

Progressive Legal Views on the Implementation of the Omnibus Law Method in Indonesia

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Abstract

Indonesia is a constitutional state which was contain in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia and based on the prevailing laws and regulations. The current laws and regulations are considered to have a lot of influence on legal positivism teachings, the law is considered rigid and causes the number of regulations that Indonesia has. The number of regulations is considered quite a cause for concern, and can lead to a decline in the quality of regulations in Indonesia. So, the Government tries a new method, namely the omnibus law method in simplifying regulations in Indonesia. The government's efforts to reduce regulatory obesity through the omnibus law method are considered formal flaws because they are not in accordance with the rules for the formation of laws and regulations stipulated in Law no. 12 of 2011. The progressive legal view of the omnibus law is necessary then to see the real and living substantial aspects of society and the consideration of social perspectives needs to be adjusted and the Government needs to continue to explore the real aspects in society.

Keywords

omnibus law; regulatory obesity; simplifying regulations; progressive law; social society.



I. Introduction

Indonesia is a state of law, the term "state of law" is expressly regulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. The rule of law requires a government based on applicable laws and regulations., The law is then associated through legislation. This is due to the influence of legal positivism, so that the difference between law (ius) and law (lex) (hereinafter referred to as UU) is distorted. Law is one source of law with the understanding as the starting point of the law in determining authoritative orders and prohibitions to legal subjects.

The logical consequence of Indonesia as a legal state that is influenced by the teachings of legal positivism is that by 2020 Indonesia has a number of 57,009 regulations, with the following details: UUD (1), TAP MPR (4), UU (1,669), Perppu (294) Government Regulations (4,566), Presidential Regulation (1,832), Presidential Decree (6,225), Presidential Instruction (677), Emergency Law (178), Supreme War Ruler Regulation (48), Ministry Regulation (33,459), State Institution Regulation (613), Regulation Non-Ministerial Government (5,004) and Non-Structural Institution Regulations (2,439). The number of regulations (hereinafter referred to as regulatory obesity) that is owned by Indonesia is considered quite alarming, this is because if there are

too many regulations it creates a potential influence on poor regulatory quality, disharmony, overlapping and conflicts between regulations.

There are several factors that cause too many regulations in Indonesia, including the idea that there is always a need for regulation, a thought that encourages the issuance of regulations and the idea that if there is no regulation as a legal umbrella, then the problem will be longer. This kind of thinking is what causes the issuance of a new regulation, which even we ourselves do not know whether the issuance of the regulation can really solve a problem, or will actually result in a decrease in the quality of regulations in Indonesia. Poor regulation will result in regulations that: 1. contradict each other from one regulation to another; 2. overlapping; 3. multiple interpretations; 4. disobeying principles; 5. ineffective; 6. create unnecessary burdens; 7. create high cost.

Currently, the government is making new efforts to cut regulatory obesity through the omnibus law method. The Minister of Finance, Sri Mulyani Indrawati said that the omnibus law aims to improve and eradicate Indonesia from the middle-income trap. According to Bivitri Savitri, omnibus law is defined as a law made to target the big issues that exist in a country; besides that it also aims to revoke and amend several laws.

The government's efforts to cut regulatory obesity through the omnibus law method are considered formally flawed because they are not in accordance with the rules for establishing laws and regulations as regulated in Law no. 12 of 2011 concerning the Establishment of Legislation. Rizky Argama was quoted on the legal page online as saying that the government had neglected public participation since the drafting stage, this step was contrary to the principle of openness and the obligation to provide public participation. In addition, the DPR cuts the stages of the bill deliberation process, conducts discussions during recess and the DPR and the government include material that has never been discussed, namely material from three laws related to taxation.. in using the omnibus law method to form and amend laws, for example the fulfillment of the principles of openness, prudence and public participation. Widespread socialization is also needed, as well as transparent discussions by taking into account the affected parties, not in a hurry to carry out discussions, considering the effective time period for the enactment of the law and considering a number of affected laws.

The progressive law was first proposed by Satjipto Rahardjo. The idea of progressive law was born from anxiety about the performance of the law which is expected to help the community to get out of the grip of the law which is considered standard. Progressive law is always sensitive to changes that occur in society, both local, national and global. According to Satjipto Raharjo progressive law aims to use the law for the benefit of the people above the interests of the individual, progressive law emerges with the concept that the law is for humans, not humans for the law.

Based on the description above, Indonesia is experiencing regulatory obesity which has an impact on the quality of legislation. The omnibus law is an effort to simplify regulations initiated by the government. There are many pros and cons in the application of the omnibus law method. This makes the authors interested in conducting research related to reducing regulatory obesity and a progressive legal view of the omnibus law method used to overcome regulatory obesity in Indonesia.

II. Review of Literature

Research conducted by Ahmad Ulil Aedi, Sakti Blueuardi and Ditta Chandra Putri focuses on the legal meaning and alignment of omnibus law and consolidation law, is interpreted as long as the making of laws and regulations is obedient to the hierarchical

order and fulfills the principles of forming laws and regulations, as well as discussing the concept of legal transplantation of the omnibus law method from the common law system into the civil system. law. Wicipto Setiadi conducting research with a focus on new breakthroughs in efforts to simplify or simplify regulations, namely the omnibus law method. However, in this effort, it is necessary to pay attention to the principles of values contained in Pancasila and the constitution, in accordance with the laws and regulations related to the formation of laws, and to maintain harmony between one regulation and another. Development is a systematic and continuous effort made to realize something that is aspired. Development is a change towards improvement. Changes towards improvement require the mobilization of all human resources and reason to realize what is aspired. In addition, development is also very dependent on the availability of natural resource wealth. The availability of natural resources is one of the keys to economic growth in an area. (Shah, M. et al. 2020)

Muhamad Azar examining the application of omnibus law as a solution to hyperregulation in Indonesia, this study states that the omnibus method cannot be realized immediately due to the potential for overlap in various regulations between state institutions. Research by Ibn Sina Chandranegara reviewing the compatibility of the use of the omnibus in the formation of laws and changes that need to be made to suit the method used, the results of this study state that the omnibus method cannot be carried out without considering the factors of the legal system and doctrine used in the legislative process in Indonesia, the omnibus method will be compatible if accompanied by with the consolidation method.

All previous studies have discussed omnibus law, both focusing on the substantial aspects and those focusing on the procedural aspects of the formation of laws and regulations. However, there is no overall research that discusses the omnibus law associated with progressive law in order to cut regulatory obesity, therefore this paper will analyze the view of progressive law in reducing regulatory obesity using the omnibus law method.

2.1 Legislation Simplification

The number of laws in Indonesia is very large and this makes Indonesia a regulatory obesity. Regulatory obesity can lead to poor regulatory quality and cause disharmony between regulations, so regulatory simplification is needed. Regulatory simplification can be done by taking an inventory of the problematic regulations, then evaluating them against the effectiveness of their implementation with other regulations. Regulatory simplification is carried out by measuring the relevance of several basic criteria through aspects of legality, aspects of needs, and aspects of procedural ease. The legality aspect is used to review the potential for multiple interpretations, conflicts, duplications, inconsistencies to whether or not a regulation is operational. The needs aspect is used to review the clarity of objectives based on the basic needs for the community as well as for state administrators. The ease of procedure aspect is used to review whether the regulations are easy to understand or even place a burden on the parties directly affected.

Various efforts that can be made to simplify regulatory obesity can be suppressed through ex-post facto reviews through judicial reviews of the Supreme Court and the Constitutional Court, as well as ex-ante reviews. Ex post facto review is used to annul laws against the Constitution whose authority is owned by the Constitutional Court, or to cancel laws and regulations under the Act against laws whose authority is owned by the Supreme Court. Meanwhile, ex-ante review is a preventive measure, because it examines whether the norms in a draft law are in sync with the norms of the 1945 Constitution of the

Republic of Indonesia. This is done to maintain the constitutionality of the law as well as to improve the quality of the law through efforts to harmonize it with other laws.

Another effort that can be done is to use the omnibus law method. The omnibus method is used to produce one law that covers many things. The government in implementing the formation of the law begins to use the omnibus method, the use of the omnibus method is expected to minimize disharmony over bad regulations. In the current era, it is common to roll out many laws into one law, as a result, these laws can cover more and more diverse policy areas, and changes significant policy, this can be done using the omnibus method. The omnibus law or omnibus bill is one law that can change many laws. Lawmakers who have a wide variety of policy options can simplify it through the omnibus method. Omnibus bills are usually the most common in presidential government systems, especially in the United States.

- (1) Black's Law Dictionary defines omnibus law or omnibus bill as: a single bill containing various distinct matters, usually drafted in this way to force the executive either to accept all the unrelated minor provisions or veto the major provision; and
- (2) a bill that deals with all proposal relating to a particular subject, such as an "omnibus judgeship bill" covering all proposal for new judgeship or an "omnibus crime bill" dealing with different subject such as new crimes and grants to states for crime control.

Obesity regulation can be simplified through the omnibus method. Audrey Obrien quoted in Wicipto Setiadi assumes that, although the term omnibus bill is often used, there is no exact definition. An omnibus bill is an attempt to amend, repeal or enforce some laws, the laws consist of a number of related but separate initiatives. The omnibus bill is an effort to create a law that covers more than one aspect which is combined into one law.

2.2 Principles of Formation of Legislation

The formation of a good law is based on conformity with the principles of the formation of laws and regulations that have been stipulated in Law no. 12 of 2011 concerning the Establishment of Legislation as amended by Law no. 15 of 2019 concerning Amendments to Law No. 12 of 2011 concerning the Establishment of Legislation. The principle of formation is an obligation that is used in the preparation of laws, so that the laws that are formed have certainty, justice and benefits for the wider community. The principles in the formation of statutory regulations are divided into two, namely: the principle of the formation of statutory regulations and the principle of the material content of the legislation.

The principle of the formation of statutory regulations is regulated in Article 5 and Article 6, Article 5 regulates the principle of the formation of statutory regulations, can also be referred to as procedural requirements or formal legal principles which include:

- Clarity of purpose;
- Appropriate forming institutions or officials;
- Compatibility between types, hierarchies and payload materials;
- Can be implemented;
- Usability and effectiveness;
- Clarity of formulation; and
- Openness.

What is meant by "clarity of purpose" is that every formation of legislation must have a clear goal to be achieved, the principle of "the right forming institution or official" means that the formation of laws and regulations must be made by an authorized institution

or official forming the rule of law. . These laws and regulations can be canceled or null and void if they are made by an unauthorized institution or official.

The principle of "conformity between types, hierarchies and content material" is that in the formation of legislation, it must pay attention to the right content material, with the type of legislation. The principle of "can be implemented" is that every law formation must take into account the effectiveness of laws and regulations in society both philosophically, juridically and sociologically. The principle of "usability and usability" is that every statutory regulation is made because it is really needed and useful in regulating the life of society, nation and state..

The principle of "clarity of formulation" is that every statutory regulation must meet the technical requirements for the preparation of laws and regulations, systematics and choice of words or terminology, and the legal language is clear and easy to understand so as not to cause various kinds of interpretations in its implementation. The principle of "openness" is that in the process of forming laws and regulations starting from the planning, preparation, drafting and discussion stages, they are transparent and open. Thus, all levels of society have the same opportunity to provide the widest possible input in the process of making or forming laws.

Article 6 regulates the principle of material law in the formation of legislation which is a substance requirement including:

- a. shelter;
- b. Humanity;
- c. Nationality;
- d. kinship;
- e. Archipelago;
- f. Unity in Diversity;
- g. Justice;
- h. Equality in law and government;
- i. Order and legal certainty; and/or
- j. Balance, harmony and harmony.

The explanation regarding the principle of protection is that every material contained in laws and regulations must function to provide protection in the context of creating public peace, in addition to the humanitarian principle that every material contained in laws and regulations must reflect the protection and respect for human rights as well as the dignity and worth of every citizen. country proportionally. The principle of nationality is that every material contained in laws and regulations must reflect the nature and character of the pluralistic Indonesian nation while maintaining the principle of the unity of the Republic of Indonesia.

The principle of kinship is that every content material must reflect deliberation to reach consensus in every decision making, the archipelago principle is that every content material of laws and regulations always pays attention to the interests of the entire territory of Indonesia and the material content of laws and regulations made in the regions is part of national legal system based on Pancasila. The principle of Bhinneka Tunggal Ika is that every material contained in laws and regulations must pay attention to the diversity of the population, religion, ethnicity and class, special conditions of the region and culture, especially those concerning sensitive issues in the life of society and the state..

The principle of justice can be understood with the understanding that every material contained in laws and regulations must reflect justice proportionally for every citizen without exception. The principle of equality of position in law and government is that any material in the content of legislation may not contain things that are distinguishable based

on background, including religion, ethnicity, race, class, gender or social status. The principle of order and legal certainty is that every material of legislation must be able to create order in society through guarantees of legal certainty. While the principle of balance, harmony and harmony is that every material of legislation must reflect balance, harmony and harmony between the interests of individuals and society with the interests of the nation and state..

2.4 Progressive Law

Progressive Law was born on the concerns and criticisms of prof. Satjipto Rahardjo. He is concerned about the deterioration of the law in Indonesia, one of which is that the law has been flawed since birth. Society is governed by laws that are full of flaws, because of their inability to formulate precisely the things that exist in society, as a result, society is governed by these flawed laws. In fact, the law is described as human behavior, the law is for humans and not vice versa. Progressive law is always faithful to the principle of 'law is for humans' because human life is full of dynamics and changes from time to time.

Concerns about the legal situation in Indonesia, at a macro level, have not come close to the ideal situation, namely the welfare and happiness of its people.. Humans do not start life with him by creating a legal system, but build a society. From a common life called society, law is born. Humans, like life and its environment, become the central point of regulation. Lawmaking is the estuary of a long process of legislation. not only a legal strategy, but also to formulate in writing social, biological, economic, psychological, physical and other decisions, not legal decisions.

Progressive law is concerned with human and humanitarian issues. This makes him close to the flow of natural law. The principles of "law for humans" and "good life is the basis of good law", are expressions that prioritize human and humanitarian issues, which are actually nuanced in nature..

Since the law is poured into legislation, a language or variety of legal languages has emerged that is more difficult and keeps the law away from the reality of everyday life. However, that reality should be the standard content of the law.

The formation of a law is essentially a process and giving form. The formation of the law essentially looks inside and outside. The formation of laws inward or inward looking discusses the internal structure of the law or law. This is related to the principle that the formation of laws is not carried out freely according to the wishes of the makers, but must still be in accordance with the principles and procedures for the formation of laws.

The formation of external laws is related to the reality of social society, whether solving problems in society requires a law or not, because regulating society does not mean that it must be done in full. If the point of concern lies with humans and society, then the arrangements can be made through a grand scheme and the process is handed over to the community.

III. Research Method

The research method uses normative juridical methods, normative juridical legal research is research that analyzes the reciprocal relationship between legal facts and social facts. This research uses a conceptual approach and a statutory approach. The conceptual approach is used to construct a progressive legal view related to omnibus law, the statutory approach is used to examine the process of making laws and regulations contained in Law no. 12 of 2011 concerning the Establishment of Legislation as amended by Law no. 15 of

2019 concerning the Amendment to Law No. 12 of 2011 concerning the Establishment of Legislation.

Data collection was carried out by searching literature studies, primary legal materials in the form of legislation, theories on progressive law and secondary legal materials in the form of publications on law, especially those related to omnibus law and progressive law. The legal material will then be analyzed comprehensively to find answers to the formulation of the problem posed, the results of the analysis will then be followed by drawing conclusions deductively.

IV. Result and Discussion

4.1 Progressive Legal View of Regulatory Simplification

The influence of the legal positivism paradigm triggers the birth of progressive law, the legal positivism paradigm ignores values in society, creates errors in interpreting the law and the indecisiveness of the provisions in the legislation that opens the gap for possible deviations by its implementers.. Progressive law defines humanity as primus at the time it gives a position to law in society. First is humanity, then law with all the attributes of the problem, discussing and working on law first begins with talking about humans and humanity. Humanity continues to flow into law because law is not a sterile and esoteric special institution, law is part of humanity.

Simplification of regulations by using the omnibus law method can generally be a place for exchange of votes and bargaining between legislators, this is because the drafting of a law using the omnibus law method includes several policy issues that are not related to one bill which are then combined with beneficial issues. The omnibus law allows legislators to make exchanges between various policy issues, this is done so that the draft law passes even though it contains unfavorable issues.

Progressive law emphasizes more on the way of law substantially, the basis or fundamentals of the law actually exist in humans, namely human behavior not on legal materials, legal systems, legal thinking and so on. The government in using the omnibus law method then needs to look at the legal aspects substantially. The substantial aspect in question is the behavior of the Indonesian people. The government in forming new regulations needs to adjust whether the new regulations made using the omnibus law method have seen substantially, whether the regulations are in accordance with the behavior of the Indonesian people.

Judging substantially, is by reading the rules not only using the logic of the rules, but reading the reality or what is happening in society. The formation of new regulations is necessary then to override the influence of the legal positivism paradigm which ignores values in society, creates errors in interpreting the law and the indecisiveness of the provisions in the legislation. The omnibus law method then needs to look at aspects substantially, aspects of community behavior in the formation of laws so that they do not ignore the values that live in society. The formation of laws by the President and the legislature then not only sees and interprets the law according to their own thoughts, but the whole of the making must be in accordance with the paradigm that exists in society, the values that live and grow in society.

People's behavior contains real values and relationships that are full of nuances of complexity. It is these values and relationships that then need to be explored and applied in the formation of regulations using the omnibus law method. The simplification of regulations carried out must be carried out based on the suitability of values and relationships within the scope of behavior of the Indonesian people. Values and

relationships that exist and in fact live in society are a complex matter and need to be studied further in order to produce laws for society, laws that are not rigid and flow within society.

Progressive law itself rejects a final and universal formulation, because law is an institution that is allowed to flow. The progressive legal view of simplifying regulations using the omnibus law method then needs to be looked at more deeply and in more detail, the regulations that are made are not made to apply retroactively. The regulations made are not final, they are intended to flow within the community. When the substantial aspects have been included in the making of regulations, it does not mean that the regulators have stopped and are final in seeing the substantial aspects.

Substantial aspects, namely behavior and reality, what actually exists and lives, and grows in society need to be considered. This aspect is an aspect that is not final and flows in society. Regulators then need to always explore the values of reality that exist and live in people's behavior. So, if the simplification of the regulation has taken into account the substantial aspects that exist and live in reality in society, then the goal of progressive law will be achieved, law was created for humans, not humans for law.

4.2 Community Social Perspective in the Omnibus Law Method

Omnibus law is a method of law formation which consists of various aspects which are generally carried out by countries that adhere to the common law legal system, so that the use of the omnibus law method in countries that adhere to the civil law legal system, especially the Indonesian state is a fairly new method. One of the countries with a civil law system that has implemented the omnibus law method is Vietnam, which in 2006 wanted to adopt the results of WTO accession. To implement it, the prime minister ordered the local law ministry to conduct research on the possibility of implementing omnibus law in Vietnam. The results of the study show that it is possible to apply the omnibus law method considering that there are no rules that prohibit it. The laws and regulations that have been successfully established by Vietnam using the omnibus law method include: Law Amending and supplementing a number of article of the law on value-added tax, the law on excise tax dan the law on tax administration, law amending and supplementing a number of article of the laws on taxes.

The drafting of an omnibus law carried out in a country that adheres to a common law system, especially the United States of America can be submitted by the house of representatives or submitted by the senate. If submitted by the house of representatives, the mechanism is: the house of representatives submits various sectors of the bill, which is called a bill, then the bill is submitted to the committee for study and if the committee agrees, a date will be determined for voting, debate or even an amendment to the bill that has been made. submitted. A bill is valid if a majority of votes approve it (218 votes out of 435 votes cast through the electronic voting system). After being approved and passed in the house of representative bill stage then it goes to the senate, the senate bill is submitted to the committee (this committee is different from the house of representative committee) if it is approved by the senate committee then a vote, debate or amendment will be carried out (51 votes out of 100 voice). After passing the senate, then a conference was held between the house of representatives and the senate regarding differences in bill manuscripts due to differences in manuscripts whose process was held in the house of representatives and manuscripts whose processes were held in the senate, after an agreement was reached the bill was then returned to the house of representatives and the senate for final approval, The secretariat then prints a bill that is final and the final stage is in the hands of the president. The president has 10 days to sign, veto, choose not to act or

not to sign and pocket veto. Bills that have been signed by the president or not signed within 10 days later become law.

The State of Indonesia has adopted a simplification system of regulations through the omnibus law method whose preparation is adjusted to the formation of laws regulated in Law no. 12 of 2011 concerning the Establishment of Invitation Regulations as amended by Law no. 15 of 2019 concerning Amendments to Law No. 12 of 2011 concerning the Establishment of Invitation Laws. The formation of a law has two aspects, namely: product and process, the product is the result of a process in the form of legislation, while the process is a series of actions in the preparation of the law in the form of planning stage, drafting stage, discussion stage, ratification stage and legislation stage.

The preparation of laws using the omnibus law method (especially Law No. 11 of 2020 concerning Job Creation) from the beginning did not involve public participation and violated the principle of establishing legislation, namely the principle of openness. Legal principles are fundamental rules, according to Sudikno Mertokusumo quoted by Victor Imanuel W. Nalle, legal principles provide a value which then becomes a more specific form in a legal norm, which provides clear guidelines for actions. The principle of law becomes the basic idea that is general in nature from the concrete regulations contained in and behind every legal system.

Public participation in the preparation of Law no. 11 of 2020 was first implemented through a socialization held by the Ministry of Economy with ten labor federations, also attended by the Directorate General of PHI JSK of the Ministry of Manpower Haiyani Rumondang, the Coordinating Minister for the Economy Susiwijono and several representatives of the Ministry of Law and Human Rights who only accommodated the aspirations of the labor confederation, without further explanation. cause disappointment among workers. Then in July 2020 a technical team was formed by the ministry of manpower, but there was a resignation due to the arrogance of the Indonesian employers' association (hereinafter referred to as APINDO) and the industrial chamber of commerce (hereinafter referred to as KADIN) which returned the concept of the proposal from the trade union without submitting the proposed concept of APINDO and KADIN separately. written. APINDO and KADIN stated that there was no need for a decision and an agreement because the technical team only provided input and was not a negotiation between the parties. On August 18, 2020, the DPR formed a drafting team that involved workers to discuss the articles in question so that they became transparent.

The social perspective has been neglected in the preparation of Law no. 11 of 2020 concerning Job Creation which was formed using the omnibus law method, the arrangement which does not pay attention to the principle of establishing openness, the absence of public participation in other clusters and various objections are still ruled out. Whereas there are 11 other clusters in the formation of Law no. 11 of 2020 concerning Job Creation, but only the employment cluster is the focus, even though there have been various rejections the omnibus law method is still used and Law no. 11 of 2020 concerning Job Creation ratified on October 5, 2020.

V. Conclusion

Indonesia is a legal state that is expressly regulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, whose government is based on applicable laws and regulations. Indonesia as a state of law is influenced by the teachings of legal positivism and causes it to have 57,009 regulations. The regulatory obesity experienced by

Indonesia needs to be trimmed and simplified, so that it does not affect the quality of regulation in Indonesia.

The formation of a good law is based on conformity with the principles of establishing laws and regulations that have been stipulated in Law no. 12 of 2011 concerning the Establishment of Legislation as amended by Law no. 15 of 2019 concerning Amendments to Law No. 12 of 2011 concerning the Establishment of Legislation. The principle of formation is an obligation used in the preparation of laws, so that the laws that are formed have certainty, justice and benefits for the wider community. Trimming or simplifying regulations in Indonesia for the first time using a new method, namely the omnibus law method. The omnibus law method is commonly used in common law systems, such as in the United States. The omnibus law or omnibus bill is one law that can change many laws.

Progressive law views that omnibus law needs to then pay attention to aspects that exist in society. The aspect in question is the substantial aspect, namely community behavior and relationships, what actually happens in society. The formation of the law then needs to consider the principle of the formation of legislation, the principle of the content of the legislation and aspects in society. The government in formulating laws needs to consider the clarity of the objectives, the right institutions or forming officials, the suitability between types, hierarchies and content, can be implemented, usability and effectiveness, clarity of formulation and openness and not forgetting the substantial aspects that live in society.

The simplification of regulations carried out must be carried out based on the suitability of values and relationships within the scope of behavior of the Indonesian people. It aims to produce laws for the community, laws that are not rigid and flow within the community. The influence of the legal positivism paradigm triggers the birth of progressive law, the legal positivism paradigm ignores values in society, so that the simplification of regulations with the omnibus law method then needs to be looked at more deeply and in more detail, by considering various principles and various aspects in making regulations.

The preparation of laws using the omnibus law method (especially Law No. 11 of 2020 concerning Job Creation) from the beginning did not involve public participation and violated the principle of establishing legislation, namely the principle of openness. The social perspective has been neglected in the preparation of Law no. 11 of 2020 concerning Job Creation which was formed using the omnibus law method, the arrangement which does not pay attention to the principle of establishing openness, the absence of public participation in other clusters and various objections are still ruled out.

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