



Faculty of Law Unissula

THE 1ST PROCEEDING INTERNATIONAL CONFERENCE AND CALL PAPER

Omnibus Law Opportunities And Challenges Towards
Entrepreneurs And Labor : Comparative Review

June 27 2020

June **27th** 2020

THE 1st PROCEEDING

International Conference And Call Paper

*" Omnibus Law Opportunities And Challenges Towards
Entrepreneurs And Labor : Comparative Review law"*

IMAM AS' SYAFEI BUILDING

Faculty of Law, Sultan Agung Islamic University

Jalan Raya Kaligawe, KM. 4 Semarang, Indonesia

Diterbitkan oleh :
UNISSULA PRESS

ISBN. 978-623-7097-74-7

COMITTEE OF THE 6th PROCEEDING INTERNATIONAL CONFERENCE AND CALL PAPER

*" Omnibus Law Opportunities And Challenges Towards Entrepreneurs And Labor
: Comparative Review"*

Susunan Panitia

| | |
|------------------|--|
| Pengarah | : Prof.Dr.H. Gunarto, S.H., S.E.Akt., M.Hum. |
| Penanggung Jawab | : Dr. Hj. Anis Mashdurohatun, S.H., M.Hum. |
| Ketua | : Dr. Hj. Sri Endah Wahyuningsih, S.H.,M.Hum |
| Sekretaris | : Nailul Mukorrobin, S.Psi |
| Bendahara | : Erna Sunarti,S.Pd.,M.Hum |
| Seksi Acara | : Muhammad Ngazis, S.H., M.H. Marcela Dinda, S.Kom Shinta Puspita, SE. |
| Seksi Konsumsi | : Bambang Irawan Siti Pardiyah Riswanto |
| Kesekretariatan | : Slamet Ariyanto,S.T. Agus Prayoga |
| Reviewer | : Prof. Dr. Eko Soponyono,SH.,M.Hum. Prof. Dr. Hj. I Gusti Ayu KRH, SH.,MM. |

Hak Cipta © 2020, pada penulis

Hak Publikasi pada penerbit UNISSULA PRESS

Dilarang memperbanyak, memperbanyak sebagian atau seluruh isi dari buku ini dalam bentuk apapun, tanpa izin tertulis pada penerbit.

Hal I-IX, 1-258

Cetakan Pertama Tahun 2020

Penerbit UNISSULA PRESS

Jl. Raya Kaligawe Km. 4 Semarang 50112

PO BOX 1054/SM,

Telp. (024) 6583584, Fax. (024) 6594366

ISBN. 978-623-7097-74-7

Editor :

M. Ngazis, SH.,MH
Erna Sunarti, S.Pd.,M.Hum.
Nailul Mukorobin, S.Psi.

Desain Cover :

Muh. Arifin, S.Kom

Desain Lay Out :

Suryo Atmojo, SH

ISBN :

978-623-7097-74-7

Penerbit :

UNISSULA PRESS

Alamat :

Jl. Raya Kaligawe KM. 4 PO. Box. 1054/SM

Semarang 50112 – Indonesia

Phone: +6224 6583584 (8 Saluran) psw. 569

Fax. + 6224 6592735

Email : pdih.fh@unissula.ac.id

www.pdih.unissula.ac.id / www.apic.unissula.ac.id

KATA PENGANTAR

Bismillahirrohmanirrohim

Assalamu'alaikum Wr. Wb.

Puji syukur kehadiran Allah S.W.T, Tuhan Semesta Alam Yang Maha Esa. Alhamdulillah, sebagai ucapan syukur kehadiran Allah Subhanahu Wata'ala kami dapat menyelenggarakan The 6nd Proceeding International Conference And Call Paper dengan tema "Omnibus Law Opportunities And Challenges Towards Entrepreneurs And Labor : Comparative Review" terselenggara dengan baik. Pemilihan tema tersebut dipilih karena pada era sekarang ini kita dihadapkan dengan era industri 4.0, dimana para kandidat doktor dituntut untuk bisa menyesuaikan dengan perkembangan global dan meningkatkan kompetensi keilmuan serta kemampuan.

Pada seminar ini telah dipresentasikan hasil penelitian dosen dan mahasiswa yang diikuti oleh peneliti-peneliti dari berbagai universitas yang telah membahas berbagai keilmuan Hukum dan Humaniora.

Sesungguhnya keberhasilan dalam mencapai tujuan pendidikan yang dicita-citakan sangat tergantung pada sikap mental, partisipasi serta disiplin setiap unsur yang terlibat dalam proses belajar mengajar. Mudah-mudahan seminar Internasional yang sederhana ini dapat memberi sumbangsih dalam mencerdaskan bangsa Indonesia serta semoga Allah SWT selalu menyertakan ridho-Nya. Amin. Akhir kata, kami mengucapkan terima kasih kepada pimpinan Universitas Islam Sultan Agung, pimpinan fakultas Hukum Unissuala, pemakalah, editor dan serta pihak-pihak yang telah membantu terselenggaranya seminar ini dengan lancar tanpa hambatan suatu apapun.

Wassalamu'alaikum Wr.Wb.

Table Of Content

STRENGTH AND WEAKNESSES OF OMNIBUS LAW IN INDONESIA

Saprodin, Widarto 1

OMNIBUS LAW BETWEEN JUSTICE AND BENEFITS

Hartanto, Aris Sudarmono 7

JURIDICAL REVIEW OF THE FORMATION AND IMPLEMENTATION OF OMNIBUSLAW IN LAW SYSTEM

Amir Darmanto, Muh. Tommy Fadlurohman² 14

IMPACT OF LAW OMNIBUS APPLICATION IN INDONESIA IS POSSIBLY HAPPENING TO ENVIRONMENT DEGRADATION

Sunarto, Eva Kurniasih 19

Omnibus Law in Progressive Law Views in Indonesia

Nasrudin, Joko Prasetyo 25

OMNIBUS LAW WAS REVIEWED FROM THE EXCESS AND LACKS OF THE LEGAL CODIFICATION SYSTEM IN INDONESIA

Binov Handitya Jarot Jati Bagus Suseno 32

OMNIBUS LAW AS SIMPLIFICATION OF LEGISLATION

IN INDONESIA

FA Alexander GS, Sundoyo 38

PREROGATIVE RIGHTS OF PRESIDENTS IN OMNIBUS LAW

Tri Mulyani, Sih Ayuwatini 44

OMNIBUS LAW AND IT'S IMPLEMENTATION OF INDONESIAN COUNTRY MARITIME DEFENSE AND ISLAMIC LAW VIEWS ABOUT STATE DEFENSE

Aminudin Yakub, Teddy Prayoga 50

OMNIBUS LAW AND PROBLEMATICS LABOR IN INDONESIA

Nukhbatul Mankhub, Aep Saepudin² 57

OMNIBUS LAW IN INDIGENOUS LAW VIEWS IN INDONESIA

Carolina da Cruz ,Suwitno 63

OMNIBUS LAW IN RENEW OF CRIMINAL LAW

Lukman Muhadjir ,Salidin 69

URGENCY OF THE OMNIBUS LAW BILL

Andi Lala ,Sudiharto 77

THE APPLICATION OF OMNIBUS LAW IN THE EFFECT OF LEGAL REFORM IN INDONESIA

Warijan ,Tri Setyadi Artono 85

OMNIBUS LAW IN ECONOMIC DEVELOPMENT CONTEXT IN INDONESIA

Indrayana Addhywibowo Kusumawardana ,Iva Amiroch 93

IMPLEMENTATION OF OMNIBUS LAW IN LAW OF WORK FIELD IN INDONESIA

Yimmy Kurniawan ,Henny Rosita 101

OMNIBUS LAW OPPORTUNITIES AND CHALLENGES IN THE INDONESIAN LEGISLATION SYSTEM

Yuni Nurkuntari ,Sunardi 109

OMNIBUS LAW IN COMPLETION OF LAND REGULATION PROBLEMS

Enju Juanda, Mairul 117

LAW OF OMNIBUS LAW BUSINESS AGENCY FOR INDONESIAN COMMUNITY WELFARE

Ilham Akbar ,Ahmad Husaini 125

THE CONCEPT OF OMNIBUS LAW RELATED TO NORMAL LAW APPLICABLE IN INDONESIA

Ariyanto ,Joncik Muhammad 133

OMNIBUS LAW FOREIGN INVESTMENT IN INDONESIA

Adhi Budi Susilo ,Irwanto Efendi 141

| | |
|--|------------|
| OMNIBUS LAW AND THE NEED OF INDONESIAN ECONOMIC INVESTMENTS VIEWED FROM ISLAMIC LAW VIEWS RELATED TO ECONOMY | |
| <i>Ahmad Syaury S ,Yanto Irianto</i> | <i>149</i> |
| CRITICISM OF THE COMMUNITY IN THE OMNIBUS LAW BILL | |
| <i>Sitta Saraya ,Puguh Triatmojo</i> | <i>156</i> |
| MANIFESTATION OF PANCASILA VALUES IN THE OMNIBUS LAW FOR JUSTICE | |
| <i>Andri Winjaya Laksana.....</i> | <i>164</i> |
| LEGAL REVIEW OF LAW PROTECTION THEORY IMPLEMENTATION IN DISPUTE OF ADMINISTRATIVE COURT | |
| <i>Ahmad Yani</i> | <i>174</i> |
| OMNIBUS LAW ON JOB CREATION BILL IN THE ZEMIOLOGY PERSPECTIVE | |
| <i>Arif Awaludin, Eti Mul Erowati, Ninik Hartariningsih.....</i> | <i>182</i> |
| Application Of Omnibus Law In The Investment Field As A Efforts To The Settlement Licensing Regulation And Harmonization Of Law Regulation In Indonesia | |
| <i>GaluhKartiko Ludfi Djajanto,Rosy ApriezaPuspita Zandra</i> | <i>191</i> |
| IDEAL CONSTRUCTION OF THE IMPLEMENTATION OF A CONSTITUTIVE SYSTEM (“FIRST TO FILE”) IN BRAND REGISTRATION | |
| <i>Hani Subagio</i> | <i>202</i> |
| CRIMINAL PUNISHMENT AGAINST PERPRETRATORS OF HUMAN TRAFFICKING | |
| <i>Johny Koesoema</i> | <i>210</i> |
| WEAKNESSES OF THE LEGISLATION FUNCTION OF THE REGIONAL REPRESENTATIVE COUNCIL IN THE BICAMERAL PARLIAMENT SYSTEM IN INDONESIA | |
| <i>Kelik Endro Suryono.....</i> | <i>220</i> |
| UTILIZATION OF VILLAGE FUNDS ACCORDING TO LAW NO. 6 OF 2014 TO PREVENT CRIMINAL ACT OF CORRUPTION | |
| <i>M. Rohmidhi Srikusuma.....</i> | <i>227</i> |

**POTENTIALS OF NATURE TYPE AROUND BY THE ADVANCED: JURIDICAL
ANALYSIS OF LAW OMNIBUS LAW DRAFT OF LAW**

Subaidah Ratna Juita, Deni Setya Bagus Yuherawan 235

**MEDIATION ROLE IN SOLVING SHARIA ECONOMIC DISPUTE AS CIVILIZATION
TOWARD ETHICAL VALUE OF ISLAM**

Santoso 240

**THE IMPLEMENTATION OF CRIMINAL CONVICTIONFOR CHILDREN UNDER
THE AGE OF CRIMINAL RESPONSIBILITY BASED ON JUSTICE VALUE**

Yustinus Bowo Dwinugrono 251

**Re-Conceptualizing Workers' Constitutional Rights in the *Cipta Kerja* Bill based on the
Indonesian Welfare State Principles**

Zulkarnain Ridlwan, Yuswanto, Muhtadi, Yusdiyanto 258

OMNIBUS LAW BETWEEN JUSTICE AND BENEFITS

Hartanto¹

^{1,2}, Doctorate Student of Faculty of Law Sultan Agung Islamic University Semarang, Indonesia

¹hartanto.yogya@gmail.com

Aris Sudarmono²

^{1,2}, Doctorate Student of Faculty of Law Sultan Agung Islamic University Semarang, Indonesia

²aris.sudarmono@yahoo.com

ABSTRACT

President Joko Widodo wants to cut regulations in various sectors specifically in the economic and investment sectors through the omnibus law approach (repealing many laws and regulations with one law). However, whether the simplification of regulations in all sectors must and must be done through the omnibus law approach and it is also natural to ask omnibus law for whom. This is due to the many regulations that have been cut, so there are also many risks that will be faced in the future, both from the environmental sector, workers' welfare, so that this will lead to mass layoffs in many companies. In the description of writing, the problem is how is the Omnibus Law review viewed in terms of justice and expediency? The existence of the omnibus law is believed to provide justice and a number of benefits. The concept of the omnibus law can be used by the Indonesian government to overcome two things; First, the problem of the criminalization of state officials. During this time, many government officials are afraid to use discretion in making policies related to the use of the budget, because if proven to suffer losses, they can be charged with corruption. Second, the omnibus law can be used in Indonesia to harmonize central and regional policies in supporting the investment climate. In this regard, the omnibus law can be a concise solution to conflicting laws and regulations, both vertically and horizontally.

Keywords : *omnibus law, justice, expediency.*

Introduction

The concept of the omnibus law re-surfaced after President Joko Widodo in his first victory speech launched the concept in order to increase the value of investment and the domestic economy which is still stubborn and is considered low compared to other countries. An index from the world bank that measures this capability shows that Indonesian regulations from 1996 to 2017 are always below zero. Even in the Southeast Asia region only kept the fifth position with a score of -0.11, lagging far behind Singapore's best friend which has a score of 2.12 in the first rank.

Based on research data from the Indonesian Center for Law and Policy Studies (PSHK) in the first period of president Joko Widodo's Indonesia alone has been flooded with Regulations with 10,180 regulations, with details of 131 Laws. 526 Government Regulations, 839 Presidential Regulations and 8,684

Ministerial Regulations.

Seeing these facts, it is not surprising that President Joko Widodo wants to cut regulations in various sectors, especially in the economic and investment sectors through the omnibus law approach (revoking many laws and regulations with one law). But should the simplification of regulations in all sectors must and must be done through the omnibus law approach? And it's also very natural if we ask omnibus law for whom? Due to the number of regulations being cut down, there are also many risks that will be faced in the future, both from the environmental sector, workers' welfare, to the fear that this will lead to mass layoffs in many companies.

Actually the concept of the omnibus law in the Indonesian legal system is not new, Indonesia once applied a concept that was almost similar to the concept of the omnibus law when forming the Ketetapan MPR Number I / MPR / 2003. However, the establishment of the MPR decree was not participatory and friendly to the realm of democracy and it also became a way of legislation to become a monopoly tool in the legislation sector.

The Problem

How is the Omnibus Law review viewed in terms of justice and expediency?

Methods of Research

The method of approach in this study uses the type of normative juridical research. Normative juridical research is research focused on examining the application of rules or norms in positive law. This type of research is a type of qualitative descriptive study, because in this study describes the situation that occurs at present in a systematic and factual manner with the aim to explain and the solution of the problem under study is the omnibus law between justice and expediency.

Primary data obtained by researchers refers to data or facts and legal cases obtained directly through library studies relating to research objects and practices that can be seen and related to research objects.

The data analysis method used is normative qualitative, namely the decomposition of data analysis which starts with the information obtained to achieve clarity of the problem to be discussed.

Research Result and Discussion

Definition of Omnibus Law

The definition of Omnibus Law starts from the word Omnibus. The word Omnibus comes from the Latin language and means for everything. In the Black Law Dictionary Ninth Edition Bryan A. Garner mentioned the omnibus: relating to or dealing with numerous objects or items at once; including many things or having various purposes, meaning that it is related to or dealing with various objects or items at once; including many things or having various goals. When coupled with the word Law, it can be defined as a law that has a variety of related objects / items or all related¹.

Omnibus law is a law that is made to target major issues and may revoke or amend several laws, with this law intended to streamline regulations in terms of numbers, but also to simplify regulations to be more targeted. Ideally not just a simplification in terms of numbers, but also in terms of consistency and neat organization. So it can be called a procedure also to make it simpler and right on target. So according to the expert, it can be concluded that Omnibus law is a product of an Act that can revoke or amend several existing laws that can be spread out in several regulations, and then be streamlined in one Act to be more

1 Bryan A. Garner, et. al. (Eds.). Black's Law Dictionary Ninth Edition. St. Paul: West Publishing Co., 2009.

targeted.

Jimmy Z Usfunan, in his opinion responding to the Omnibus law, stated that basically there was a conflict between government administrators, when they wanted to innovate or policy which then collided with laws and regulations. So the concept of the omnibus law becomes one of the solutions that might be taken by the government. However, omnibus law must be done at the level of the Act. So, according to the legal expert, the Omnibus law is a product of the Law which is a solution to the conflict between government administrators and the laws and regulations².

According to Sofyan Djalil in the article www.hukumonline.com on February 16, 2017, who was then serving as Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency has proposed the concept of Omnibus Law in the procedure for managing or checking the status of land ownership. According to him the concept of the omnibus law is a step to issue a law that can improve so many laws that have been considered to overlap and hamper the process of ease of business (omnibus law). With the issuance of one Act to amend the many Laws, because with so many Acts it cannot be accelerated because many Acts still regulate and can contradict each other.

From the description of the legal experts opinions above, the main characteristics of the Omnibus Law can be drawn are (1) it consists of multiple sectors or consists of many sectors with the same theme; (2) consists of many articles, due to the many sectors covered; (3) independent or independent, without being bound or minimally bound by other regulations; and (4) negate / revoke parts and / or all other regulations.

In addition, it can also be known that the goals raised by the Omnibus Law ideas are (1) to resolve conflict of laws and regulations quickly, effectively and efficiently; (2) uniforming government policies at central and regional levels to support the investment climate; (3) that licensing management is more integrated, efficient and effective; (4) to break the long chain of administrative bureaucracy; (5) to improve the coordination relationship between related agencies because it has been regulated in an integrated omnibus regulation policy; and (6) as a guarantee of legal certainty and protection for policy makers³.

Omnibus Law Formation and Substance

The complicated issue of regulation arises and causes the investment climate in Indonesia to move slowly compared to neighboring countries such as Singapore and Malaysia. In the regime, President Jokowi wants all regulations that impede the entry and operation of investments to be removed. Minister of Agrarian Affairs and Spatial Planning / BPN RI Sofyan Jalil brought up the idea of the concept of the Omnibus Law to resolve disputes over overlapping laws and regulations that hamper investment growth in Indonesia.

Looking at the legal system in Indonesia, the Law resulting from the Omnibus Law concept can be referred to as the Umbrella Law because it regulates thoroughly and then has power over other rules. But Indonesia will not adhere to the Umbrella Law because the position of all the Laws is the same. Problems that arise when examined from the perspective of the theory of legislation regarding their position, so that their position must be given legitimacy in Law Number 12 of 2011 concerning Formation of Legislation must be amended.

The process of establishing statutory regulations from theoretical studies related to the existence and validity of law in society is known as Legal Bills (*rechtsbeoefening*). This activity includes activities in forming, implementing, applying, finding, interpreting, studying and teaching law. Legal worship is

2 <https://www.hukumonline.com/berita/baca/lt58a6fc84b8ec3/menimbang-konsep-omnibus-law-bila-diterapkan-di-indonesia/>

3 Jimly Asshiddiqie. *Perihal Undang-Undang*. Depok: PT. Raja Grafindo Persada, 2017.

distinguished in Practical Legal Development and Theoretical Legal Development.

Practical Law Development is a human activity regarding the realization of the law in the reality of daily life in a concrete way. These activities include Legal Formation, Legal Discovery and Legal Aid. While the Theory of Legal Development is also called the Theoretical Reflection on law, namely as an activity of reason to gain intellectual mastery of law or a scientific understanding of law, that is methodically systematic - rational logical. Theoretical Law Development is divided into 3 (three) types based on the level of abstraction or based on the level of analysis, namely Legal Sciences, Legal Theory and Legal Philosophy⁴.

In principle, the government at the time of President Joko Widodo was encouraged to foster an investment climate with his Working cabinet program, so that all of his policies were directed to simplify and simplify investment licensing and requirements. With this concept, the concept of the Omnibus Law is expected to be a solution to the condition of the country's legislative system. So the substance of the Omnibus Law proposed by president Joko Widodo is as follows. (Results of the Seminar conducted by the Coordinating Ministry for the Economy on 30 October 2019 in Jakarta).

1. Simplification of Licensing

- a. Changing the conception of business activities from a license-based approach to a risk-based and standardized application (RBA)
- b. Business activities that do not pose a risk to health, safety, and the environment (including natural resources) do not require permission and only through registration and use of standards.
- c. Changes to basic permissions:
 - 1) Location Permit for business activities is not required with the use of RDTR Digital Maps (Detailed Spatial Planning)
 - 2) Application of standards for Environmental Permits and AMDAL only for high risk business activities (shorter and more concise time and procedure norms)
 - 3) Application of standards for building construction and assessment of building feasibility (IMB & SLF) and compliance are carried out by certified professionals
 - 4) Eliminating business licenses by applying RBA-based operational / commercial licenses
- d. Changes to sector licensing (business licenses and operational / commercial licenses)
 - 1) Sector activities are determined in terms of risk levels: low, medium and high based on the parameters of health, safety and environment.
 - 2) The higher the potential risk posed by certain business activities, the tighter the government controls and the more licenses needed or inspections carried out
 - 3) Sector risk groups:
 - (1) the low risk sector is only registered
 - (2) the medium risk sector uses standards
 - (3) the high risk sector must obtain a permit.

2. Ease of Investment Requirements

- a. Changing the conception of investment requirements from a negative list (DNI) to a positive list, namely by setting a list of priority business activities (priority list) and a list of other business

4 Muhammad Bakri. *Pengantar Hukum Indonesia Jilid I: Sistem Hukum Indonesia Pada Era Reformasi*. Malang: UB Press, 2013.

activities that are encouraged to be developed (white list), thereby focusing on several business activities that need invite foreign capital

- b. List of business fields that are closed only for business activities that are based on national interests, international conventions, and propriety
 - c. Remove the provisions of investment requirements in the sector law and are sufficiently regulated in the Investment Act (need to change 13 sector laws governing investment requirements)
 - d. Changing the conception of PMA and PMDAN differentiation and only regulating the terms and limits of share ownership by foreigners set by the President
3. Government Administration
- a. In the context of applying standards-based licensing and RBA requires a change and structuring of licensing authority that is currently spread between K / L and regions.
 - b. The President has the authority to exercise all governmental authority (c.q. licensing) including those delegated by law to the Minister / Head and / or the Governor and Regent / Mayor.
 - c. The implementation of law by the Minister / Head and Regional Government is the implementation of the authority of the President (delegation of the authority of the President) and thus the Minister / Head and Regional Regulation / Regional Regulation is the implementation of delegation of PP or Perpres and NSPK (Norms, Standards, Procedures and Criteria)
 - d. Stipulation of NSPK (Norms, Standards, Procedures and Criteria) by the President
 - e. The President has the authority to cancel the Regional Regulation by Presidential Regulation.
 - f. Sanctions related to licensing administration take the form of administrative sanctions and civil sanctions and eliminate criminal sanctions (following the Criminal Code provisions)
 - g. Law enforcement (criminal sanctions)
4. Convenience and incentives
- a. Provides ease in the process:
 - 1) Immigration: investment can be guaranteed as a Temporary Stay Permit (ITAS) / Permanent Stay Permit (ITAP) and the ease of obtaining visas for maintenance activities and investment interest visits
 - 2) Patents: Flexibility of obligations to make products or use patent processes in Indonesia
 - b. Changes in capital requirements for establishing a PT (removing a minimum capital of Rp. 50 million)
 - c. Simplification of type of Business Entity: removing CV, Civil Partnership, UD (Need to consider the position of the Firm).

Omnibus Law in terms of Justice and Utilization

The advantage of legislation with the concept of the omnibus law lies in its multisectoral nature and the discussion time that can be faster than the formation of regulations in the usual. These strengths contain many dangers if forced to apply in a country that adheres to a democratic civil law such as Indonesia.

Concerns about the omnibus law that will damage and the danger to the natural order of democracy are based on three factors⁵. First, the omnibus law narrows openness and public participation in the formation

5 Sadono, Bambang, 2019. Penataan Sistem Ketatanegaraan, Jakarta : Badan Pengkajian MPR RI.

of laws. In practice in some countries, the formation of the omnibus law is dominated by the government or parliament. Material and processing time also depend on the agency. Usually the law is tried to finish as soon as possible, even in just one decision-making opportunity. As a result, the space for public participation is small, even lost. Though the principle of openness and participation in making laws is the main spirit in a democratic country.

Second, the omnibus law has the potential to disregard formal provisions for the formation of laws. Its fast nature and reaching many sectors are feared that it will break through several stages in the formation of laws, both at the planning, drafting, discussion, ratification, and enactment levels. This violation is contrary to the principle of the rule of law that requires all government actions to be based on law.

Third, the omnibus law can add to the burden of regulation if it fails to apply. With its nature that includes more than one aspect that is combined into one law, the discussion of the omnibus law is feared to be incomplete. The discussion will focus on the omnibus law and forget about the law that will be revoked, which will present a more complex regulatory burden.

For example, what is the derivative impact of the law being revoked, the impact on the rules of its implementation, and the practical implications on the ground. Not to mention if the omnibus law fails to apply and makes the regulatory problem worse. The pretext of *lex posterior derogat legi priori* (the new law overriding the old law) is not enough because the regulation cannot be carried out with a one-principle approach.

In terms of expediency, with the omnibus law, it will be able to simplify the regulation of laws and regulations. Regulatory regulation which is indeed a problem in Indonesia, Bakornas noted there are 5000 regulations per law from the central to the regional level, but according to various elements of society assess the goal was not achieved because the goal is only directed at increasing investment, even though the end is opening up jobs for the community⁶.

Basically this omnibus law is one of the opportunities seen by the president where this could be an answer to the problems that exist in Indonesia. Because he is tackling convoluted policies, but in the eyes of the people, especially the affected people, actually judge by the loss of rules this even eliminates certainty that has been regulated in the previous law. In addition there are rules which he did not abolish, but he replaced conceptually, where this could have implications. Is it really balanced from the assumed benefits that it is proportional to the actual costs that could have been estimated if indeed this bill was implemented.

The existence of the omnibus law is believed to provide justice and a number of benefits. The concept of the omnibus law can be used by the Indonesian government to overcome two things. First, the problem of the criminalization of state officials. During this time, many government officials are afraid to use discretion in making policies related to the use of the budget, because if proven to suffer losses, they can be charged with corruption. Second, the omnibus law can be used in Indonesia to harmonize central and regional policies in supporting the investment climate. In this regard, the omnibus law can be a concise solution to conflicting laws and regulations, both vertically and horizontally.

There are five steps that must be fulfilled by legislators in the drafting of the Omnibus Law. The following are five steps that the government must take to ensure that the Omnibus Law can be effective and not misused and meet aspects of justice for all levels of Indonesian society.

6 Busroh, Firman Freaddy, 2017. *Konseptualisasi Omnibus Law Dalam Menyelesaikan Permasalahan Regulasi Pertanahan*, Jurnal ARENA HUKUM Vol. 10, No. 2, August 2017. Universitas Brawijaya, Malang.

First, the House of Representatives (DPR) together with the government must involve the public in every stage of its preparation. The broad scope of the Omnibus Law requires lawmakers to reach out and involve more relevant stakeholders.

Second, the Parliament and the government must be transparent in providing any information on the development of the Omnibus Law formulation process. This participation and transparency are absolutely repaired in the mirror of the legislative process which caused recent controversies such as the formulation of the revision of the Corruption Eradication Commission Law and the Revision of the Criminal Code.

Third, the drafters must map the relevant regulations in detail.

Fourth, the composer must strictly harmonize both vertically with higher regulations and horizontally with equal rules.

Fifth, the compiler must preview before it is approved. This preview is prioritized to assess the impact that will arise from the Act to be passed.

Conclusion

Omnibus law is a new thing in the field of statutory regulations of the Republic of Indonesia, in addition to our country's legal system adopting the Civil Law system as well as the products of current government regulations are inherited from the old system. The existence of the omnibus law is believed to provide justice and a number of the benefits. The concept of the omnibus law can be used by the Indonesian government to overcome two things. First, the problem of the criminalization of state officials. During this time, many government officials are afraid to use discretion in making policies related to the use of the budget, because if proven to suffer losses, they can be charged with criminal acts of corruption. Second, the omnibus law can be used in Indonesia to harmonize central and regional policies in supporting the investment climate. In this regard, the omnibus law can be a concise solution to conflicting laws and regulations, both vertically and horizontally.

References

1. Bryan A. Garner, *et. al.* (Eds.), 2009. *Black's Law Dictionary Ninth Edition*. St. Paul: West Publishing Co.
2. Busroh, Firman Freaddy, 2017. *Konseptualisasi Omnibus Law Dalam Menyelesaikan Permasalahan Regulasi Pertanahan*, Jurnal ARENA HUKUM Volume 10, Nomor 2, Agustus 2017. Universitas Brawijaya, Malang.
3. Jimly Asshiddiqie, 2017. *Perihal Undang-Undang*. Depok: PT. Raja Grafindo Persada.
4. Muhammad Bakri, 2013. *Pengantar Hukum Indonesia Jilid I: Sistem Hukum Indonesia Pada Era Reformasi*. Malang: UB Press.
5. Sadono, Bambang, 2019. *Penataan Sistem Ketatanegaraan*, Jakarta : Badan Pengkajian MPR RI.
6. <https://www.hukumonline.com/berita/baca/lt58a6fc84b8ec3/menimbang-konsep-omnibus-law-bila-diterapkan-di-indonesia/>

Registrasi

INTERNATIONAL CONFERENCE AND CALL FOR PAPER

← → ↻ mail.google.com/mail/u/0/#inbox/FMfcgxwHNqMgTwSGbTnbcBjdGZGNgHJK

New Tab

Compose

Inbox 79

Starred

Blocked

Sent

Drafts 10

More

Meet

Start a meeting

Join a meeting

Chat

Hi

No outgoing contacts
[Add someone](#)

Terima kasih telah mengisi [INTERNATIONAL CONFERENCE AND CALL FOR PAPER](#)
Isian tanggapan Anda:

INTERNATIONAL CONFERENCE AND CALL FOR PAPER

OMNIBUS LAW OPPORTUNITIES AND CHALLENGES TOWARDS ENTREPRENEURS AND LABOR COMPARATIVE REVIEW

Alamat email *

hartanto.igola@gmail.com

Type of Conference Participant *

☐ Participant

☒ Presenter

Name (with a degree) *

HARTANTO, S.E., S.H., M.Hum

Origin of the Institution *

Mahasiswa PDIH Unissula

Contact Person *

082133892627

Buat Google Formulir sendiri

Saat Pelaksanaan

▼

Zoom Meeting

Speaker View

Participants (13)

Find a participant

h Hartanto (Me)

Dr Sri Endah Wahyuningsih (Host)

CD Carolina da Cruz

H. ENJU JUANDA

MP MAIRUL PDIH 15

OF OPPO F1s

S Sudiharto

aep Saepudin

AY Aminudin Yakub

Arif Awaludin-UNWIKU

AS Aris sudarmono

Dr Sri Endah Wahyuningsih

SS Sitta Saraya, S.H., M.H.

Invite Unmute Me Raise Hand

UNISSULA

Dr Sri Endah Wahyu...

h Hartanto

Aminudin Yakub

H. ENJU JUANDA

Carolina da Cruz

Sudiharto

MAIRUL PDIH 15

Sitta Saraya, S.H., M.H.

Aris sudarmono

Arif Awaludin-UNWL...

aep Saepudin

OPPO F1s

Dr Sri Endah Wahyu...

Unmute Stop Video Participants Chat Share Screen Record Reactions Leave

13

1:58 PM 27-Jun-20

Proceeding

OMNIBUS LAW BETWEEN JUSTICE x Vol 1, No 1 (2020)

Not secure | http://jurnal.unissula.ac.id/index.php/oloc/issue/view/511

AND CALL PAPER

Omnibus Law Opportunities And Challenges Towards Entrepreneurs And Labor : Comparative Review

HOME ABOUT LOGIN REGISTER SEARCH CURRENT ARCHIVES ANNOUNCEMENTS

Home > Archives > Vol 1, No 1 (2020)

Vol 1, No 1 (2020)

The 1st Proceeding International Conference And Call Paper

Table of Contents

Articles

| | |
|--|-----|
| Strength And Weaknesses Of Omnibus Law In Indonesia <i>Saprodin Saprodin, Widarto Widarto</i> | PDF |
| OMNIBUS LAW BETWEEN JUSTICE AND BENEFITS <i>Hartanto Hartanto, Aris Sudarmo2</i> | PDF |

USER

Username

Password

☐ Remember me

Login

NO ISBN

9 786237 097747

27°C Hujan sedang 21:07 05/04/2023

OMNIBUS LAW BETWEEN JUSTICE x Editorial Team

Not secure | http://jurnal.unissula.ac.id/index.php/oloc/about/editorialTeam

THE 1ST PROCEEDING INTERNATIONAL CONFERENCE AND CALL PAPER

Omnibus Law Opportunities And Challenges Towards Entrepreneurs And Labor : Comparative Review

HOME ABOUT LOGIN REGISTER SEARCH CURRENT ARCHIVES ANNOUNCEMENTS

Home > About the Journal > Editorial Team

Editorial Team

Editor

Doktor Ilmu Hukum UNISSULA, Program Doktor Ilmu Hukum Fakultas Hukum UNISSULA, Indonesia

USER

Username

Password

☐ Remember me

Login

NO ISBN

27°C Hujan sedang 21:07 05/04/2023



LEMBAR
HASIL PENILAIAN SEJAWAT SEBIDANG ATAU PEER REVIEW
KARYA ILMIAH : Proceeding (Presenter-International Conference & Call Paper)

Penulis Jurnal Ilmiah : Dr. Hartanto, SE., SH., M.Hum

Judul Karya Ilmiah (Artikel) : Omnibus Law Between Justice And Benefits
 - Speaker: Shimada Yuzuru (Nagoya University, Japan.) ✓

Status Pengusul : Dosen Tetap Yayasan

Identitas Jurnal Ilmiah : The 1st Internastional Proceeding, International Conference and Paper
 Penerbit : Univ. Islam Sultan Agung, Semarang
 Penulis : Pertama sekaligus presenter ✓
 Volume 1 Nomor 1, 27 Juni 2020
 ISSN Online:
 ISBN : 978 623 7097 74 7
 Hal : 7-13
 DOI: 10.33477/thk.v18i2.1715
 URL: <http://jurnal.unissula.ac.id/index.php/oloc/article/view/13414>
 ISBN: <https://isbn.perpusnas.go.id/Account/SearchBuku?searchTxt=978-623-7097-74-7+&searchCat=ISBN>
 URL: <http://jurnal.unissula.ac.id/index.php/oloc/index>

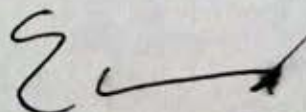
Terindeks di Scimagojr/Thomson
 Kategori Publikasi Jurnal Ilmiah
 (beri v pada kategori yang tepat)

- ☐ Jurnal Ilmiah Internasional Bereputasi/Internasional
☐ Jurnal Ilmiah Nasional Terakreditasi
☐ Jurnal Ilmiah Nasional Tidak Terakreditasi/Nasional Terindeks

DOAJ, CABI, Copernicus, CrossRef, Garuda, Worldcat, OneSearch, ROAD, Moraref, AcademiaPremium
 Hasil Penilaian Peer Review :

| Komponen yang di nilai | Nilai Maksimal Jurnal Ilmiah | | | | Nilai Akhir Yang Diperoleh |
|---|--|--|--|---|----------------------------|
| | Internasional Bereputasi <input type="checkbox"/> | Internasional <input checked="" type="checkbox"/> | Nasional Terakreditasi <input type="checkbox"/> | Nasional Terindeks DOAJ <input type="checkbox"/> | |
| a. Kelengkapan unsur isi jurnal (10%) | | 1,5 | | | 1,5 |
| b. Ruang lingkup dan kedalaman (30%) | | 4,5 | | | 4,5 |
| c. Kecukupan dan kemutakhiran data/informasi dan metodologi (30%) | | 4,5 | | | 4 |
| d. kelengkapan unsur dan kualitas penerbit (30%) | | 4,5 | | | 4 |
| Total = (100%) | | | | | 14 x 60% |
| Kontribusi pengusul dan penulis ke mandiri | | | | | 8,4 |
| Komentar Peer Review | 1. Tentang kelengkapan dan kesesuaian unsur <i>Cukup lengkap membahas dan sesuai judul</i> 2. Tentang ruang lingkup dan kedalaman pembahasan <i>Ruang lingkup mendalam dlm perspektif penulis</i> 3. Kecukupan dan kemutakhiran informasi dan metode <i>Data mutakhir dan sesuai fakta fakta Omnibus</i> 4. Kelengkapan unsur dan kualitas penerbit <i>kualitas & unsur penerbit cukup baik</i> 5. Indikasi plagiasi <i>Tak ada, scan tahun 2023 19% memenuhi</i> 6. Kesesuaian bidang ilmu <i>Sesuai dgn bidang ilmu & pemikiran penulis</i> | | | | |

Yogyakarta, 4 Maret 2023
 Reviewer



Nama : Erna Tri Rusmala Ratnawati, SH, M.Hum
 NIDN : 0510056901
 JaFung : Lektor Kepala 400 AK
 Unit Kerja : Fakultas Hukum Universitas Widya Mataram

LEMBAR
HASIL PENILAIAN SEJAWAT SEBIDANG ATAU PEER REVIEW
KARYA ILMIAH : Proceeding (Presenter-International Conference & Call Paper)

Penulis Jurnal Ilmiah : Dr. Hartanto, SE., SH., M.Hum

Judul Karya Ilmiah (Proceeding) Omnibus Law Between Justice And Benefits
 - Speaker: Shimada Yuzuru (Nagoya University, Japan.)

Status Pengusul : Dosen Tetan Yavasan ✓

Identitas Jurnal Ilmiah : The 1st International Proceeding, International Conference and Paper
 Penerbit : Univ. Islam Sultan Agung, Semarang
 Penulis : Pertama sekaligus presenter ✓
 Volume 1 Nomor 1, 27 Juni 2020
 ISSN Online
 ISBN : 978 623 7097 74 7
 Hal : 7-13
 DOI: 10.33477/thk.v1i2.1715
 URL: <http://jurnal.unissula.ac.id/index.php/oloc/article/view/13414>
 ISBN: <https://isbn.perpusnas.go.id/Account/SearchBuku?searchTxt=978-623-7097-74-7&searchCat=ISBN>
 URL: <http://jurnal.unissula.ac.id/index.php/oloc/index>

Terindeks di Scimagojr/Thomson

Kategori Publikasi Jurnal Ilmiah (beri v pada kategori yang tepat)

| | |
|--------------------------|---|
| <input type="checkbox"/> | Jurnal Ilmiah Internasional Bereputasi/Internasional |
| <input type="checkbox"/> | Jurnal Ilmiah Nasional Terakreditasi |
| <input type="checkbox"/> | Jurnal Ilmiah Nasional Tidak Terakreditasi/Nasional Terindeks |

DOAJ, CABI, Copernicus, CrossRef, Garuda, Worldcat, OneSearch, ROAD, Moraref, AcademiaPremium

Hasil Penilaian Peer Review :

| Komponen yang di nilai | Nilai Maksimal Jurnal Ilmiah | | | | Nilai Akhir Yang Diperoleh |
|---|---|---|--------------------------|--------------------------|----------------------------|
| | Internasional Bereputasi | Internasional | Nasional Terakreditasi | Nasional Terindeks DOAJ | |
| e Kelengkapan unsur isi jurnal (10%) | <input type="checkbox"/> | <input checked="" type="checkbox"/> <i>Proceeding</i> | <input type="checkbox"/> | <input type="checkbox"/> | 1,5 |
| f Ruang lingkup dan kedalaman (30%) | | 4,5 | | | 4 |
| g Kecukupan dan kemutahiran data/informasi dan metodologi (30%) | | 4,5 | | | 4 |
| h kelengkapan unsur dan kualitas penerbit (30%) | | 4,5 | | | 4 |
| Total = (100%) | | 15 (100%) | | | 13,5 |
| Kontribusi pengusul dan penulis ke 1 mandiri | | | | | 8,1 |
| Komentar Peer Review | 7. Tentang kelengkapan dan kesesuaian unsur <i>Unsur 2 cukup baik & runtut membahas omnibus law</i> 8. Tentang ruang lingkup dan kedalaman pembahasan <i>ruang lingkup & kajian cukup dalam</i> 9. Kecukupan dan kemutahiran informasi dan metode <i>metode cukup modern & sesuai utk menganalisis</i> 10. Kelengkapan unsur dan kualitas penerbit <i>penerbit cukup berkualitas nasionalnya</i> 11. Indikasi plagiasi <i>tdk terdapat, cukup sesuai kewajaran</i> 12. Kesesuaian bidang ilmu <i>sesuai bidang ilmu & ketertarikan penulis</i> | | | | 60% |

Yogyakarta, 4 Maret 2023

Reviewer

Nama : Dr. Kelik Endro Suryono, SH, M.Hum
 NIDN : 0531126301
 JaFung : Lektor 300 AK
 Unit Kerja : Fakultas Hukum Universitas Widya Mataram

Plagiarism Checker X Originality Report

Similarity Found: 19%

Date: Saturday, March 04, 2023

Statistics: 704 words Plagiarized / 3656 Total words

Remarks: Low Plagiarism Detected - Your Document needs Optional Improvement.

International Conference and Call For Paper ISSN: Received: ; Accepted: ; Published:
Volume ; Issue ; 2020; Page No. OMNIBUS LAW BETWEEN JUSTICE AND BENEFITS
Hartanto¹ Aris Sudarmono² ^{1,2}, Doctorate Student of Faculty of Law Sultan Agung
Islamic University Semarang, Indonesia ¹hartanto.yogya@gmail.com
²aris.sudarmono@yahoo.com Abstract President Joko Widodo wants to cut regulations
in various sectors specifically in the economic and investment sectors through the
omnibus law approach (repealing many laws and regulations with one law).

However, whether the simplification of regulations in all sectors must and must be done
through the omnibus law approach and it is also natural to ask omnibus law for whom.
This is due to the many regulations that have been cut, so there are also many risks that
will be faced in the future, both from the environmental sector, workers' welfare, so that
this will lead to mass layoffs in many companies.

In the description of writing, the problem is how is the Omnibus Law review viewed in
terms of justice and expediency? The existence of the omnibus law is believed to
provide justice and a number of benefits. The concept of the omnibus law can be used
by the Indonesian government to overcome two things; First, the problem of the
criminalization of state officials.

During this time, many government officials are afraid to use discretion in making
policies related to the use of the budget, because if proven to suffer losses, they can be
charged with corruption. Second, the omnibus law can be used in Indonesia to
harmonize central and regional policies in supporting the investment climate. In this
regard, the omnibus law can be a concise solution to conflicting laws and regulations,
both vertically and horizontally.

Keywords : omnibus law, justice, expediency. Introduction The concept of the omnibus
law re-surfaced after President Joko Widodo in his first victory speech launched the
concept in order to increase the value of investment and the domestic economy which

is still stubborn and is considered low compared to other countries.

An index from the world bank that measures this capability shows that Indonesian regulations from 1996 to 2017 are always below zero. Even in the Southeast Asia region only kept the fifth position with a score of - 0.11, lagging far behind Singapore's best friend which has a score of 2.12 in the first rank.

Based on research data from the Indonesian Center for Law and Policy Studies (PSHK) in the first period of president Joko Widodo's Indonesia alone has been flooded with Regulations with 10,180 regulations, with details of 131 Laws. 526 Government Regulations, 839 Presidential Regulations and 8,684 Ministerial Regulations. Seeing these facts, it is not surprising that President Joko Widodo wants to cut regulations in various sectors, especially in the economic and investment sectors through the omnibus law approach (revoking many laws and regulations with one law).

But should the simplification of regulations in all sectors must and must be done through the omnibus law approach? And it's also very natural if we ask omnibus law for whom? Due to the number of regulations being cut down, there are also many risks that will be faced in the future, both from the environmental sector, workers' welfare, to the fear that this will lead to mass layoffs in many companies.

Actually the concept of the omnibus law in the Indonesian legal system is not new, Indonesia once applied a concept that was almost similar to the concept of the omnibus law when forming the Ketetapan MPR Number I / MPR / 2003. However, the establishment of the MPR decree was not participatory and friendly to the realm of democracy and it also became a way of legislation to become a monopoly tool in the legislation sector.

The Problem How is the Omnibus Law review viewed in terms of justice and expediency?
Methods of Research The method of approach in this study uses the type of normative juridical research. Normative juridical research is research focused on examining the application of rules or norms in positive law. This type of research is a type of qualitative descriptive study, because in this study describes the situation that occurs at present in a systematic and factual manner with the aim to explain and the solution of the problem under study is the omnibus law between justice and expediency.

Primary data obtained by researchers refers to data or facts and legal cases obtained directly through library studies relating to research objects and practices that can be seen and related to research objects. The data analysis method used is normative qualitative, namely the decomposition of data analysis which starts with the information

obtained to achieve clarity of the problem to be discussed. Research Result and Discussion Definition of Omnibus Law The definition of Omnibus Law starts from the word Omnibus.

The word Omnibus comes from the Latin language and means for everything. In the Black Law Dictionary Ninth Edition Bryan A. Garner mentioned the omnibus: relating to or dealing with numerous objects or items at once; including many things or having various purposes, meaning that it is related to or dealing with various 1 Bryan A. Garner, et. al. (Eds.). Black Law Dictionary Ninth Edition. St. Paul: West Publishing Co., 2009. 2 <https://www.hukumonline.com/berita/baca/lt58a6fc84b8ec3> objects or items at once; including many things or having various goals.

When coupled with the word Law, it can be defined as a law that has a variety of related objects / items or all related¹. Omnibus law is a law that is made to target major issues and may revoke or amend several laws, with this law intended to streamline regulations in terms of numbers, but also to simplify regulations to be more targeted. Ideally not just a simplification in terms of numbers, but also in terms of consistency and neat organization.

So it can be called a procedure also to make it simpler and right on target. So according to the expert, it can be concluded that Omnibus law is a product of an Act that can revoke or amend several existing laws that can be spread out in several regulations, and then be streamlined in one Act to be more targeted.

Jimmy Z Usfunan, in his opinion responding to the Omnibus law, stated that basically there was a conflict between government administrators, when they wanted to innovate or policy which then collided with laws and regulations. So the concept of the omnibus law becomes one of the solutions that might be taken by the government. However, omnibus law must be done at the level of the Act.

So, according to the legal expert, the Omnibus law is a product of the Law which is a solution to the conflict between government administrators and the laws and regulations². According to Sofyan Djalil in the article www.hukumonline.com on February 16, 2017, who was then serving as Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency has proposed the concept of Omnibus Law in the procedure for managing or checking the status of land ownership.

According to him the concept of the omnibus law is a step to issue a law that can improve so many laws that have been considered to overlap and hamper the process of ease of business (omnibus law). With the issuance of one Act to amend the many Laws,

because with so many Acts it cannot be accelerated because many Acts still regulate and can contradict each other.

From the description of the legal experts opinions above, the main characteristics of the Omnibus Law can be drawn are (1) it consists of multiple sectors or consists of many sectors with /menimbang-konsep-omnibus-law-bila-diterapkan-di- indonesia/ the same theme; (2) consists of many articles, due to the many sectors covered; (3) independent or independent, without being bound or minimally bound by other regulations; and (4) negate / revoke parts and / or all other regulations.

In addition, it can also be known that the goals raised by the Omnibus Law ideas are (1) to resolve conflict of laws and regulations quickly, effectively and efficiently; (2) uniforming government policies at central and regional levels to support the investment climate; (3) that licensing management is more integrated, efficient and effective; (4) to break the long chain of administrative bureaucracy; (5) to improve the coordination relationship between related agencies because it has been regulated in an integrated omnibus regulation policy; and (6) as a guarantee of legal certainty and protection for policy makers³.

Omnibus Law Formation and Substance The complicated issue of regulation arises and causes the investment climate in Indonesia to move slowly compared to neighboring countries such as Singapore and Malaysia. In the regime, President Jokowi wants all regulations that impede the entry and operation of investments to be removed. Minister of Agrarian Affairs and Spatial Planning / BPN RI Sofyan Jalil brought up the idea of the concept of the Omnibus Law to resolve disputes over overlapping laws and regulations that hamper investment growth in Indonesia.

Looking at the legal system in Indonesia, the Law resulting from the Omnibus Law concept can be referred to as the Umbrella Law because it regulates thoroughly and then has power over other rules. But Indonesia will not adhere to the Umbrella Law because the position of all the Laws is the same. Problems that arise when examined from the perspective of the theory of legislation regarding their position, so that their position must be given legitimacy in Law Number 12 of 2011 concerning Formation of Legislation must be amended.

The process of establishing statutory regulations from theoretical studies related to the existence and validity of law in society is known as Legal Bills (rechtsbeoefening). This activity includes activities in forming, implementing, applying, finding, interpreting, studying and teaching law. Legal worship is distinguished in 3 Jimly Asshiddiqie. Perihal Undang-Undang. Depok: PT. Raja Grafindo Persada, 2017.

Practical Legal Development and Theoretical Legal Development. Practical Law Development is a human activity regarding the realization of the law in the reality of daily life in a concrete way. These activities include Legal Formation, Legal Discovery and Legal Aid.

While the Theory of Legal Development is also called the Theoretical Reflection on law, namely as an activity of reason to gain intellectual mastery of law or a scientific understanding of law, that is methodically systematic - rational logical. Theoretical Law Development is divided into 3 (three) types based on the level of abstraction or based on the level of analysis, namely Legal Sciences, Legal Theory and Legal Philosophy⁴.

In principle, the government at the time of President Joko Widodo was encouraged to foster an investment climate with his Working cabinet program, so that all of his policies were directed to simplify and simplify investment licensing and requirements. With this concept, the concept of the Omnibus Law is expected to be a solution to the condition of the country's legislative system.

So the substance of the Omnibus Law proposed by president Joko Widodo is as follows. (Results of the Seminar conducted by the Coordinating Ministry for the Economy on 30 October 2019 in Jakarta). 1. Simplification of Licensing a. Changing the conception of business activities from a license-based approach to a risk-based and standardized application (RBA) b.

Business activities that do not pose a risk to health, safety, and the environment (including natural resources) do not require permission and only through registration and use of standards. c. Changes to basic permissions: 1) Location Permit for business activities is not required with the use of RDTR Digital Maps (Detailed Spatial Planning) 2) Application of standards for Environmental Permits and AMDAL only for high risk business activities (shorter and more concise time and procedure norms) 3) Application of standards for building construction and assessment of 4 Muhammad Bakri. Pengantar Hukum Indonesia Jilid I: Sistem Hukum Indonesia Pada Era Reformasi. Malang: UB Press, 2013.

building feasibility (IMB & SLF) and compliance are carried out by certified professionals 4) Eliminating business licenses by applying RBA-based operational / commercial licenses d. Changes to sector licensing (business licenses and operational / commercial licenses) 1) Sector activities are determined in terms of risk levels: low, medium and high based on the parameters of health, safety and environment.

2) The higher the potential risk posed by certain business activities, the tighter the government controls and the more licenses needed or inspections carried out 3) Sector risk groups: (1) the low risk sector is only registered (2) the medium risk sector uses standards (3) the high risk sector must obtain a permit. 2. Ease of Investment Requirements a.

Changing the conception of investment requirements from a negative list (DNI) to a positive list, namely by setting a list of priority business activities (priority list) and a list of other business activities that are encouraged to be developed (white list), thereby focusing on several business activities that need invite foreign capital b.

List of business fields that are closed only for business activities that are based on national interests, international conventions, and propriety c. Remove the provisions of investment requirements in the sector law and are sufficiently regulated in the Investment Act (need to change 13 sector laws governing investment requirements d.

Changing the conception of PMA and PMDAN differentiation and only regulating the terms and limits of share ownership by foreigners set by the President 3. Government Administration a. In the context of applying standards-based licensing and RBA requires a change and structuring of licensing authority that is currently spread between K / L and regions. b. **The President has the authority to** exercise all governmental authority (c.q.

licensing) including those delegated by law to the Minister / Head and / or the Governor and Regent / Mayor. c. The implementation of law by the Minister / Head and Regional Government is **the implementation of the authority of** the President (delegation **of the authority of** the President) and thus the Minister / Head and Regional Regulation / Regional Regulation is the implementation of delegation of PP or Perpres and NSPK (Norms, Standards, Procedures and Criteria) d. Stipulation of NSPK (Norms, Standards, Procedures and Criteria) by the President e.

The **President has the authority to cancel** the Regional Regulation by **Presidential Regulation**. f. **Sanctions related to licensing administration** take the form of administrative sanctions and civil sanctions and eliminate criminal sanctions (following the Criminal Code provisions) g. Law enforcement (criminal sanctions) 4. Convenience and incentives a.

Provides ease in the process: 1) **Immigration: investment can be** guaranteed as a Temporary Stay Permit (ITAS) / Permanent Stay Permit (ITAP) and the **ease of obtaining visas for maintenance activities** and investment interest visits 2) Patents: Flexibility of

obligations to make products or use patent processes in Indonesia b. Changes in capital requirements for establishing a PT (removing a minimum capital of Rp. 50 million) c.

Simplification of type of Business Entity: removing CV, Civil Partnership, UD (Need to consider the position of the Firm). Omnibus Law **in terms of Justice and** Utilization The advantage of legislation with **the concept of the omnibus law** lies in its multisectoral nature and the discussion time that can be faster than the formation of regulations in the usual.

These strengths contain many dangers if forced to apply in a country that adheres to a democratic civil law such as Indonesia. Concerns about the omnibus law that will damage and the danger to the natural order of democracy are based on three factors⁵. First, the **omnibus law narrows openness and public participation in the formation of laws.**

In practice in some countries, the formation **of the omnibus law is** dominated by the government or parliament. Material and processing time also depend on the agency. Usually the law is tried to finish as soon as possible, even in just one decision-making opportunity. As a result, the space for public participation is small, even lost.

Though the principle of openness and participation in making laws is the main spirit in a democratic country. **Second, the omnibus law** has the potential to disregard formal provisions for **the formation of laws.** Its fast nature and reaching many sectors are feared that it will break through several stages in the formation of laws, both at the planning, drafting, discussion, ratification, and enactment levels. This violation is contrary to the principle of **the rule of law** that requires all government actions to be based on law.

Third, **the omnibus law can add to the** burden of regulation **if it fails to** apply. With its nature that includes more than one aspect that is combined into one law, the discussion **of the omnibus law is** feared to be incomplete. The discussion will focus on the omnibus law and forget about **the law that will** be revoked, which will present a more complex regulatory burden.

For example, what is the derivative impact of the law being revoked, the impact on the rules of its implementation, and the practical implications on the ground. Not to mention if the omnibus law fails to apply and makes the regulatory problem worse. The pretext of **lex posterior derogat legi priori** (the new law overriding the old law) is not enough because the regulation cannot be carried out with a one- principle approach. In terms of expediency, with the omnibus law, it will be able to simplify the regulation of laws and regulations.

Regulatory regulation which is indeed a problem in Indonesia, Bakornas noted there are 5000 regulations per law from the central to the regional level, but according to various elements of society assess the goal was not achieved because the goal is only directed at increasing investment, even though the end is opening up jobs for the community⁶. 5 Sadono, Bambang, 2019. Penataan Sistem Ketatanegaraan, Jakarta : Badan Pengkajian MPR RI. 6 Busroh, Firman Freaddy, 2017.

Konseptualisasi Omnibus Law Dalam Menyelesaikan Permasalahan Regulasi Basically this omnibus law is one of the opportunities seen by the president where this could be an answer to the problems that exist in Indonesia. Because he is tackling convoluted policies, but in the eyes of the people, especially the affected people, actually judge by the loss of rules this even eliminates certainty that has been regulated in the previous law.

In addition there are rules which he did not abolish, but he replaced conceptually, where this could have implications. Is it really balanced from the assumed benefits that it is proportional to the actual costs that could have been estimated if indeed this bill was implemented. The existence of the omnibus law is believed to provide justice and a number of benefits.

The concept of the omnibus law can be used by the Indonesian government to overcome two things. First, the problem of the criminalization of state officials. During this time, many government officials are afraid to use discretion in making policies related to the use of the budget, because if proven to suffer losses, they can be charged with corruption. Second, the omnibus law can be used in Indonesia to harmonize central and regional policies in supporting the investment climate.

In this regard, the omnibus law can be a concise solution to conflicting laws and regulations, both vertically and horizontally. There are five steps that must be fulfilled by legislators in the drafting of the Omnibus Law. The following are five steps that the government must take to ensure that the Omnibus Law can be effective and not misused and meet aspects of justice for all levels of Indonesian society. First, the House of Representatives (DPR) together with the government must involve the public in every stage of its preparation.

The broad scope of the Omnibus Law requires lawmakers to reach out and involve more relevant stakeholders. Second, the Parliament and the government must be transparent in providing any information on the development of the Omnibus Law formulation process. This participation and transparency are absolutely repaired in the mirror of the

legislative process which caused recent controversies such as the formulation of the revision of the Corruption Eradication Commission Law and the Revision of the Criminal Code. *Pertanahan, Jurnal ARENA HUKUM* Vol. 10, No. 2, August 2017.

Universitas Brawijaya, Malang. Third, the drafters must map the relevant regulations in detail. Fourth, the composer must strictly harmonize both vertically with higher regulations and horizontally with equal rules. Fifth, the compiler must preview before it is approved. This preview is prioritized to assess the impact that will arise from the Act to be passed.

Conclusion Omnibus law is a new thing in the field of statutory regulations of the Republic of Indonesia, in addition to our country's legal system adopting the Civil Law system as well as the products of current government regulations are inherited from the old system. The existence of the omnibus law is believed to provide justice and a number of the benefits.

The concept of the omnibus law can be used by the Indonesian government to overcome two things. First, the problem of the criminalization of state officials. During this time, many government officials are afraid to use discretion in making policies related to the use of the budget, because if proven to suffer losses, they can be charged with criminal acts of corruption.

Second, the omnibus law can be used in Indonesia to harmonize central and regional policies in supporting the investment climate. In this regard, the omnibus law can be a concise solution to conflicting laws and regulations, both vertically and horizontally.

References 1. Bryan A. Garner, et. al. (Eds.), 2009. *Bac's Law Dictionary Ninth Edition*. St. Paul: West Publishing Co. 2. Busroh, Firman Freaddy, 2017.

Konseptualisasi Omnibus Law Dalam Menyelesaikan Permasalahan Regulasi Pertanahan, *Jurnal ARENA HUKUM* Volume 10, Nomor 2, Agustus 2017. Universitas Brawijaya, Malang. 3. Jimly Asshiddiqie, 2017. *Perihal Undang- Undang*. Depok: PT. Raja Grafindo Persada. 4. Muhammad Bakri, 2013. *Pengantar Hukum Indonesia Jilid I: Sistem Hukum Indonesia Pada Era Reformasi*. Malang: UB Press. 5. Sadono, Bambang, 2019.

Penataan Sistem Ketatanegaraan, Jakarta : Badan Pengkajian MPR RI. 6.
https://www.hukumonline.com/berita/baca/lt_58a6fc84b8ec3/menimbang-konsep-omnibus-law-bila-diterapkan-di-indonesia/

INTERNET SOURCES:

<https://indonesiaexpat.id/business-property/working-with-stay-permit-sponsored-by-spouse/>

<1% -

http://www.gbgindonesia.com/en/main/legal_updates/indonesia_omnibus_law_and_the_impact_on_tax_laws.php

1% -

https://link.springer.com/content/pdf/10.1007/978-3-030-71782-7_44.pdf?pdf=inline%20link

<1% - <https://igj.or.id/the-controversy-over-the-omnibus-bill-on-job-creation/?lang=en>

<1% -

<https://www.un.org/en/chronicle/article/rule-law-and-democracy-addressing-gap-between-policies-and-practices>

<1% -

<https://nasional.kompas.com/read/2022/02/17/00450061/contoh-lex-posterior-derogat-legi-priori>

<1% -

https://www.researchgate.net/publication/341512891_Omnibus_Law_in_Indonesia_Is_That_the_Right_Strategy/fulltext/5ec524fd299bf1c09acc3dc0/Omnibus-Law-in-Indonesia-Is-That-the-Right-Strategy.pdf

<1% -

https://mpr.go.id/img/jurnal/file/040422_2019%20_%20Seri%20Kajian%20Ketatanegaraan%20-%20Sistem%20Presidensial.pdf

<1% - <https://arenahukum.ub.ac.id/index.php/arena/article/view/327>

1% - <http://jurnal.unissula.ac.id/index.php/oloc/article/view/13422/0>

<1% - <https://brainly.com/question/9929724>

<1% - https://www.abc.net.au/ra/federasi/tema1/indon_pol_chart_e.pdf

<1% - <https://www.pwc.com/id/en/publications/omnibus/omnibus-flash-2020-01.pdf>

<1% - <https://ejournal.balitbangham.go.id/index.php/dejure/article/view/1769>

<1% -

<https://dentons.hprplawyers.com/en/insights/articles/2021/april/6/indonesian-omnibus-law>

<1% - <https://scholarhub.ui.ac.id/dharmasisya/vol2/iss1/10/>

<1% - https://www.academia.edu/41537217/MAKALAH_OMNIBUS_LAW

<1% - <http://jurnal.umb.ac.id/index.php/jupank/article/view/1873>



Center for International Language Development
SULTAN AGUNG ISLAMIC UNIVERSITY

CILAD Office, GKB Lt. 6

Universitas Islam Sultan Agung

Jl. Raya Kaligawe Km. 4 Pa.Saw 50545M Semarang 50112, Indonesia

Telp: +62 24 658 3564 Fax: +62 24 658 2455

Website: cilad.unissula.ac.id Email: cilad@unissula.ac.id

ENGLISH PROFICIENCY TEST SCORE REPORT

Name : HARTANTO
Date of Birth :
Std. Number : 10301900031

Certificate No. : D437685/XII/2020
Test Date : 06 December 2020
Valid Until : 10 December 2022

| SECTIONS | SCORE |
|--|-------|
| Section I (Listening Comprehension) | 50 |
| Section II (Structure And Written Expression) | 51 |
| Section III (Vocabulary & Reading Comprehension) | 49 |
| Total Score | 500 |

Semarang, 10 December 2020
Head of Center for International Language Development

Mohammad Noor Zuhri, S.Pd., M.Pd.