Law and Human Rights* (Cambridge University Press, 2022), 483–500, <https://doi.org/10.1017/9781108939225.038>.

⁸⁵ Suntoro and Nureda, "Omnibus Law: Dominasi Kekuasaan Eksekutif Dalam Pembentukan Legislasi."

⁸⁶ Mayrudin, Shahrullah, and Situmeang, "Pengaruh Omnibus Law Terhadap Kontrak Kerja: Studi Di Kota Batam."

⁸⁷ Neta, Evendia, and Firmansyah, "Implications Of Omnibus Law On Job Creation Towards Regulations In Decentralization Perspective."

⁸⁸ Yitawati et al., "Problematika Dan Implikasi Omnibus Law Cipta Kerja Pada Perseroan Terbatas."

Law amidst evolving economic and regulatory landscapes.

The establishment of the Omnibus Cipta Kerja law in Indonesia aimed to address issues in the legal system, particularly in labor laws, to reduce unemployment rates and stimulate economic growth^{89, 90, 91}. However, the implementation of this law has sparked conflicts and differing opinions among legal experts and the community^{92, 93}[4] [5]. The Omnibus Law method, previously unfamiliar in Indonesia's legal system, has now become a recognized approach in forming statutory regulations. Despite the intention to boost the economy and facilitate investments, the law has faced resistance due to perceived shortcomings in considering sociological principles and potential corruption risks. The legal politics surrounding the Omnibus Cipta Kerja law reflect a complex interplay between legal reforms, economic objectives, societal reactions, and the need for anti-corruption measures

The formation of the Omnibus Cipta Arya law involves a significant revision and adaptation of legal politics, particularly in Indonesia. The

Omnibus Law on Job Creation, which utilized the omnibus law method, faced challenges due to procedural flaws, lack of public participation, and incongruities, leading to its conditional unconstitutionality⁹⁴. The adaptation of the omnibus law method in Indonesia stirred debates among legal experts, with differing views from legal positivism and legal realism schools⁹⁵. The Second Amendment to the Law on the Establishment of Legislation legitimized the omnibus law method, introducing it as a known method in forming statutory regulations, guiding the revision of the UU Ciptaker⁹⁶. Furthermore, the Omnibus law method is also being applied in the health sector, with plans to revamp multiple health law products, aiming to enhance public health and fulfill the right to health as part of human rights obligations⁹⁷.

The establishment of a Work Creation Omnibus Law involves the active participation of the government, parliament, and society in the legal politics^{98, 99, 100}. The government plays a crucial role in drafting and enacting the law to simplify regulatory constraints and attract investors^{101, 102}. Parliament is involved in the discussion and ratification process of the

⁸⁹ Panggabean and Sikumbang, "Undang-Undang Cipta Kerja Dan Dampaknya Terhadap Ekonomi Mikro."

⁹⁰ Syafriadi, "Undang-Undang Cipta Kerja Pasca Revisi Kedua Undang-Undang Nomor 12 Tahun 2011."

⁹¹ Risky Wahyudi Irianto, "Studi Konfigurasi Politik Uu Nomor 11 Tahun 2020 Tentang Cipta Kerja: Sebuah Tinjauan Literatur."

⁹² Angga Dwi Prasetyo, Abdul Rachmad Budiono, and Shinta Hadiyantina, "Politik Hukum Perubahan Norma Perizinan Dan Iklim Investasi Dalam Undang-Undang Cipta Kerja Menggunakan Metode Omnibus Law," *Media Iuris* 5, no. 2 (June 30, 2022): 159–88, <https://doi.org/10.20473/mi.v5i2.36165>.

⁹³ Wira Perdana et al., "Omnibus Law Undang-Undang Cipta Kerja Dalam Perspektif Sosiologi Hukum."

⁹⁴ Antari, "The Implementation of Omnibus Law in Indonesia Law Making Process on Philosophy Review."

⁹⁵ Syafriadi, "Undang-Undang Cipta Kerja Pasca Revisi Kedua Undang-Undang Nomor 12 Tahun 2011."

⁹⁶ Prasetyo, Abdul Rachmad Budiono, and Shinta Hadiyantina, "Politik Hukum Perubahan

Norma Perizinan Dan Iklim Investasi Dalam Undang-Undang Cipta Kerja Menggunakan Metode Omnibus Law."

⁹⁷ Sofyan Iskandar, "Legal Politics of Establishing a Health Bill with the Omnibus Law Method," *LEGAL BRIEF* 11, no. 6 (February 28, 2023): 3639–49, <https://doi.org/10.35335/legal.v11i6.717>.

⁹⁸ Habibah Zulaiha, "Dampak Pengesahan Ruu Omnibus Law Dalam Perspektif Hukum Ketenagakerjaan."

⁹⁹ Wira Perdana et al., "Omnibus Law Undang-Undang Cipta Kerja Dalam Perspektif Sosiologi Hukum."

¹⁰⁰ Miran Miran et al., "Omnibus Law Dalam Perspektif Hukum Dan Politik," *Jurnal Indonesia Sosial Sains* 3, no. 08 (August 23, 2022): 1179–85, <https://doi.org/10.36418/jiss.v3i8.666>.

¹⁰¹ Prasetyo, Abdul Rachmad Budiono, and Shinta Hadiyantina, "Politik Hukum Perubahan Norma Perizinan Dan Iklim Investasi Dalam Undang-Undang Cipta Kerja Menggunakan Metode Omnibus Law."

¹⁰² Muzayyin S et al., "The Establishment Of Legislation Using Omnibus Law As A Legal Breakthrough By The Government."

omnibus law, ensuring that it aligns with legal standards and societal needs. Society, represented by the community, provides feedback and resistance to the law, highlighting concerns such as corruption, human rights, and economic impact. The legal politics surrounding the establishment of the Work Creation Omnibus Law reflect a complex interplay between governmental objectives, legislative processes, and societal dynamics, ultimately shaping the legal landscape and economic environment of Indonesia.

The establishment of a Work Creation Omnibus Law involves significant legal and political implications. The Omnibus Law aims to simplify regulatory constraints, improve the investment ecosystem, and enhance Indonesia's competitiveness in the global economy^{103, 104}. However, there are concerns regarding the potential impact on workers' rights and protections, as the law may create a more flexible working relationship that could marginalize workers¹⁰⁵. From a legal and political perspective, the Omnibus Law is seen as meeting legal standards and aligning with its intended purpose, with a focus on facilitating the drafting process and issuance of the Job

Creation Act¹⁰⁶. The implementation of the Omnibus Law has led to changes in various regulations, including the deregulation of regional laws and the need for harmonization of regulations at different government levels¹⁰⁷.

The establishment of the Work Creation Omnibus Law involves legal politics aimed at simplifying regulations and improving the investment ecosystem^{108, 109}. This legislation combines various laws into one to address statutory issues, focusing on supporting the economy and facilitating investments¹¹⁰. However, the law has faced resistance due to concerns about its impact on workers, particularly regarding employment contracts and job security¹¹¹. Despite the controversy, the Omnibus Law is seen as a means to accelerate licensing processes and attract foreign investments, potentially enhancing the welfare of the population¹¹². The law's drafting process and alignment with legal standards have been highlighted, emphasizing its significance in legal and political realms

The establishment of the Omnibus Cipta Work law has sparked controversy due to various legal and political implications^{113, 114, 115, 116, 117}. This legislative method, combining multiple

¹⁰³ Habibah Zulaiha, "Dampak Pengesahan Ruu Omnibus Law Dalam Perspektif Hukum Ketenagakerjaan."

¹⁰⁴ Prasetyo, Abdul Rachmad Budiono, and Shinta Hadiyantina, "Politik Hukum Perubahan Norma Perizinan Dan Iklim Investasi Dalam Undang-Undang Cipta Kerja Menggunakan Metode Omnibus Law."

¹⁰⁵ Sarjana et al., "Omnibuslaw Employment Cluster: Is Ita Form Of Labor Expwitation In The Indonesian Context?"

¹⁰⁶ Miran et al., "Omnibus Law Dalam Perspektif Hukum Dan Politik."

¹⁰⁷ Neta, Evendia, and Firmansyah, "Implications Of Omnibus Law On Job Creation Towards Regulations In Decentralization Perspective."

¹⁰⁸ Habibah Zulaiha, "Dampak Pengesahan Ruu Omnibus Law Dalam Perspektif Hukum Ketenagakerjaan."

¹⁰⁹ Wira Perdana et al., "Omnibus Law Undang-Undang Cipta Kerja Dalam Perspektif Sosiologi Hukum."

¹¹⁰ Mayrudin, Shahrullah, and Situmeang, "Pengaruh Omnibus Law Terhadap Kontrak Kerja: Studi Di Kota Batam."

¹¹¹ Prasetyo, Abdul Rachmad Budiono, and Shinta Hadiyantina, "Politik Hukum Perubahan Norma Perizinan Dan Iklim Investasi Dalam Undang-Undang Cipta Kerja Menggunakan Metode Omnibus Law."

¹¹² Miran et al., "Omnibus Law Dalam Perspektif Hukum Dan Politik."

¹¹³ Indra Rahmatullah, "Urgensi Assesment Report Dalam Omnibus Law RUU Cipta Kerja," *'ADALAH* 4, no. 3 (July 9, 2020), <https://doi.org/10.15408/adalah.v4i3.16419>.

¹¹⁴ Wira Perdana et al., "Omnibus Law Undang-Undang Cipta Kerja Dalam Perspektif Sosiologi Hukum."

¹¹⁵ Yitawati et al., "Problematika Dan Implikasi Omnibus Law Cipta Kerja Pada Perseroan Terbatas."

¹¹⁶ Prasetyo, Abdul Rachmad Budiono, and Shinta Hadiyantina, "Politik Hukum Perubahan Norma Perizinan Dan Iklim Investasi Dalam Undang-Undang Cipta Kerja Menggunakan Metode Omnibus Law."

¹¹⁷ Habibah Zulaiha, "Dampak Pengesahan Ruu Omnibus Law Dalam Perspektif Hukum Ketenagakerjaan."

laws into one, has faced resistance from the community and academics, as it neglects sociological principles and may lead to corrupt practices. The law's impact on existing regulations, such as the Limited Liability Companies Law, has raised concerns about negating diverse interests and violating juridical principles. Additionally, the law's aim to simplify regulations and boost the economy has led to debates over its effects on licensing norms, investment climate, and job creation. The controversy surrounding the Omnibus Cipta Work law highlights the need for thorough assessment and consideration of societal implications in legislative processes.

The implementation of the Omnibus Cipta Arya formation in the field of legal politics has sparked various debates and considerations. The concept of omnibus law aims to streamline legal processes, attract foreign investors, and enhance welfare ¹¹⁸. However, there are contrasting views regarding its impact, with concerns raised about potential delegitimization of sectoral rights ¹¹⁹. The formation of the Health Bill using the omnibus law method is seen as a significant step towards enhancing public health and fulfilling the right to health as a fundamental human right ¹²⁰. Despite the legal and political aspects being addressed in the formation process, challenges such as procedural flaws and lack of public participation have been highlighted, leading to conditional unconstitutionality by the Constitutional Court ¹²¹. Overall, the evaluation of the implementation of the Omnibus Cipta Arya formation underscores the importance of

considering various legal, political, and procedural aspects for its effective execution.

Recent developments in the legal politics of establishing the Omnibus Cipta Arya have sparked debates and discussions in Indonesia^{122, 123, 124, 125}. The Omnibus Law method, introduced through the Second Amendment to the Law on the Establishment of Legislation, has become a known method in forming statutory regulations, impacting various sectors like health and employment. The aim of the Omnibus Law is to reduce unemployment rates and improve the investment climate by streamlining regulations and accelerating licensing processes. These legal changes have led to conflicts and controversies, especially among different stakeholders, highlighting the intricate relationship between legal frameworks, economic development, and societal welfare in Indonesia.

IV. Conclusion and Suggestion

The formulation and implementation of Indonesia's Omnibus Law on Job Creation have posed intricate challenges and sparked debates. While initially aimed at simplifying regulations and fostering economic growth, the law has encountered criticism and resistance, particularly regarding its potential impact on workers' rights and democratic participation. The process reflects a complex interplay of economic objectives, legal reforms, and societal needs, involving various stakeholders such as the government, parliament, media, and civil society. Despite its intentions, the law's

¹¹⁸ Iskandar, "Legal Politics of Establishing a Health Bill with the Omnibus Law Method."

¹¹⁹ Miran et al., "Omnibus Law Dalam Perspektif Hukum Dan Politik."

¹²⁰ Askolani Jasi, Evita Isretno Israhadi, and Riswadi Riswadi, "Analysis Of Land Disputes Arising From Land Procurement Activities In The Development Of Public Facilities And Infrastructure (Review of Law Number 2 of 2012 Concerning Land Acquisition)," *Edunity: Kajian Ilmu Sosial Dan Pendidikan* 2, no. 1 (January 15, 2023): 87–93, <https://doi.org/10.57096/edunity.v1i05.40>.

¹²¹ Syafriadi, "Undang-Undang Cipta Kerja Pasca Revisi Kedua Undang-Undang Nomor 12 Tahun 2011."

¹²² Iskandar, "Legal Politics of Establishing a Health Bill with the Omnibus Law Method."

¹²³ Panggabean and Sikumbang, "Undang-Undang Cipta Kerja Dan Dampaknya Terhadap Ekonomi Mikro."

¹²⁴ risky Wahyudi Irianto, "Studi Konfigurasi Politik Uu Nomor 11 Tahun 2020 Tentang Cipta Kerja: Sebuah Tinjauan Literatur."

¹²⁵ Prasetyo, Abdul Rachmad Budiono, and Shinta Hadiyantina, "Politik Hukum Perubahan Norma Perizinan Dan Iklim Investasi Dalam Undang-Undang Cipta Kerja Menggunakan Metode Omnibus Law."

execution has revealed issues like harmonizing regional regulations and potential conflicts of interest. Addressing these challenges is essential for ensuring fair and effective implementation. This requires prioritizing transparency, public participation, and stakeholder interests, while also adapting to evolving economic and regulatory landscapes to uphold democratic principles and workers' rights in Indonesia.

To ensure the effective implementation of the Omnibus Law on Job Creation, it is essential to take several key actions: First, enhance transparency and public participation by involving all relevant stakeholders in the formulation and implementation processes, including civil society organizations, labor unions, and marginalized groups. Second, strengthen legal certainty by addressing legal uncertainties through thorough legal assessments, consultation with experts, and clear guidelines for interpretation and enforcement. Third, safeguard workers' rights by conducting impact assessments, implementing safeguards, and ensuring fair labor practices. Fourth, promote sustainable development by aligning economic efforts with principles of sustainability and social responsibility. Finally, strengthen oversight mechanisms to monitor implementation and address any discrepancies or abuses, which may involve empowering regulatory agencies and promoting judicial review of legislative decisions.

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