



A Study of the Omnibus Law Method in Law Establishment in Indonesia

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ABSTRACT

Simplifying complex regulations to encourage investment and employment has made the Omnibus Law method in the Job Creation Act, which was initially believed to accommodate investment and employment, have a very noble purpose. However, the Formation of the Law must adhere to the formation procedures outlined in law number 12 of 2011 regarding the Formation of laws and regulations. In reality, law number 11 of 2020 about employment creation, an example of the omnibus legislative technique, is not in conformity with the formation procedure envisioned by law number 12 of 2011. The method of research is normative legal research with a statute-based approach. The primary concerns of this study are whether the omnibus law approach is consistent with the Indonesian legal system and whether it is suitable for use in the formulation of laws in Indonesia based on law number 12 of 2011. To evaluate and analyze the use of the omnibus law method in the Indonesian legal system, as well as the compatibility of Law No. 11 of 2020 about job creation as a type of the omnibus law method with the principle of establishing Legislation based on Law No. 12 of 2011.

Keywords: *Omnibus Law Method, Indonesian Law Formation.*

1. INTRODUCTION

As a state of Law, Indonesia has placed the Law above all else. The implementation of the nation's ideals is highly dependent on advancements in the legal sector. There are two primary pillars that must support the implementation of national law development: An a. The ideal basis is the fundamental standard of national and State existence, namely Pancasila law. Operational Basis, specifically: just and prosperous law, legislation that bolsters democracy, human rights protection legislation, laws that reinforce the Indonesian Republic's unified State, the Law with a single diversity provision, and the Indonesian Law that safeguards the country and the homeland. This basic foundation becomes the ground for implementing national legal politics, as legal politics significantly influences the direction of the national development policy that will be implemented during a specific period. Legal politics is essentially an idea that becomes state intervention through state apparatus (the Government, the House of Representatives, and so on). State intervention with its legal instruments in terms of the creation of Law, its implementation, and its evolution.

Thus, Legislation becomes the principal vehicle for implementing national legal politics. In implementing state activities, rules and regulations serve as a legal canopy in the practice of state administration. The existence of laws in a country occupies a strategic and crucial position, both from the perspective of the rule of Law and the hierarchy of legal standards and from the perspective of the Law's general function. Bagir Manan stated that the existence of rules and regulations and activities for formulating laws (Legislation) played a crucial and strategic role as the government's primary support system. This is due to numerous factors, including: Legislation is a rule of Law that is simple to recognize (identity), locate, and trace. As a written rule of Law, the form, type, and location are clear, as is their production; the Legislation provides greater legal certainty because the rules are easy to identify and locate; the structure and systematics of laws and regulations are more transparent, allowing them to be reexamined and tested in terms of formal and material content; establishment and development can be planned. This aspect is crucial for emerging nations, including the construction of a new legal system in line with the demands and growth of society.

Thus, theory occupies an important position in the scientific world to summarise the issues under discussion better. Observing the actual phenomenon that is still prevalent in our public discourse, it relates to the enactment of Law Number 11 of 2020 concerning Job Creation, also known as the omnibus law on job creation, which was declared conditionally unconstitutional by the Constitutional Court through its Decision Number 91/PUU-XVIII/2020 on November 21, 2021. Numerous scholars and

practitioners in the field of legal studies have remarked on the general Law of employment creation. In countries adhering to a standard law system, such as the United States, the Omnibus Law, sometimes known as the Omnibus Bill, is commonly used to create rules.

Since the beginning, a draft of the Employment Copyright Law or work copyright omnibus law has been drafted, and both pro and con opinions regarding the job creation omnibus law have been expressed in the community. Those who support the government's work copyright omnibus law assert that this Law is the best solution. To address the problem of multiple laws and regulations overlapping in Indonesia. However, those who oppose the omnibus law on job creation view it as an attempt to delegitimize the rights of every sector of national life, particularly the Manpower and other sectors that could be affected by its enforcement. It is highly intriguing if the Omnibus Law is seen in the context of the preparation or development of laws and regulations in Indonesia that should refer to and be based on Law No. 12 of 2011 on the Establishment of Legislation. Law No. 15 of 2019 concerning Amendments to Law No. 12 of 2011 Concerning the Establishment of Legislation does not govern the Omnibus Law. Neither does Law No. 12 of 2011 Concerning the Establishment of Legislation.

2. METHODOLOGY

This research is normative legal research employing a legal approach, namely legal research conducted by examining library materials or secondary materials. The discussion in this study is based on the rules of Law and legal principles that apply and analyzes the legal rules that are the source of guidance for law number 12 of 2011 concerning the Formation of Legislation versus law number 11 of 2020 concerning work creation, which is an expression of law number 12 of 2011 concerning the Formation of Legislation.

3. DISCUSSION

Is the Method of Omnibus Law Compatible with the Indonesian Legal System? The legal system of a country has a significant impact on the creation of its laws. Indonesia is a country based on Law, not power. The existent Law in Indonesia is separated into written and unwritten Laws according to their form. Customary Law is the same as customary Law. At the same time, written Law in the form of statutory rules is one of them. To respond to the question, Is the Omnibus Law Method Compatible? Regarding the Indonesian Legal System, it is required to discuss the following: Indicators and Characteristics of the Omnibus Technique. Within the extent of legislative authority, draft legislation integrates many items that are distinct and distinct from other laws into a single law. In this manner, the drafted Law incorporates all complicated content materials with varying interests and demands to be streamlined into a single law to prevent overlapping arrangements.

The concept of omnibus Law refers to a strategy or process for drafting laws and regulations with the following characteristics: cross-industry and containing numerous content materials with the same theme. Contains numerous articles due to the industry covered. It contains numerous new laws and regulations. Independent, independent, and unrestricted or at least unrestricted by other regulations. Reform, nullify, or cancel portions or all other regulations. The Indonesian legal system and its characteristics and legal foundation. Indonesia is a country that conforms to the civil law legal system of continental Europe, which is distinguished by its emphasis on written Law. This is in contrast to the standard law legal system, which promotes unwritten Law or who lives in society. In the preamble of the 1945 Constitution, paragraph IV, which became the basis of the State from the commencement of the construction of the Indonesian State, it is stated that "then the independence of the Indonesian nationality was compiled in an Indonesian Constitution." In Law Number 12 of 2011 concerning the Establishment of Legislation, article 7 paragraph (1) lists the types and hierarchy of laws and regulations as follows: the 1945 Constitution of the Republic of Indonesia; Decree of the People's Consultative Assembly; c. Laws/Government Regulations instead of Laws; Government regulations; Presidential decree; Provincial Regulations; and provincial Regulations.

The Method of the Omnibus Law According to the Legal System In Indonesia. In practice, Indonesia's civil law system precedes written Law, i.e., the laws and regulations that guide Indonesian Law. According to the preamble of the fourth paragraph of the Constitution of 1945, "then the independence of the Indonesian nation is enshrined in the Constitution of the State of Indonesia." Moreover, according to article 1, paragraph 3, Indonesia is the State of Law. The legal system of a country has a significant impact on the creation of its laws. Indonesia is a country based on Law (*rechtsstaat*) and not on power (*gewaltstaat*) (*machstaat*). The existent Law in Indonesia is separated into written and unwritten Laws according to their form. Customary Law is the same as customary Law. While written Law in the form of statutory rules is one of them.

The 1945 Constitution of the Republic of Indonesia; Decree of the People's Consultative Assembly; Laws/Government Regulations in Lieu of Laws; Government regulations; Presidential decree; Provincial Regulations; and g. Regency/City Regional Regulations. Indonesia, which follows the civil law legal system, has several laws compatible with the standard law legal system.

According to Article 18B paragraph (2) of the Constitution of 1945, the State recognizes and respects customary law community units and their traditional rights so long as they are still alive and by the development of society and the principles of the Unitary State of the Republic of Indonesia, which are outlined in the Law. - Invite. Lawrence Friedman subdivides the legal system into three categories: legal substance, legal structure, and legal culture. If one of the components indicated by Friedman does not function properly, the resulting system will be dysfunctional. Friedman's reference to legal substance refers to the content of the Law itself. Reforming the Law while taking pluralism and globalization into account contributes to legal content development. This is intended to enhance certainty, awareness, service, and equitable law enforcement. In addition, this development is implemented to enhance truth, order, and well-being in state administration. Currently, Indonesia is attempting to integrate communal culture into its legal system. One method of establishing a legal system is to codify rules and regulations as written Law. Numerous enhancements are being created to accomplish a functional legal system. The resulting legal product is hoped to adapt to the national identity and encompass all aspirations.

Generally, omnibus Legislation is used as a policy instrument to address the problems of Legislation in a country, particularly the problems of excessive regulation (hyper-regulation) and duplication (overlapping). This notion is commonly viewed as a "quick cure" for troublesome regulations, as the essence of an omnibus law is a law that targets significant themes or materials in a country to revise and repeal some rules. Nonetheless, in the practice of lawmaking in Indonesia to date, this omnibus law technique has been widely utilized, although it is not labelled omnibus. Developing the Law in question is sometimes related to codification in various contexts, but in many nations, it is referred to as Common Law. Numerous examples of the so-called omnibus law practice, such as election law, can be found in the Indonesian experience. The purpose of Law No. 7 of 2017 about General Elections was to alter and combine the following three statutes at once: Election of the President and Vice President (Law 42 of 2008), Law No. 15 of 2011 about Election Administrators, and Law No. 8 of 2012 Relating to Elections for Members of House of Representatives, Regional Representative Board, and Provincial Legislatures Council.

In the preamble to Law Number 7 of 2017, it is stated that "Law Number 42 of 2008 regarding the General Election of the President and Vice President, Law Number 15 of 2011 regarding the organizers of General Elections, and Law Number 8 of 2012 regarding Elections for members of the People's Representative Council, Regional Representative Council, and Regional People's Council must be unified and streamlined into one Law as the legal basis for s. Law Number 7 of 2017 about General Elections has become extremely lengthy, including 573 articles and 466 pages, 317 pages of the Law, 116 pages of Explanations, and 33 pages of Attachments to the Law.

Before Bill No. 11 of 2020 about Copyright, a type of omnibus Law, Law No. 7 of 2017 about General Elections utilized the same procedure. The drafting of Law Number 7 of 2017 about General Elections, which consists of 573 articles by Law Number 12 of 2011 concerning the Establishment of Legislation and Legislation, is not complicated because it merges multiple laws into one. Such as, Law Number 11 of 2020 Concerning Job Creation violates the procedures for developing appropriate laws and regulations. An omnibus bill, one of the best options for structuring laws and regulations in a country, does not necessarily take effect immediately during the drafting process. Considering that this concept was born and developed in most countries that adhere to the standard law legal system, its implementation in other countries with different legal systems (such as Indonesia, which adheres to civil Law) must be tailored to the conditions and character of each state administration. State and adhere to the correct method in line with Law No. 12 of 2011 on the Institution of Legislation.

Legislation is Law, but Law and Legislation are not identical. The legal formation system has system components, such as law-forming institutions, law-forming equipment, law-forming facilities, lawmaking procedures, and others, which function and strive to produce legal forms (laws and regulations) as a unit. Therefore, the legal system of a country will not be separated from the legal system in effect in a country, as Legislation as written Law is the essence of a crucial component of the legal system of a democratic (modern) legal state. The legal system itself is a unified system composed of the integrity of various legal system components, each of which has its function and is bound in a cooperative relationship that is interrelated, dependent, influential, and moving in a unit process, namely the legal system process, to realize the legal system. Legal purposes. Generally speaking, the world's legal systems can be classified into two primary groups: the continental legal system and the Anglo-Saxon legal system. Thus, it appears that the two legal systems split the globe into two camps. The legislature is responsible for its construction in a society adhering to the Continental European system or civil law tradition. In a state community adhering to the common law tradition, the authority is based on the judiciary (judges are central to legal action).

The Connection Between the Omnibus Law Method and the Legal System. As previously stated, the omnibus law method is unrelated to the legal system. However, the omnibus law method is problematic in the civil law system or continental Europe, where it is still uncommon to use it in drafting Legislation, even though several countries have employed it. Generally, omnibus Law is associated with the common Law or Anglo-Saxon legal system, which uses the omnibus law method frequently. However,

if we examine how many Indonesian laws have similarities to the omnibus law method, such as Law Number 7 of 2017 concerning General elections, we find that many Indonesian laws have similarities to the omnibus law method.

Consequently, Omnibus Law is a procedure unrelated to a country's legal system. Indonesia, a civil law system or continental Europe, which has the characteristics of written Law, is unfamiliar with the omnibus law method, but there is no Omnibus Law method in the hierarchy and order of the laws and regulations. Origin of Law In general, the Formation of laws and regulations in Indonesia is governed by Law No. 12 of 2011 on the Establishment of Legislation, which serves as a framework or guideline. Thus, the omnibus law method does not conflict with the Indonesian legal system but with Law Number 12 of 2011 on the Formation of Legislations, which governs the Formation of applicable laws and regulations. For the Omnibus Law approach to qualify and challenge the Theory of Formation of Legislation, which was clarified in Law Number 12 of 2011 regarding the Formation of laws and regulations, this will inevitably lead to norm issues.

Is the Method of Omnibus Law Appropriate for the Formation of Laws in Indonesia? Based on Statute 12 for the Year 2011. Law No. 12 of 2011 stipulates the formal prerequisites for enacting Indonesian laws and regulations. Political practice must fundamentally be founded on the legitimacy of the people or democracy. This means that all legislative programs and developments must adhere to the Law's intent to establish three fundamental laws. The three concepts identified by the majority of legal theorists and philosophers are justice, convenience, and legal certainty.

In Indonesia's system of rules and regulations, Law has two meanings: first, Law in a formal sense, and second, Law in a material sense. In a formal sense, the Law is interpreted as a joint decision between the government and parliament in the form of a law. In contrast, in a material sense, the Law is interpreted as a decision by an institution with the power to form laws and regulations or issue a decision whose terms are binding on the general public (starting from the Act until the Legislation below). As a form of regulation. The Law occupies a prominent place in the Indonesian legal system. This is because the Law has a far broader scope of content material than the Legislation under it, so long as it does not clash with Pancasila and the 1945 Indonesian Constitution. Nonetheless, legislative requirements must be followed while drafting Legislation (including Law No.12), in particular Law No. 12 of 2011 on the Formation of Legislation.

Sociologically speaking, the Law reflects the community's values as an institution in personal life, society, nation, and State. As Roscoe Pound's concept of Law as a tool for social engineering suggests, the Law might be utilized as a reference for community rejuvenation in this context. The Formation of Law is also inseparable from how to create excellent Legislation because a process of generating good Legislation will result in a good law for those who accept it in the future.

Developing a decent law is, of course, essential. What must be comprehended are the material's underlying principles. When forming a good law, the principles contained in the Formation of regulating Legislation, namely signals that must be observed, must be observed. Clarity, aims, institutions or appropriate forming authorities, conformance between types, hierarchies, and content of the material, can be executed, usability and usability, clarity of formulation, and openness are the principles included in the development of laws and regulations. In the meantime, the content of laws and regulations must embody the following principles: protection, humanity, nationality, kinship, archipelago, diversity in diversity, justice, equality in Law and governance, order and legal certainty, balance, and harmony. Indeed, the realization of the concept of a welfare law state is evidenced by the presence of such a system for creating laws and regulations. A government adhering to the rule of Law must behave by the Law. In this instance, Legislation must be drafted in line with the written Law that specifies how to draft a good law.

Similarly, the omnibus law technique, in this case, the omnibus Law of employment creation, was established. This omnibus legislation method must be consistent with the Law on the Formation of Legislation. When discussing the context of the Formation of laws, reference must be made to the principles and content established by the Law governing the Formation of laws and regulations. The method of legislation number 11 of 2020 about Job Creation (omnibus law) comprises 1,028 pages and 174 articles and governs the content of 83 (eighty-three) laws. Using the omnibus law process, the draft work copyright law (omnibus law) can intersect, overlap, or clash with sector laws.

In this regard, using legal principles of preference is crucial for resolving overlapping or contradictory rules between Law No. 11 of 2020 About the Copyright of works and sectoral laws. However, it is unclear which principles of the Law of preference can be utilized to solve this issue. Can it be argued that law number 11 of 2020 regarding job creation is more general than sector law, or vice versa, that it is more general than law number 11 of 2020 job creation? Then, is there a hierarchy between legislation 11 of 2020 on job creation and sectoral laws (superior derogate legi inferior)? Similarly, article 10 of Law Number 12 of 2011 concerning the Establishment of Legislation states that the content material that Law must regulate includes: further regulation regarding the provisions of the State Constitution Republic of Indonesia Year 1945; an order for a law to be regulated by Law;

ratification of certain international agreements; follow-up to the decision of the Constitutional Court announcing a constitutional amendment; ratification of certain international agreements.

If the government's justification for adopting the omnibus law technique is based on the order in which a law must be governed by Legislation, then the question is which Law demands modifications to the Law that must be implemented via the omnibus law approach. Because the Indonesian legal system has historically adhered to the single subject clause norm. The single subject clause rule prohibits a statute from containing multiple subjects. Therefore, the Formation of omnibus laws, which combine multiple subjects into a single law, raises questions about the basis that regulates the use of the omnibus law method technique in Indonesia.

Similarly, if the argument employs logic to serve the legal demands of the community, then the community must participate in drafting the Legislation, particularly for persons or groups with interest in the substance of the Legislation. However, the Ombudsman emphasized that public input in drafting the comprehensive Law on employment creation was insufficient. The omnibus Law on job creation has minimal public participation is undoubtedly peculiar. In this instance, the Formation of Law must be aspirational and inclusive, which implies both process and substance. The development of Legislation must be transparent so that the public can participate and provide input. In the meantime, the substance connected to the regulated drug must be geared toward the community's interests to produce democratic, aspirational, participative, and responsive Legislation. Therefore, it may be inferred that the process of creating a comprehensive copyright law for works must involve substantial public input.

The significance of the community's role in producing legal goods must be reflected in the participatory formation process by inviting as many persons and community organizations as feasible to participate. In addition, it must be aspirational and stem from the community's desire, not just the ruler's need to legitimize his power. For the Law to be accepted by the community, this is the essence of serving the ideal legal demands of the community by emphasizing the deliberative process at all times. The development of the omnibus law method must be consistent with the legal basis outlined in the Law governing the Enactment of Legislation, not just about the method's principle and substantive substance. Explanation of the legal foundation for the establishment of a law, including: Juridical Platform, the applicable legal provisions contain the legal justification or legitimacy. Every legal product must have a legal foundation when creating laws and regulations. To demonstrate the necessity of having the authority of the maker of legal products, it must be made by an authorized official, the necessity of conformity of the form or type of legal products with the regulated material, the obligation to follow specific procedures, and the obligation not to conflict with the Law of a higher degree. Additionally, legal products made for the public can be accepted somewhat and even spontaneously by the public. Sociological underpinning, the sociological basis is a representation of societal reality. The sociological basis is also a factor or rationale demonstrating that regulations are created to accommodate the diverse requirements of the community. This sociological foundation focuses on verifiable facts underlying the evolution of societal problems and state requirements.

The philosophical basis, the philosophical basis pertains to what all individuals expect from the Law, i.e. their *Rechtsidee*. For instance, to ensure justice, order, and welfare. These legal ideas arose from their value system regarding good and evil, beliefs on interpersonal and societal relationships, and so forth. All of them are philosophical, in the sense that they are concerned with the nature of things. If the legal foundation is achieved, the following product will have good value in the eyes of the community in order to actualize a just and prosperous sovereign legal state. Regarding the principle of transparency, the trial proved that legislators did not provide the most significant opportunity for public engagement. Even though there have been several discussions with various community organizations, academic texts and materials for amendments to the Job Creation Act have not been considered. So that the participants in the meeting do not know with certainty what substantial changes to the Law will be included in Law No. 11 of 2020. In addition, academic texts and the draft of the work copyright legislation are inaccessible to the general public.

In its development, Indonesia has adopted the continental European legal system so that its laws are codified and written to be enforceable. Constitutionally, the Formation of statutory regulation. That all formations must derive their legitimacy from the 1945 Constitution of the Republic of Indonesia in the form of a formal constitutional basis and a constitutional material basis. The formal constitutional foundation establishes rules for formulating such laws and regulations. In the context of laws, the formal constitutional foundation consists of the articles in the 1945 Constitution of the Republic of Indonesia that outline the mechanism for establishing Legislation. Article 5 paragraph (1), Article 20, Article 21, and Article 22 of the 1945 Constitution of the Republic of Indonesia about creating the Law. Number 12 of 2011 About the Institution of Legislation.

The 2011 Omnibus Law does not recognize the name Omnibus Law. Nonetheless, the provisions of the Omnibus Statute as a law should be subject to the provisions of Law No. 12 of 2011, both in terms of their position and substance. Because it does not modify the procedures for drafting laws and regulations, the manner of creating the Omnibus Law on job creation still relates to

Law No. 12 of 2011 on the Establishment of Legislations. Consequently, the Law arising from the omnibus must be given legitimacy in Law No. 12 of 2011, which necessitates a revision of Law No. 12. If it is not updated, it must be determined whether the provisions of the Umbrella Law are generic or as specific as ordinary laws. If it is of a broad nature, then only the contradictory provisions are annulled. However, if the requirements are general, it will be problematic if they conflict with the principle of *lex specialis derogat legi general* (particular laws trump general rules). Therefore, its place within the legal structure must be regulated.

If referring to Article 7 of Law No. 12 of 2011, it is apparent that there is no Omnibus Law method as a principle in the source of Law. Thus the question is whether the position of Omnibus Law is in line with or above the Law in the hierarchy of Legislation. Types and hierarchy of laws and regulations include the 1945 Constitution of the Republic of Indonesia; the People's Consultative Assembly Decree; Laws/Government Regulations instead of Laws; Government regulations; Presidential decree; Provincial Regulations; and Regency/City Regional Regulations. The legal force of the Legislation according to the hierarchy outlined in paragraph (1). So, while implementing the Omnibus Law on job creation, there will be a legal development paradigm that is not in line with the constitutional mandate and violates our conception of laws and regulations, which is more clearly outlined in Law No. 12 of 2011 regarding the Formation of laws. The Law because, when seen from these provisions, the Omnibus Law as a law stays domiciled within the Constitution but is superior to other forms of Legislation.

Based on the problems of the Formation of the Law through the omnibus law method, which in this case is reflected in Law Number 11 of 2020, as previously stated, the Formation of laws and the pattern of formulating the provisions of the article, from a technical standpoint, its formulation is not by Attachment II of Law 12 of 2011; several things must be considered when applying the omnibus law method based on Law Number 11 of 2012. Alterations to Legislation 230, amendments to laws and regulations are made by inserting or adding material to the laws and regulations or removing or replacing a portion of the laws and regulations' content. 231. Amendments to laws and regulations may be made to: the entirety or a portion of a book, chapter, section, paragraph, article, and paragraph; or individual words, phrases, terms, sentences, numerals, and punctuation marks.

If the updated statutory regulation has a short name, the amended statutory regulation may utilize its abbreviated name. The body of the Amendment Legislation consists of 2 (two) Roman numeral-numbered articles, which are as follows: Article I contains the Amended Laws and Regulations title by referencing the State Gazette of the Republic of Indonesia and the Supplement to the State Gazette of the Republic of Indonesia, which is enclosed in brackets and contains the amended material or regulations. If there is more than one change material, each change material is described using Arabic numbers (1, 2, 3, and so on). Several provisions of Law Number... of... regarding... (State Gazette of the Republic of Indonesia of... Number..., Supplement to the State Gazette of the Republic of Indonesia Number...) are amended as follows: The following amendments are made to Article 6: ...

The provisions of Article 8 paragraphs (2) and (3) are amended to read as follows: ... 3. etc.....

Article 1 is changed to read as follows: ... If the Laws and Regulations have been amended more than once, Article I also includes the year and number of the existing Amendment Laws and Regulations, as well as the State Gazette of the Republic of Indonesia and the Supplement to the State Gazette of the Republic of Indonesia, which are placed between brackets and detailed with lowercase (alphabetic) letters (a, b, c, and so on). Article 1 of Law Number... of... about... (State Gazette of the Republic of Indonesia of... Number..., Supplement to the State Gazette of the Republic of Indonesia Number...), which has been changed multiple times by Laws: a. Number... Year... (State Gazette of the Republic of Indonesia Year... Number..., Supplement to the State Gazette of the Republic of Indonesia Number...); b. Number... Year... (State Gazette of the Republic of Indonesia Number..., Supplement to the State Gazette of the Republic of Indonesia Number...); c. Number... Year... (State Gazette of the Republic of Indonesia Number..., Supplement to the State Gazette of the : 1. Chapter V was deleted. The following provisions are added to Article 11: 3. etc ... c. Article II includes procedures for its entry into force. Regarding in some instances, Article II may also include measures for the transition from altered laws and regulations, the meaning of which differs from the transitional provisions of the amended Laws and Regulations.

In certain instances, Article II may additionally include transitional provisions distinct from the transitional provisions of the altered statutory regulations. In light of Law No. 12 of 2011 on the Establishment of Legislation, is it appropriate to apply the omnibus law technique to the formulation of Law No. 11 of 2020 on Job Creation in Indonesia? The formulation of the omnibus law technique is inapplicable to the Formation of laws based on Law No. 12 of 2011 unless the Law is first altered to facilitate the formulation of Laws using the omnibus law method. However, as previously indicated, Law No. 11 of 2020 concerning Copyright does not contradict Indonesia's legal system; the issue is that the mechanism for its Formation does not comply with Law No. 12 of 2011. Nonetheless, after the enactment of Law No. 13 of 2022 on the establishment of laws and regulations, the second amendment to Law No. 12 of 2011, it is necessary to pay attention to the principles of legal certainty, justice, and expediency for

the rule of Law through the establishment of laws and regulations. Taking into account the principles of the Formation of good laws and regulations, the Formation of laws and regulations to achieve the direction and goals of national legal development is conducted in a planned, integrated, and sustainable manner.

To achieve the planned, integrated, and sustainable Formation of laws and regulations, it is necessary to organize and enhance the mechanism for forming laws and regulations from planning to promulgation. In addition to being a follow-up to the Constitutional Court's Decision No. 91/PUU-XVII (2020), the organization and improvements in this Law are also a refinement of several provisions in Law No. 12 of 2011 concerning the Establishment of Legislations as amended by Law No. -Law No. 15 of 2019 concerning Amendments to Law No. 12 of 2011 concerning the Establishment of Legislation. Things that require improvement include: added an omnibus method; \sb. I am correcting technical errors after mutual agreement between the DPR and the President in a plenary meeting and before ratification and promulgation; \sc. Strengthen meaningful community involvement and participation; \sd. Establish laws and regulations electronically; \se. Change the support system from researchers to other functional officials whose scope of duties is related to establishing laws and regulations; \sf—changing the technique of preparing Academic Papers and \sg. Change the technique of drafting laws and regulations.

Article 42A The use of the omnibus technique in producing a Draft Legislation must be indicated in the planning document. The clarification of article 42 Planning documents includes, among other things, Prolegnas, programs for drafting Government Regulations, Presidential Regulations, Provincial and Regency/City Prolegda.

In compliance with Article 64, Paragraph 1 of Law No. 13 of 2013 on the Establishment of Legislations, Draft Laws and Regulations are prepared by the Legislation Preparation Technique. Article 64 paragraph (1a) (1a) The omnibus method may be utilized in the preparation of the Draft Legislation as referred to in subparagraph (a). The omnibus method referred to in subparagraph (1a) is a method of preparing laws and regulations by a. loading new cargo material; b. it is changing the content material that has relevance and legal requirements regulated in multiple laws and regulations of the same type and hierarchy, and c. repealing laws and regulations of the same type and hierarchy by combining them into single Legislation to achieve specific goals.

Clarification of article 64 section (1a) "New cargo material" refers to cargo materials that have not been previously regulated in the Legislation using the omnibus method; and article 64 paragraph (1b) the addition of cargo materials in the Legislation that was amended in the Legislation using the omnibus method. By article 97A, the content regulated by the omnibus method in the Legislation can only be amended or repealed by amending or repealing the Inviting Law. Clarification of section 94A: "can only be changed and revoked by changing and revoking the said Legislative Regulations" is, for instance, that Article 6 of Law Number 26 Year 2007 regarding Spatial Planning was amended by Law Number 11 Year 2020 regarding job creation. The article can only be amended by amending and repealing Law No. 11 of Potato Job Creation, Year 2020.

4. CONCLUSION

The conclusion that can be drawn from the preceding explanation is that, in essence, Omnibus Law is a method that is unrelated to a country's legal system. Indonesia, known as a civil law legal system or continental Europe, which has the characteristics of written Law, is not yet familiar with the omnibus law method, but in the hierarchy and order of Indonesian laws and regulations, there is no Omnibus Law method. Origin of Law In general, the Formation of laws and regulations in Indonesia has a basis or guideline, namely Law Number 12 of 2011 concerning the Establishment of Legislations. The formulation of the omnibus law technique is inapplicable to the Formation of laws based on Law No. 12 of 2011 unless the Law is first altered to facilitate the formulation of Laws using the omnibus law method. Nonetheless, after the enactment of Law No. 13 of 2022 concerning the Formation of Legislation, the second amendment to Law No. 12 of 2011, Law No. 12 of 2020 concerning Job Creation, which is an example of the omnibus law method, can be implemented.

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