

# Concept and Implications of Legislative Theory in Omnibus Law

Tanti Kirana Utami\*, Agisni Revana Shifa, Mita Aulia Oktaviani, Shakilla Nadya Amanda, Shifa Salsabilla Madinawati

Faculty of Law, Universitas Suryakencana

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\*Correspondence: Tanti Kirana Utami

Email: [kireinatanti78@gmail.com](mailto:kireinatanti78@gmail.com)

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**Abstract:** This research to analyze the implementation of the *omnibus law* concept within Indonesia's legal system using legislative theory as a framework for evaluation. It focuses on assessing the feasibility, impact, and long-term implications of adopting a legislative method commonly found in *common law* countries and applying it in a nation that adheres to the *civil law* tradition. The research adopts a normative juridical method with a literature-based approach, collecting data from academic books, journals, articles, statutory regulations, and judicial decisions relevant to legal development and regulatory reform in Indonesia's current context. The study finds that the *omnibus law* has the potential to simplify the legal framework, eliminate overlapping regulations, and increase economic competitiveness through more efficient governance and legal certainty. However, the research also uncovers critical legal and constitutional issues, such as inconsistencies with the principle of the *single subject rule*, ambiguity in the legislative hierarchy, and a lack of substantive public participation. The findings emphasize that the current legal structure, as outlined in Law No. 12 of 2011 and its amendment, is not adequately equipped to support the comprehensive nature of *omnibus* legislation. Therefore, for this concept to be properly implemented, it must be accompanied by institutional and procedural reforms, including legal amendments, mechanisms for transparent harmonization, and inclusive civic engagement. These adjustments are essential to ensure the legitimacy, legal certainty, and democratic accountability of laws made under the *omnibus* model. Ultimately, without these fundamental reforms, the *omnibus law* risks undermining the very legal order it seeks to streamline.

**Keywords:** Implications, Concepts; Omnibus Law.

## Introduction

In theory, legislation in Indonesia, the position of the law from the concept of *Omnibus Law* not yet regulated. Concept results law *Omnibus Law* can lead to a law that can regulate comprehensively and then have power over other rules (the Umbrella Law). However, Indonesia does not adhere to the Umbrella Law because the position of all laws must be given legitimacy in Law No. 12 of 2011 concerning the Establishment of Laws and Regulations, which was amended to Law No. 15 of 2019 (Utomo, 2020). Method *Omnibus Law* used in the formation of Law Number 11 of 2020 concerning Job Creation which has been passed. However, the law has been formally tested to the Constitutional Court. The Constitutional Court through Decision Number: 91/PUU-XVIII/2020 which basically states

that the formation of Law Number 11 of 2020 concerning Job Creation is conditionally unconstitutional and requires the lawmakers to correct it within 2 (two) years. As a follow-up to the Constitutional Court Decision Number: 91/PUUXVIII/2020, Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Establishment of Laws and Regulations has been established *Omnibus Law* in the drafting of laws and has clarified the meaningful participation of the community in the formation of laws and regulations. With Law Number 13 of 2022, the use of the *Omnibus Law* have fulfilled definite, standard, and standard methods and methods in the preparation of laws and regulations (Agustian, Anwar, Meilansyah, Sari, 2016) "Legislative theory is oriented towards explaining and clarifying understanding and is cognitive (Iswahyudi, 2022). In legislative theory, the formation of good legislation must be guided by the *Staatsfundamentalnorm*, namely Pancasila (Febriansyah, 2016).

Law No. 11 of 2020 concerning Job Creation has become the "champion" of the Government, there are 79 affected Laws that have been collected into one law so that Law No. 11 of 2020 concerning Job Creation is often referred to as the "Sweep Jagat" Law because of the broad rules in Law No. 11 of 2020 concerning Job Creation which is cross-sectoral and interdisciplinary. This law revises (corrects) articles that are not in accordance with the philosophy of ease of investment from the law that is scattered in the legal system in Indonesia. Therefore, articles that tend to hinder investment will be eliminated.

There are two notes that the concept of the Omnibus Law is a choice of a legal policy of the Indonesian nation in an effort to provide a legal basis for job creation through Law No. 11 of 2020 concerning Job Creation. First, the Spirit or Soul of a Law lies in the philosophical foundation contained in the considerations. The spirit of the Law must then animate and color each article by article. This philosophical foundation is a material principle that must exist and be a condition (*conditio sine quo non*) in the formation of any law (Putri, 2021).

One of the goals of the Government to roll out the omnibus law is to encourage investment, where this policy is intended to pursue Indonesia's vision 2045 to become the 5 major powers of the world economy. Furthermore, in his speech at his inauguration at the Plenary Session said: "a) Indonesia is out of the middle-class income trap and Indonesia has become a developed country; b) Indonesia's Gross Domestic Product reaches 7 trillion US dollars and Indonesia is already in the top 5 world economies with poverty close to zero percent."

In order to achieve this, the President's direction for the next 5 years that will be carried out includes:

- 1) Building hardworking and dynamic human resources; The government will invite the House of Representatives to issue a law
- 2) the Job Creation Law which is an omnibus law that revises dozens of laws that hinder job creation and that hinder the development of MSMEs
- 3) Investment for job creation should be prioritized and lengthy procedures should be cut (Adolph, 2016).

President Jokowi when delivering his inauguration speech on October 20, 2019, said that to simplify and cut all forms of regulations, the government will establish two laws, namely the Job Creation Law and the Law on the Empowerment of Macro, Small and Medium Enterprises (MSMEs) using the concept of *the Omnibus Law* which can change and revise several rules up to dozens of rules. The concept of the *Omnibus Law* is a new thing heard in Indonesia, but it is expected to solve the problems of many regulations that are out of sync in our country.

Prabowo (2020) in his research described the conception of the omnibus law as a concept that is commonly known in countries with an Anglo Saxon legal system which was then tried to be implemented in Indonesia to simplify several multi-sector regulations. This research gives a comprehensive impression in the discussion and contains historical literature so that the origin of the birth of the concept of omnibus law can be well understood. However, in their research, there are no legal political factors such as the 45th Constitution or the terminology of legal politics that should exist to answer the omnibus law phenomenon from a legal political perspective. Thus, it seems that it does not have a conceptual direction of discussion because it only describes the history and formation of the omnibus law in Indonesia and does not have a clear analytical framework (Prabowo, Triputra, & Junaidi, 2020).

*The Omnibus Law* which can also be called the 'sweep of the universe' Law which can replace several legal norms in related laws, (Mirza, 2017) various laws and regulations that are not aligned can be synchronized into a big law that contains certain areas, then cuts other laws and regulations so that they become more efficient and facilitate the process of regulating various things in Indonesia. This concept in the future is expected to build harmonization of legislation in Indonesia to achieve legal certainty.

However, this concept is still a debate when applied in Indonesia, which adheres to a *civil law* system that prioritizes legal codification. This concept is a new concept because it is usually applied in *common law countries*, so it requires adjustments to the legal system in our country. Coupled with the government's quick movement that seems to be in a hurry in making the Omnibus Law Bill, it is feared that it can ignore the technicalities of drafting legislation both formally and materially.

The draft law that has been submitted by the government to the House of Representatives has also caused a lot of controversy, as in 170 paragraphs (1) and (2) which state that changes to the Law can be amended through the issuance of a Government Regulation (PP). This is contrary to one of the principles of legislation whose benchmark is the hierarchy of laws and regulations in Law No. 15 of 2019. Now this is what is the concern of various parties, that the existence of this concept can be a solution or even cause new problems in the laws of our country.

In the application of this concept, in-depth studies need to be conducted so as not to harm the people's interests and experts and professionals are needed to qualify similar laws that can then group interrelated regulations. And for the purpose of harmonizing this legislation, it is also necessary to cut administrative and bureaucratic regulations as a support for a simple and efficient process.

In the application of this concept, there must be an arrangement in the form of a strong legal basis so as not to conflict with the norms and regulations for the development of laws and regulations whose technical aspects are the issuance of Government Regulations in Lieu of Laws (Perppu), for example, so that there is an acceleration of the resolution of regulatory problems in Indonesia. So, it is necessary to amend the Law on the Formation of Laws and Regulations first before the implementation of this concept (Firman, 2017).

Jimly gave his opinion, although the rules on the Omnibus Law should have been formed first, but even without changing the rules for the formation of laws and regulations, this concept can be applied because so far the Law on the Formation of Laws and Regulations has been guiding and not rigid, so that it can be broken and then form new customs and constitutions as a legal basis for future practices (Jimly Asshidieqie).

*Omnibus law* which will affect the sustainability of economic activities in Indonesia which will have implications for various aspects because the Job Creation Bill (Cika) will buy several laws in many investment sectors. The bill, which combines several laws, seems to cut some authority for the sake of various interests. It makes it easier for business actors but troublesome for the people. Through the policy *omnibus law* The Job Creation Law which transports several laws that are in direct contact with investment must be studied for its implications whether it will achieve the philosophy of justice or whether the existing law is in favor of financiers and not the interests of the nation (Iswahyudi 2022).

## Methodology

In this study, the researcher uses a normative juridical method through literature studies by collecting data through several books, articles, and journals related to social development and social change. Literature study is a method of data collection that is directed to search for data and information through written documents such as books, journals and electronic documents that can support the writing process. Library studies can also study various reference books as well as similar previous research results that are useful to get a theoretical basis regarding the problem to be studied.

## Result and Discussion

### The basic concept of omnibus law that prioritizes legal order and clarity

The term Omnibus comes from the designation of a bus that can transport many people and other goods called "Omni Bus." This bus first operated in Paris in 1820. However when it was used in Latin America, this term became generic so that everything that could enter various things was called an Omnibus. Likewise, in the field of law, which is then called *Omnibus Law*, which is a law that includes several related laws (Dahlan, 2020). *Omnibus Law* consists of two words, namely *Omnibus* which means everything, this term comes from Latin (Firman, 2017) In *the Black Law Dictionary Ninth Edition*, the word *Omnibus* is *relating to or dealing with numerous objects or items at once; including many things or having various purpose*, (Bryan A. Garner, "Black's Law Dictionary") which means relating to various objects or items at once; including many things or having various purposes. While the word *Law* in language means law. If these two terms are combined, *the Omnibus Law* is a law for

all. In short, it can be interpreted that *the Omnibus Law* or *Omnibus Bill* is a rule that contains a variety of different circumstances and can change various rules. In simple terms, *Omnibus law* is a method of drafting rules in which there are several substantive materials, and when promulgated, this regulation can revoke material from previous regulations (Jimmy, 2020). The Omnibus Law is a comprehensive format for the formation of laws by also regulating other legal materials related to the substance of the law to be formed or amended, namely the formation of a law by considering the provisions of several interrelated laws. (Jimly 2019) The meaning of *Omnibus law* was also conveyed by Widiati Law Expert, that *Omnibus law* is a design technique that combines several laws that aim to increase the accessibility of legislation that has the same position as other laws (Aditya, 2020).

Observing some of the definitions conveyed by the experts above, it can be concluded that *the Omnibus law* is a concept of the formation of legislation, where a law is formed to contain some material/substance of various other rules related to the rules that are formed, and this law can change or repeal the previous law. *The omnibus law* is also called the 'sweep of the universe' law which can replace legal norms in several laws. (Mirza 2017) In practice in Indonesia that adheres to *civil law*, we also know the codification of laws, basic laws, and umbrella laws. Legal codification is the grouping of laws of the same kind or having the same material to obtain a *rechtseenheid* (legal unity) and a *rechtszakerheid* (legal certainty). (Soeroro p. 77) Legal codification aims to make it easier to master regulations, make them simpler, logically arranged, and definite (Rahardjo).

The umbrella law or also called *the Umbrella Act* is the law that is the umbrella of the sub-laws, as well as the principal laws that are the principal or reference of other related regulations. The concept of *omnibus law* because it regulates comprehensively and has power over others. One example is Law No. 5 of 1960 concerning Agrarian Subjects (UUPA) which is valid as the parent of other natural resources and land laws. However, in the hierarchy of laws and regulations in Indonesia, there is no term for the main law or umbrella law, there is only "Law." With the principle of the main law and the umbrella law, it is the same as other laws.

Concept *Omnibus law* this has been indirectly applied in Indonesia, but not in the form of a law but a Decree of the People's Consultative Assembly N0. 1 of 2003 (MPR TAP No. 1/2003) which is called "Tap sapujagat" because with the existence of this MPR TAP closes all MPR Taps that are regulating, which means that there should no longer be a regulating MPR TAP. (Moh Mahfud) Then in the Government Regulation in Lieu of Law No. 1 of 2017 concerning Access to Financial Information for Tax Purposes which has been amended into Law No. 9 of 2017 is one of the practices that can be said to be similar to the concept *omnibus law* because with the promulgation of this Law, Article 8 of this Law repeals several previous Laws related to access to financial information and interests for taxation (Hayati, Warjiyati, & Muwahid, 2021).

Omnibus law is a law that focuses on simplifying the number of regulations, Omnibus Law is a concept of legal products that functions to consolidate various themes, materials, subjects, and laws and regulations in each different sector to become a large and holistic legal product. The omnibus law is a step to issue a law that can improve many laws



that have been considered overlapping and hindering the process of ease of doing business. With the issuance of one law to improve many laws, it is hoped that it will be a solution to problems in the economic sector, because with many laws, it cannot be accelerated because many laws still regulate and can contradict each other. The concept of the Omnibus Law is a rule made to cut several rules that are considered overlapping and hinder the growth of the country which is also to synchronize several aspects into a large legal product (Putra, 2020).

This concept is used by countries that use the Anglo Saxon Common Law legal system. Several countries such as America, Canada, Ireland, and Suriname have used the Omnibus Law or Omnibus Bill approach in their legislation. In Southeast Asia, the Omnibus Law was first practiced by the Vietnamese state which at that time was about to adopt the results of accession with the WTO in 2006. To implement this, the Prime Minister ordered the local Ministry of Law to conduct research on the possibility of implementing the Omnibus approach in Vietnam.

In addition, the concept of omnibus law was also applied in Serbia in 2002 to regulate the autonomous status of Vojvodina Province. The laws formed with this concept cover the jurisdiction of the Vojvodina Provincial government regarding culture, education, language, media, health, sanitation, health insurance, pensions, social protection, tourism, mining, agriculture, and sports. In addition to Serbia, as published in Privacy Exchange.org (A global information resource on consumers, commerce, and data protection worldwide National Omnibus Laws), the concept of omnibus law has also been adopted by countries such as Argentina, Australia, Austria, Belgium, Canada, Chile, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, The Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Taiwan, Thailand, and the United Kingdom (Matompo & Izziyana 2020).

### **Long-Term Implications of the Implementation of the Omnibus Law on the Legal System in Indonesia.**

The application of the Omnibus Law in the Indonesian Legal System, Omnibus Law is a legislative process of the Common Law System while Indonesia is a country that adheres to the Civil Law System. The conflicting legal culture clearly has different characteristics, including in the making of laws and regulations. So if you want to implement a different system in a country, of course it must be reviewed whether the system can be implemented or not. To answer this problem, from a conceptual point of view, the problem can actually be reviewed from a comparative legal study. The doctrine used is the legal transplant doctrine. According to Alan Watson, there are at least two challenges in legal transplantation, namely: reception in law and reception in society.

The first stage in reception in law is how to deepen and adapt within the framework of the legal structure, ensuring that there are no legal contradictions when the transplant is performed. Meanwhile, in the reception in society stage, it is how the transplanted foreign legal organ can work effectively in society. In relation to the application of the Omnibus Law in the Indonesian legal system, that the application of the method in the Indonesian

legal system is not well adapted, it should be adjusted first and an in-depth academic study must be carried out so that the Omnibus Law can be applied in Indonesia as stipulated in the provisions of Article 5 of Law 12 of 2011 concerning the principle of can be implemented, In addition, it is also necessary to apply the identification of reception in society carefully. This is important to do because law and society are two sides that cannot be separated, especially according to Satjipto Rahardjo, the law gets legitimacy from the community, and society is the social basis of the law.

Indonesia has Law Number 12 of 2011 in conjunction with Law Number 15 of 2019 concerning the Formation of Laws and Regulations, it is stated that in forming a law regulation must be in accordance with the procedures/stages that have been made and agreed upon together as follows:

- 1) Planning, explaining the planning of the Law is carried out in the National Legislation Program (Prolegnas) where it is carried out in a planned manner in accordance with Article 17 Law Number 12 of 2011
- 2) Drafting, explaining the process of drafting Bills by the government (House of Representatives, Regional Representative Council, and President) in accordance with Article 43 of Law Number 12 of 2011
- 3) Discussion, explaining the stages of discussion of the Bill carried out by the House of Representatives with the President or the assigned minister as stipulated in Article 65 of Law Number 12 of 2011
- 4) Ratification or determination, explaining the stages of ratification summarized in Article 72 which explains the Draft Law that has been jointly approved by the House of Representatives and the President submitted by the Leader of the House of Representatives to the President to be ratified into law
- 5) Promulgation, explaining the promulgation of laws and regulations in the Gazette of the Republic of Indonesia or the State Gazette of Indonesia as referred to in Article 82 and Article 83 (Beno, Silen, & Yanti, 2022).

This law is a guideline in forming state regulations that are binding in general, both the stages of the law and the regional regulation. The logical consequence of these provisions is that in forming laws and regulations, they must be based on the provisions in the law. The same applies also in the implementation of the Omnibus Law in Indonesia, the formation of laws by way of the Omnibus should be adjusted to the Law on the Formation of Laws and Regulations, both in principle and in the process of its formation. The problem is that in the provisions of Law 12 of 2011 and its amendments, the national legal system actually adheres to the concept of the single subject rule or The One Subject at the Same Act. The depth of meaning of the principle of a quo is that the law only regulates one subject. This is in contrast to the concept of the Omnibus Law which regulates a single law regulating a wide variety of different subjects. Such a situation has the logical consequence that the implementation of the Omnibus Law through the Job Creation Law should not be possible because it is contrary to the guidelines for the formation of laws and regulations as stipulated in the provisions of Law Number 12 of 2011 and Law Number 15 of 2019. Before adopting the

application of the Omnibus Law in the national legal system, the first thing to do should be to amend the Law on the Formation of Laws and Regulations and make it accommodate the application of the Omnibus Law so that the laws that will be formed later do not suffer from procedural defects and substantive defects. According to Antoni Putra, if you want to apply the Omnibus Law in the formation of laws and regulations in Indonesia, the things that must be considered are: a) The application of the omnibus law in forming laws must be participatory; b) There must be a clear mechanism for harmonizing laws and regulations; and c) Evaluation of laws and regulations to be revised using the concept of omnibus law.

The implementation of the Omnibus Law must be participatory, participatory means accommodating aspirations, the public giving input to the drafting of the bill, while socialization is introducing the existing draft. The application of this concept can be infiltrated by many interests, therefore, the House of Representatives and the government must open access to information and involve the public at large. When referring to Law Number 12 of 2011 concerning the Formation of Laws and Regulations, the provisions of Article 96 of Law 12 of 2011 concerning the Formation of Laws and Regulations must be implemented not just a formality. In this case, the state must create a forum to accommodate and a flow to convey clear public participation. So far, the mechanism for public participation is still vague, so that the existence of public participation in the formation of laws and regulations is only seen as a formal requirement. The community must participate in determining the direction of priority policies for the preparation of laws and regulations, without the involvement of the community in its formation, it is impossible for a law and regulation to be accepted and implemented properly. This is because one of the important requirements for producing responsive laws is community participation (Zakaria, 2023).

In general, the Job Creation Law provides greater convenience for entrepreneurs, in the hope of attracting investment and creating jobs. The implementation of the Job Creation Law has a complex impact on employment in Indonesia. However, protections for workers have become weaker, especially in terms of job security, severance pay, and outsourcing. Despite increased investment and job creation, many workers face new challenges, such as reduced severance pay, expanded outsourcing, and declining real wages. Revision and balancing efforts of the Job Creation Law regulations in response to criticism and decisions of the Constitutional Court. This revision includes the reactivation of the Wage Board, the implementation of proportional wage scales, and the reactivation of the sectoral minimum wage. This step aims to create a balance between investment interests and the protection of workers' rights. The revision of this law shows that there is an effort to balance economic interests and the protection of workers' rights.

The presence of the Omnibus law of the Job Creation Law has succeeded in simplifying regulations and cutting bureaucracy. One of the reasons for investors' reluctance to invest in Indonesia is the difficulty of doing business in Indonesia, the difficulty of investing in Indonesia has implications for Indonesia's low competitiveness compared to neighboring countries (Matompo & Izziyana 2020). With the existence of the Omnibus law that simplifies business licensing, it will have an impact on increasing investment, both domestic and foreign.



The existence of domestic investment will correlate with the influx of new capital to assist the government in the context of infrastructure development. This contributes to the creation of new jobs and national economic growth. Foreign investment is one of the sources of funds and wider job creation in Indonesia, so that it can reduce the unemployment rate in Indonesia. In addition to being able to absorb local labor, foreign investment is also considered a source of science and technology transfer, from industrial countries to developing countries such as Indonesia (Iswaningsih, Budiarta, & Ujianti, 2021). The entry of technology and knowledge can later be imitated and developed by the community. The existence of this new technology also indirectly brings Indonesia to be able to develop and subsequently compete with other countries (Ma & Habibah, 2025).

The presence of omnibus law can not always be considered as a solution in the pattern of simplifying laws but also provides weaknesses in the process of making laws or in their implementation. Several figures included views related to weaknesses during the making of the Omnibus Law. Aaron Wherry stated that the Omnibus Law provides pragmatic and less democratic regulatory making practices because in its changes it only replaces the norms of various laws with different political initiatives. Siclair and Smith reveal the weakness of the omnibus law: "this technique changes the deliberative process. Omnibus bills are often fast-tracked through committees with fewer hearings and less markup consideration than would be expected from several important standard bills." The process of drafting legal regulations also has a danger to their implementation, this is due to a mixture of different and only summarized in one omnibus law, which then will bring confusion to legislative members because it is not uncommon for some of these subjects to not have a conformity.

Novianto Murti Hatono assessed that the omnibus law in Indonesia has challenges and consequences in its application in Indonesia:

- 1) Legislative Techniques The process of forming laws and regulations is regulated in the PPP Law rigorously through its format and design techniques. The basic content of the regulation of the formation of the law is that the regulations that will be amended will be repealed by higher regulations. This will look strange if you look at the context of the omnibus law that is used to summarize the entire law does not only cover 1 law title and this has never happened if the elimination of the provisions of dozens of laws through one law only
- 2) The application of the principle of *Lex specialis derogat legi generali* is a legal principle with a special nature of overriding the rule of general law. Bagir Manan said that this principle has principles including:
  - a. Provisions in general legal rules apply unless specifically regulated in special legal rules
  - b. *Lex specialis* is obliged to be equivalent to the provisions of *lex generalis* (Law with Law)
  - c. Provisions that are *lex specialis* must exist in the same environment as *lex generalis*.

If then the Omnibus Law is still decided, then the possibility is that there is a paradigm of legal development that is not in harmony with the constitution and can crash into the theory of the Law, because after all, the Omnibus Law remains a law that is under the Constitution (Muhammad Rinaldy Bima, Rahmat Rahadi 2023)

## **Conclusion**

### **The basic concept of omnibus law that prioritizes legal order and clarity**

The term "omnibus" originates from the Latin word meaning "everything" or "for all." In the context of law, an omnibus law is a single piece of legislation that includes multiple related laws. This comprehensive format for forming laws regulates various interrelated legal materials.

The concept of an omnibus law has been implemented in various countries, including Indonesia, which follows a civil law system. Although not explicitly referred to as an "omnibus law," the country has employed this approach through decrees and regulations. For instance, Decree of the People's Consultative Assembly No. 1 of 2003 closed all previous MPR TAPs, while Government Regulation in Lieu of Law No. 1 of 2017 integrated access to financial information for tax purposes. Indonesia is now planning to implement a more direct approach by enacting an official Omnibus Law. This law aims to simplify the regulatory environment, consolidate various themes, materials, subjects, and laws, and improve the ease of doing business. By addressing overlapping and contradictory regulations, the omnibus law seeks to create a more conducive environment for economic growth.

The omnibus law concept is also prevalent in countries with Anglo-Saxon Common Law legal systems, such as America, Canada, Ireland, and Suriname. In Southeast Asia, Vietnam was the first to adopt this approach in 2006, followed by Serbia in 2002 to regulate the autonomous status of the Vojvodina Province. Other countries that have adopted the omnibus law approach include Argentina, Australia, Austria, Belgium, Canada, Chile, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, The Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Taiwan, Thailand, and the United Kingdom.

### **Long-Term Implications of the Implementation of the Omnibus Law on the Legal System in Indonesia.**

The Omnibus Law, originating from the Common Law System, is being applied in Indonesia's Civil Law System. This raises concerns about its compatibility with Indonesia's legal structure. The legal transplant doctrine can be used to review this problem, which involves two stages: reception in law and reception in society. Reception in law deals with adapting the law within the legal framework, while reception in society focuses on the effective functioning of the transplanted law in society.

In Indonesia, Law Number 12 of 2011 and Law Number 15 of 2019 outline the stages for forming laws and regulations. These stages include planning, drafting, discussion,

ratification or determination, and promulgation. The laws and regulations must be formed in accordance with these procedures.

However, the Omnibus Law, which regulates multiple subjects in one law, contrasts with Indonesia's legal system, which adheres to the single subject rule. This discrepancy may result in procedural and substantive defects in the laws formed through the Omnibus Law.

To implement the Omnibus Law in Indonesia, the Law on the Formation of Laws and Regulations should be amended to accommodate its application. Antoni Putra suggests considering the application of the omnibus law in a participatory manner, establishing a clear mechanism for harmonizing laws and regulations, and evaluating laws and regulations to be revised using the concept of the omnibus law.

Public participation is crucial in the implementation of the Omnibus Law. The community should be involved in determining the direction of priority policies for the preparation of laws and regulations. However, the current mechanism for public participation is still vague, making it difficult to ensure proper implementation of the law.

The Job Creation Law, an implementation of the Omnibus Law, has both positive and negative impacts. While it simplifies regulations and cuts bureaucracy, it also weakens protections for workers, such as job security, severance pay, and outsourcing. The revision of this law aims to balance economic interests and the protection of workers' rights.

In conclusion, the application of the Omnibus Law in Indonesia's legal system requires careful consideration and adjustments to ensure its compatibility with the existing legal framework and societal needs. Public participation and a clear mechanism for harmonizing laws and regulations are crucial for the successful implementation of the Omnibus Law.

### **Suggestion**

Future research is encouraged to further explore the effectiveness of omnibus law implementation at the technical level, particularly in strategic sectors such as labor, environmental protection, and micro, small, and medium enterprises (MSMEs). Such analysis is important to evaluate whether regulatory simplification through the omnibus law genuinely enhances the quality of legal governance and investment climate without compromising social justice and the protection of citizens' fundamental rights.

Moreover, subsequent studies should consider employing an empirical approach, incorporating field data such as interviews with stakeholders, affected communities, legal practitioners, and scholars, to capture public responses and perceptions regarding the practical impact of the omnibus law. This would complement the normative juridical approach that has dominated existing research.

Equally important, future research may focus on examining the potential and challenges of harmonizing the omnibus law within Indonesia's legal system, especially in the context of sustainable and democratic legal development. Special attention should be paid to how the drafting of omnibus laws can be integrated into the National Legislative Program (Prolegnas) in a participatory manner, in line with the principles of proper legislative formation.

Lastly, comparative studies involving countries that have successfully implemented omnibus legislation—particularly within civil law jurisdictions—could provide valuable insights into the adaptation of cross-system legal reforms and help formulate context-appropriate recommendations for Indonesia.

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