

Analysis Political Law About Omnibus Law In Indonesia

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Abstract: Omnibus Law is a combination of several laws into one regulation, the government's aim in creating an omnibus law is to combine... 1,244 articles and 79 laws in one regulation. One of the laws that are included in the omnibus law is the Manpower Law, in the Draft Omnibus Law on Job Creation it will create 11 changes including Simplification of Licensing, Investment Requirements, Foreign Workers, Working Hours, Worker Rights and Protection, adding types of layoffs, and Strengthening Social Security, so that a fundamental discussion is needed on the Urgency of labor law as a legal rule included in the omnibus law agenda. The purpose of this study is to analyze the Urgency of labor law as a legal rule included in the omnibus law agenda with the problem approach method used by normative legal researchers with a legislative approach and a conceptual approach by examining the laws and regulations regarding the legal politics of the formation of the omnibus law in Indonesia.

Keywords: Omnibus, Politics, Law, Legislation

1. INTRODUCTION

Omnibus Law itself has been implemented in various countries that adhere to the common law system such as neighboring countries Malaysia and Singapore. The purpose of the omnibus law itself is to accelerate the preparation of laws and regulations and correct laws and regulations.

Omnibus Law is a combination of several laws into one regulation, the government's goal in creating an omnibus law is to combine 1,244 articles and 79 laws into one regulation. One of the laws that is also combined in the omnibus law is the Manpower Law, in the Draft Omnibus Law on Job Creation, 11 changes will be made, including Simplification of Licensing, Investment Requirements, Foreign Workers, Working Hours, Worker Rights and Protection, adding types of Layoffs, and Strengthening Social Security.

However, with the issuance of the Omnibus Law Bill, it will raise pros and cons among the public. It allows workers to think that their rights will be reduced while working hours will remain the same. or increase. This has sparked debate between labor unions and the government. As local workers, workers reject greater opportunities for foreign workers to work in Indonesia. This policy has sparked demonstrations rejecting the Omnibus Law Bill for various reasons and has reduced public trust in the government. Meanwhile, the government itself considers this to be a policy that has existed in society so far. This policy will later reduce overlapping regulations and accelerate national growth according to the government.

Omnibus Law is known in Indonesia after the President of the Republic of Indonesia delivered it in his state address at his inauguration as President before the MPR session on October 20, 2019. Omnibus law became the president's focus with the aim of resolving the problem of overlapping regulations and bureaucracy. It is hoped that the omnibus law can provide good service to the community and attract foreign investors to invest in Indonesia.

The Omnibus Law has attracted public attention because of its purpose . omnibus law to replace previously existing laws with legislation new. The new law created as a legal umbrella for all related legal provisions and can be cross-sectoral in nature. In fact, the idea of creating an omnibus law was previously expressed by Sofyan Djalil as Minister of Agrarian Affairs and Spatial Planning/National Land Agency of the Republic of Indonesia in 2017 as reported by okezone.com, where there were many regulations that... hinder Acceleration of development due to conflicting regulations, so the government has drafted an omnibus law as an effort to shorten the time. licensing. Edmond Makarim in his speech at the discussion of the Association of Alumni Organizations of State Universities throughout Indonesia on February 6, 2020, said that Law Number 11 of 2008 concerning Electronic Technology and Information is an example of an omnibus law where legal issues regarding cyber have been successfully outlined in one law that fills the legal gap.

In accordance with the direction of the President of the Republic of Indonesia, Joko Widodo that there will be 3 (three) the laws made as a form of omnibus law, namely the taxation law, the job creation law and the UMKM empowerment law. The three laws will later replace related regulations that are very diverse and cross-sectoral.

The background to the emergence of the omnibus law idea is the complexity of investing in Indonesia. The complexity arises in several things, namely licensing, taxation, land acquisition, and other aspects related to investment. The presence of the omnibus law is expected to make it easier for investors to invest. The benefits of investment for the country are getting new capital to help the government build infrastructure, open up jobs, advance certain fields, increase state revenue, and state protection.

Omnibus law is one way out to attract foreign investors to Indonesia. The many regulations, sectoral and overlapping regulations are the background for the creation of the omnibus law. Omnibus law is also a solution to the slow legislative process in Indonesia. This is evident in the performance of the Indonesian House of Representatives for the 2014-2019 period which only made 84 laws, which is less than the Indonesian House of Representatives for the 2009-2014 period which produced 125 laws in a period of 5 (five) years. The phenomenon of declining productivity legislation This is due to several factors,

namely (1) the shift in legislative function from the hands of the president to the DPR, (2) the bureaucracy for drafting laws is getting longer with the presence of the DPD, (3) the activities of the members of the DPR RI are getting busier so that they interfere with the main function of the DPR RI institution, (4) the procedure for forming laws is rigid and based on the civil law system. Omnibus law is one way out to overcome this problem. Based on the description of the background, the problems that are the central issues to be studied in this article are regarding (1) the characteristics of the omnibus law and (2) the direction omnibus law formation policy in Indonesia.

FORMULATION OF THE PROBLEM

1. What is the urgency of employment law as a legal regulation included in the omnibus law agenda ?

2. RESEARCH METHODS

The method used is *normative juridical* with a legislative approach and a conceptual *approach* by examining the laws and regulations regarding the legal policy of the formation of the omnibus law in Indonesia.

3. DISCUSSION

Too many regulations, the reason the government created the omnibus law is because there have been many regulations created, which often overlap with each other and hinder access to public services, this also slows down development and improving public welfare.

The arrangement of regulations that are indeed a problem in Indonesia, Bakornas noted that there are 5000 regulations per law from the central to regional levels, but according to various elements of society, the goal was not achieved because the goal was only directed towards increasing investment, even though the end result was opening up employment opportunities for the community. However, in practice, the journey of discussing this bill in the government only involved a handful of people, which the government claims Alone has involved labor unions (which). Where this continues the Jokowi government volume I which wants to make it easier to do business, where Indonesia wants to increase growth investment from both domestic and foreign. Where the goal is to absorb unemployment in Indonesia.

This bill must indeed be the concern of all elements of society because it is not only the workforce that will feel the impact of this bill, but also most of the community, especially fishermen, farmers, and indigenous peoples because there are indeed many sectors that will

be affected. For example, in the agrarian or mineral and coal sectors, such as in terms of simplified licensing, where land ownership requirements are changed a lot, for example, land ownership limits are extended, which will delay agrarian reform that should be handed over to the community, but because land ownership is controlled by capital owners for a long period of time, this will harm the surrounding community. Therefore, in fact, this bill when passed will basically affect various sectors, not only for employment, all sectors will be affected both directly and indirectly.

Basically, this omnibus law is one of the opportunities seen by the president where this could be the answer to the problems in Indonesia because he tackles convoluted policies, but in the eyes of the public, especially the affected groups, they actually consider that the elimination of these regulations actually eliminates the certainties regulated in Law no. 13 of 2003. In addition, there are regulations that are not abolished, but rather replaced conceptually, where this can have implications. Is it true that the assumed benefits are comparable to the costs? In fact, it can be predicted if this bill is implemented.

The beginning of this problem is actually the absence of several parties in the discussion of the draft of the Ciptaker Bill where only the business people were involved and after the draft was submitted to the DPR, the government claimed to invite them to discuss this bill together. In fact, looking at the KPK Bill where it was suddenly passed without widespread public involvement, this is actually what the public is worried about. Therefore, a forum must be held attended by the affected parties to discuss this bill comprehensively.

Actually, various parties agree and agree that we must advance in the investment climate, because if there is more investment, there will be more jobs where we can also reduce unemployment. The policy must have a clear narrative, and the current bill has not been done optimally because this permit has been a problem from year to year. Our *ease of doing business* has not moved from 73, and in this omnibus law it talks about opportunities for workers. Another problem is the issue of severance pay, where Indonesia is one of the most expensive countries. others In severance pay, the workforce in Indonesia is also considered less productive than in other countries. Therefore, there are no more labor-intensive programs, because large Indonesian companies that are involved in labor-intensive programs have moved abroad, seeing the high cost and unproductiveness of Indonesian workers. So the PR for the government is how to improve existing human resources in Indonesia, to support the labor-intensive program.

The definition of codification in KBBI and *Black's Law Dictionary* has similarities, namely a collection of legal regulations to be made into one book. Efforts codify limited to

collecting existing laws and regulations to be made into one book which was initially spread across several laws and then made into one book/book. Examples of the results of codification efforts are the Criminal Code (KUHP) and *the Burgelijk Wetboek* (Civil Code). This is different from the Law Omnibus which will replace many existing laws. Laws that currently have substance can be adopted into the omnibus law with adjustments or replaced with new substance. While codification will not create new laws that will then replace existing laws but will only collect various laws into one law book. The results of the codification will replace laws that have been included in the codification list.

It can be concluded that codification with omnibus laws is different in that codification only collects existing laws to be made into one book or book. While the omnibus law seeks to replace existing laws and there is overlapping norms between one law and another. Codification can only be carried out on laws that have the same normative content in the legal field. For the omnibus law, it can collect various laws related to the topic of the law omnibus that will be created. When viewed from the legal norms, codification efforts will not give rise to new legal rules because codification is only limited to collecting existing legal rules. There is. The omnibus law may later give rise to new legal regulations, where these new legal regulations may... will replace, modify, or eliminate old legal rules.

If we look at the practice in several countries that have made omnibus laws, then the omnibus law is manifested in a regulation that can be equated in the context of Indonesian law as a law. According to Edmond Makarim, as in his speech at the alumni discussion event of state university organizations throughout Indonesia on February 6, 2020 in Jakarta, he said that omnibus laws are usually formed in laws. This must of course be in line with Law Number 12 of 2011 concerning the Formation of Legislation. The omnibus law has the same position as other laws and is not a principal law. This omnibus law will later replace all or part of the provisions of the previous law.

4. CONCLUSION

This Omnibus Law must be of concern to all elements of society because it is not only workers who will feel the impact of this bill, but also... most of the community, especially fishermen, farmers, and customary law communities because there are indeed many sectors that will be affected. For example, in the agricultural sector or mineral and coal, such as in the case of simplified licensing, where the requirements land ownership that is widely changed, for example the land ownership limit is extended, which will delay agrarian reform that should be handed over to the community, but because land ownership is controlled by

capital owners for a long period of time, this will harm the surrounding community. Therefore, this bill when passed will basically affect various sectors, not only for employment, all sectors will be affected both directly and indirectly.

Omnibus law and codification are two mechanisms for drafting and forming laws. different where the omnibus law trying to replace the existing law with the omnibus law. While codification is an effort to collect many laws into just one law book. The omnibus that will be made consists of the Job Creation Bill, the Taxation Bill, and the MSME Empowerment Bill, which are bills whose substance can replace part or all of the existing laws. Meanwhile, the formation of the Omnibus Law must still be in accordance with the provisions for the formation of applicable laws and regulations .

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