

COMMUNITY PRO-CONTRA PROJECT FOR THE PRESENCE OF THE OMNIBUS LAW BILL IN LEGAL SOCIOLOGY PERSPECTIVE

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Abstract

The Omnibus Law was first echoed during the inauguration of the President of the Republic of Indonesia to be precise, on October 20, 2019. Omnibus Law is a legal concept that will simplify a regulation. All the considerations are caused by too many rules that have stagnated the economic growth experienced by this nation. With the many regulations, the president felt the need to take steps forward to minimize these regulations. A code was created that could back up all rules, namely the presence of the Omnibus Law Bill, which later the bill became a law called the Omnibus Law. People who reject and feel uneasy about the presence of the Omnibus Law Bill think that this bill will only prioritize outside investment, making it a red carpet for foreign investors, the investment will only be enjoyed by the elite and a handful of people, which does not lead to job creation which will have an impact on improving people's welfare, making workers like production machines, loss of minimum wages, reducing overtime working hours, and many other articles that castrate their own people. With the presence of this bill, it will make this nation even more backward from democracy. The government and the DPR should have drafted this law to protect and voice the voices of the people affected by the regulations, not the other way around. Therefore, the people who are against it assess that the presence of this bill will legitimize investments that destroy the environment, ignore the assets of the people and indigenous peoples. The drafting of this bill was carried out behind closed doors without the participation of civil society and recycled unconstitutional articles of centralization of authority that hurt the spirit of reform.

Keywords: Omnibus Law, Reforms, Regulations, Omnibus Law Contra

A. INTRODUCTION

The discourse of Omnibus Law formation has been echoed since the inauguration of the President of Republic Indonesia in 2019. The concept presented

for the sake of saving and streamlining bureaucracy and regulations¹. With the hope of the presence of the Omnibus Law, all rules will be simple; the development of social welfare and economic achieved quickly. With the existence of this bill, many regulations have been trimmed, such as government regulations, presidential regulations, ministerial regulations to high-level regional head regulations.

As the rule of law, these laws and regulations were created to answer all national problems with the political interests of parties and politicians in representative institutions. This bill is prepared following legal principles by executives and legislatures. Several points are the substance of this bill, namely the simplification of business licensing, investment requirements, employment, convenience and protection of UMKM, ease of doing business, research and innovation, government administration, and economic zones². It is hoped that these aspects will provide convenience and contribute to creating large jobs with the hope of reducing unemployment³.

On the other hand, some people reject this government policy. Even though the government needs to present this bill, some academics people are still debating the existence of this bill. Those who are contra think that the presence of this bill is feared that it will disturb the dominant legal system in Indonesia. Adheres to Civil Law, while Omnibus Law comes from the Command Law legal system.

Currently, the global economy is still not stable. Especially with the presence of Covid-19, which impacts various sectors, especially the economic sector, this bill has made a legal revolution in multiple fields, especially the financial industry, which can create an increase in the investment climate to the regions and minimize practices. A corrupt bureaucracy, opening up many new jobs, and providing legal justice and protection for workers and entrepreneurs. Previously, the management of business permits was very complicated and unclear; the number of layoffs and high unemployment, the overlapping bureaucratic system that could adversely affect the

¹<http://www.duhaime.org/LegalDictionary/Category/ParliamentaryLaw.aspx>, diunduh 9 Januari 2020; Michel

Bédard, Omnibus Bills: Frequently Asked Questions, Background Paper, Publication No. 2012-79-E Ottawa,

Canada, Library of Parliament (2012); Glen S. Krutz, Tactical Manuevering on Omnibus Bills in Congress,

American Journal of Political Science, Vol 45, No 1 (January 2001).

²*Ibid.*

³PPT Kementerian Koordinator Bidang Perekonomian Republik Indonesia pada FGD mengenai Penyiapan Omnibus Law Ekosistem Investasi (kemudahan Investasi), 30 Oktober 2019.

community.

The red carpet for investment, development, and modern slavery from the perspective of the workers, some fundamental questions at the presence of the Omnibus Law Bill, is it right that it can break the deadlock related to unemployment in Indonesia? To what extent does the Omnibus Law give hope that investment will later have an impact on small communities or that a handful of elites can only enjoy investment, doesn't it lead to job creation that affects improving the welfare of all levels of society.

This bill is more tendentious to benefit only one party. The main problem in the formulation of this bill is that workers are not given participatory and intensive rights to draft this bill⁴. For example, in the Cilaka Bill, there are several articles which implemented will make the Indonesian people suffer more. Such as working 4 hours a day and 18 hours a week overtime, the right to leave is eliminated, based on this background, this research discusses the meaning, benefits. And the sociological aspect of society views the counter to the Omnibus Law?.

B. RESEARCH METHODOLOGY

The research method used in this paper is a normative legal research method. In this method, it will try to examine the principles of law and the rule of law⁵ to find a rule, regulation, legal doctrine to answer the legal issues at hand⁶.

C. DISCUSSION

One of the problems that hinder the success of government programs is overlapping regulations, and one that is relevant to overcome all of this is the Omnibus Law. Several concepts from the Omnibus Law Bill. Simplifying licensing., Ease of investment requirements., Ease of government administration., Ease of doing business., Imposing sanctions and land acquisition. The application of Omnibus Law in the statutory system in Indonesia is a new thing because Indonesia adheres to the Civil Law system.

The reason for the government making the Omnibus Law is that there are too many regulations. The quality index of Indonesian rules is low. The benefits of implementing the Omnibus Law are Eliminating overlapping laws and regulations.

⁴Mas Achmad Santosa, *Good Governance dan Hukum Lingkungan*, ICEL: Jakarta, 2011, 134.

⁵Bagir Manan, "*Penelitian Terapan di bidang hukum*" (Jakarta : 1993), hlm. 7.

⁶Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta : Kencana, 2010), hlm. 35.

The process of changing or repeal of laws becomes more efficient. The ego of the sect that depends on the legislation becomes lost.

The benefit of the Omnibus Law is to improve the investment climate and welfare of workers, especially in the wage system, which has been considered controversial. Employers will get certainty and assurance in developing their business. At the same time, workers will be modest because of the change from a daily system to an epoch system, so that workers will be more focused and concentrated in working. The positive side is the simplification of the licensing system and business operations, overlapping laws and regulations that have resulted in stunted economic growth⁷ in addition to protecting workers, it is also the creation of human resources and ease of doing business.

The Omnibus Law provides wider opportunities for small and medium enterprises to form cooperatives. The long wait for favorable regulatory cuts is in sight and will soon be realized. This bill is predicted to not only simplify all the complexities related to licensing and regulations but also improve the national economy. The president's idea to implement this bill received support from various parties to agree to the application of this idea.

There are two things that the government does to accelerate the formation of the Omnibus Law. Namely evaluating laws, presidential regulations, and government regulations related to Indonesia's belief that progress is getting closer so that it does not take long to immediately implement this rule, the drafting of the Omnibus Law Bill must get supervision. From the public, there should be no counterproductive action against the good intentions of the government because, in essence, the Omnibus Law aims to simplify and improve the governance of overlapping regulations that are increasingly becoming focused. With the ease and simplification of domestic investment regulations, it is hoped that it will attract investors from all over the world to invest in Indonesia.

The presence of the Omnibus Law Bill should not immediately crash into other aspects and regulations to simplify these regulations. For example, eliminating the obligation for halal-certified food is eliminated in articles 4, 29, 42 and article 44. The government should not delete it but simplify it, and if this is enforced, it will harm society, especially religious communities.

⁷ PPT KLHK, 15 Desember 2019.

Then regarding environmental preservation, where the Omnibus Law seems to be threatening ecological conservation, so environmental protection is still considered, not to let investors set up a business without paying attention to environmental aspects⁸. End democracy, Omnibus Law can kill democracy. Any democracy that dies calls it political democracy, economy, ecology, and the rule of law. Omnibus Law was born because it serves the interests of the oligarchy and not to the people's sovereignty as the highest sovereignty. Omnibus Law is the consolidation of political oligarchy and the last way for the state to save the oligarchic political elite. In the articles of the Omnibus Law, not one item includes the word women, which means that there are no women's rights regulated in that article.

There are several main problems due to the impact of the Omnibus Law (a) Omnibus Law Bill, which can ignore the formal provisions of the formation of laws; (b) narrowing openness and public participation in the construction of laws; (c) increase the burden of regulation if it fails to be implemented, by its nature that it includes more than one aspect that is combined into one law so that the discussion becomes incomplete. As a result, regulatory issues become complicated.

D. CONCLUSION

The presence of Omnibus Law is to maximize performance and minimize regulations so that the government can realize the aspirations immediately. Even though it is considered unusual in the Civil Law system, the main principle is that the Omnibus Law is considered and treated like law. Omnibus Law is essential to be implemented immediately. Regulations do not hamper the interests of Indonesian people, and the steps to understand and optimize these interests are outlined in the Omnibus Law. Weaknesses in the Omnibus Law Bill; firstly, this bill tends to be pragmatic and less democratic. Secondly, it limits the public space in providing aspirations and input from the public. Thirdly there is a lack of thoroughness and caution in the formulation of each norm. It is because of the many laws that will be revised.

E. REFERENCES

American Journal of Political Science, Vol 45, No 1 (January 2001).

⁸ N.M. Spelt dan Prof. Mr.J.B.J.M. ten Berge, *Pengantar Hukum. Perizinan*, disunting oleh Philipus M.Hadjon, Liberty, 1993, 2.

- Bagir M. *“Penelitian Terapan di bidang hukum.* Jakarta; 1993
- Bédard. Omnibus Bills: Frequently Asked Questions, Background Paper. Publication No. 201279-E Ottawa,
- Glen S, Krutz. Tactical Manuevering on Omnibus Bills in Congress.Canada: Library of Parliament ;2012
- Mas AS. *Good Governance dan Hukum Lingkungan.* Jakarta: ICEL; 2011.
- Michel . <http://www.duhaime.org/LegalDictionary/Category/ParliamentaryLaw.aspx>. diunduh; 9 Januari 2020.
- N.M. Spelt dan Prof. Mr.J.B.J.M. Ten B. *Pengantar HukumPerizinan.* disunting oleh Philipus M.Hadjon.Liberty; 1993
- Peter MM. *Penelitian Hukum.* Jakarta: Kencana; 2010
- PPT Kementerian Koordinator Bidang Perekonomian Republik Indonesia pada FGD mengenai Penyiapan Omnibus Law Ekosistem Investasi (kemudahan Investasi); 30 Oktober 2019.
- PPT KLHK; 15 Desember 2019.