

## THE ESTABLISHMENT OF LEGISLATION USING OMNIBUS LAW AS A LEGAL BREAKTHROUGH BY THE GOVERNMENT

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### **ABSTRACT**

*Legislation and the process of its formation have a significant function in the development of national law. In Indonesia, legislation is the main method of creating law and the foundation of the national legal system. However, Indonesia is currently having hyperregulation. This article aims to describe the omnibus law method as a legal breakthrough used in the framework of establishing legislation. The discussion shows that omnibus law is the accurate method to be used as a solution in structuring laws and regulations. To overcome hyperregulation in Indonesia, the government chose the Omnibus law method, which is a legal breakthrough by forming new laws that amend, delete, and or/make new provisions from various laws. Law Number 11 of 2020 concerning Job Creation is a law that establishes using the omnibus method by changing, deleting, and or making new provisions from various laws.*

**Keywords:** *Legislation; Omnibus; Legal Breakthrough.*

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### **INTRODUCTION**

The Constitution of the Republic of Indonesia stated that the State of Indonesia is a state of law,<sup>1</sup> which has the aim of creating legal order and legal certainty for government organizations in Indonesia, and the state of law is a state based on law.<sup>2</sup> The Unitary State of the Republic of Indonesia is based on law (*rechtsstaat*) not solely based on power (*machtsstaat*) which is clearly defined in the body of the 1945 Constitution.

In a *Rechtsstaat*, the government has broad task, particularly prioritizing the interests of all its people. This task is written in the preamble to the 4th paragraph of the 1945 Constitution which reads as follows:

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<sup>1</sup>Article 1 Paragraph(3) The 1945 Constitution of the Republic Indonesia

<sup>2</sup>Didi Najmi Yunas. (1992). *Konsepsi Negara Hukum*. Padang: Angkasa Raya, p. 20.

*“Subsequent thereto, to form a government of the state of Indonesia which shall protect all the people of Indonesia and all the independence and the land that has been struggled for, and to improve public welfare, to educate the life of the people and to participate toward the establishment of a world order based on freedom, perpetual peace and social justice, therefore the independence of Indonesia shall be formulated into a constitution of the Republic of Indonesia which shall be built into a sovereign state based on a belief in the One and Only God, just and civilised humanity, the unity of Indonesia, and democratic life led by wisdom of thoughts in deliberation amongst representatives of the people, and achieving social justice for all the people of Indonesia.”*

The state has an obligation of implementing the general welfare, so the formation of various regulations in the Republic of Indonesia is significant. Therefore, intervention from the State in managing the welfare of the people in the legal, social, political, economic, cultural, environmental, and defense and security fields, which is implemented by establishing state regulations is no longer possible to avoid. The enactment of regulations to realize social welfare is the embodiment of the Constitution.

To meet the needs of the society of good legislation, the parlement and the government enact regulations regarding the formation of legislation that is implemented in a manner and definite, standard, and standard methods that binding on all authorized institutions legislation. That regulations contained in Act Number 10-Year 2004 Concerning the formation of legislation. This law was a formal rule which in outline contains three major parts, namely the order and material content of legislation, the formation of statutory regulations and technical legislation.

In line with the development of society, advances in science and technology, as well as the increasing complexity of people’s lives in the global era, it demands the development and amendment of Law Number 10 of 2004 concerning the Establishment of Legislation. Because this law is considered to have several weaknesses. The weaknesses in question include:<sup>3</sup>

- a. Much of the material in Law Number 10 of 2004 causes confusion or multiple interpretations so that it does not provide legal certainty;
- b. Many formula writing techniques are inconsistent;
- c. There is a new material that needs to be regulated by developments or legal requirements in the Formation of Legislation;
- d. The description of the material is by what is regulated in each chapter systematically.

On August 12, 2011, the parliament and the government officially promulgated Law Number 12 of 2011 concerning the Establishment of Legislation as a substitute for Law Number 10 of 2004 concerning the Formation of Legislation. The enactment of Law Number 12 of 2011, the Law Number 10 of 2004 was declared repealed and no longer valid.

In general, Law Number 12 of 2011 contains the main materials which are arranged systematically. According to this law, the types and hierarchy of Rules of the Unitary State of the Republic of Indonesia consist of:

- a. The 1945 Constitution of the Republic of Indonesia;
- b. Decree of the People’s Consultative Assembly;
- c. Laws/Government Regulations in Lieu of Laws;
- d. Government regulations;
- e. Presidential decree;
- f. Provincial Regulations; and
- g. Regency/City Regional Regulations.

<sup>3</sup>Explanation of General Rules of Law Number 12 of 2011.

One of the pillars of a rule of law state is the system of laws and regulations that apply. Thus, laws and regulations must be able to create conditions that support the achievement of social welfare. Therefore, laws and regulations must be in a good and quality system.

Legislation is a legal policy that aims to achieve justice, certainty, and benefit as the purpose of law according to Gustav Radbruch that can not separated from the law.<sup>4</sup> However, in practice, there are various problems in the Indonesian legal system.

The issue of legislation has recently become a very prominent issue. There is an overlapping of laws and regulations, whether between the laws that have an equal hierarchy or between the inferior laws with the superior laws, both at the central and regional levels. Many laws have deviated from the content that should be regulated. Disobedience to the content material raises the issue of “hyperregulation”. Furthermore, the effectiveness of laws and regulations is also often a problem that arises at the implementation level.<sup>5</sup>

Various efforts have been taken by the government in improving the system of laws and regulations. Policies for tightening planning and streamlining and harmonization efforts have been carried out but have not had a significant impact on fundamental problems in the system of laws and regulations. One of the highlights is laws and regulations in the economic sector, especially investment, ease of doing business, Micro, Small, and Medium Enterprises, and the license. This is in line with the direction of legal development in the 2005-2025 National Long-Term Development Plan (RPJP) which is directed at supporting the realization of sustainable economic growth, regulating issues related to the economy, especially the business world and industry, as well as creating investment certainty, especially enforcement and legal protection.

To overcome the problems of laws and regulations that cause the slow movement in the investment climate in Indonesia, and simplify bureaucratic obstacles, the President initiated a breakthrough called the omnibus law which aims to combine various materials and substances contained in various laws in 1 (one) law. For some people, the term omnibus law is not yet popular in the Indonesian legal system. Law Number 12 of 2011 concerning the Establishment of Legislation also does not include the concept of the omnibus law, either as one of the principles, types, or methods as the foundation law in the establishment of legislation.

## METHOD

The type of research is normative legal research, namely legal research conducted by examining literature or secondary data<sup>6</sup> with a philosophical approach, conceptual approach, statutory approach, and comparative approach. The legal materials used are primary, secondary, and tertiary legal materials. All legal materials are collected systematically, processed, and analyzed descriptively.

## ANALYSIS AND DISCUSSION

### Omnibus Law as a Method for Forming Legislative Regulations

There is no single definition of Omnibus Law. The word “omnibus” comes from the Latin which means “for all”. In a legal context, the word omnibus is not only related to law or bill. adage/legal principle. In Black’s Law Dictionary, Bryan A. Garner defines the omnibus bill:

<sup>4</sup>O. Notohamidjojo. (2011). *Soal-Soal Pokok Filsafat Hukum*. Salatiga: Griya Media, p. 33.

<sup>5</sup>Pusat Kajian Hukum dan Konstitusi (PSHK). (2019). *Kajian Reformasi Regulasi di Indonesia: Pokok Permasalahan dan Strategi Penanganannya*, p. 3.

<sup>6</sup>SoerjonoSoekanto dan Sri Mamudji. (2003). *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, Jakarta: PT. Raja Grafindo Persada, p. 13.

“Relating to or dealing with numerous objects or items at once; including many things or having various purposes”.<sup>7</sup>

Herb Gray, said: “*the essential defence of an omnibus procedure is that the bill in question, although it may seem to create or amend many disparate statutes, in effect has one basic principle or purpose which ties together all the proposed enactments and thereby renders the bill intelligible for parliamentary purposes*”.<sup>8</sup>

Even though it seems different, and many laws have been changed, basically the omnibus law has one basic principle or goal that binds all the laws that are changed. Therefore, senators in Canada often refer to the omnibus law as a “unifying principle”, “single purpose”, “unifying thread” or “unitary purpose” which binds the various components in the omnibus law.

In line with this opinion, Barbara Sinclair provides a definition: “Legislation that addresses numerous and not necessarily related subjects, issues, and programs, and therefore is usually highly complex and long, is referred to as omnibus legislation”.<sup>9</sup>

Based on the various definitions above, omnibus law can be interpreted as a method or technique in the formation of laws and regulations that cover many subjects or materials that have a specific purpose. Omnibus law is a concept in the formation of laws and regulations that combines several regulations whose substance is regulated differently, and become a major regulation, which simultaneously revises and revokes several laws and makes new provisions.

Thus, the omnibus law can basically be interpreted as 1. Related to form: there is one draft law that regulates many things put together; 2. Related to objectives: to regulate certain specific matters by amending several provisions in many laws so that they can be discussed by the legislature simultaneously and decided in one decision.

In practice, JimlyAshiddiqie put forward 3 (three) patterns of the omnibus law:

1. There is one main law that is to be amended, namely the law on A, but the draft amendment is prepared to plan to also change one or two articles in the law on B, and one or two provisions in the law Law on C without revoking the effectiveness of Law B and Law C, except for only changing a few articles with the new law. This draft law is included in the category of bills that are classified as pattern 1 omnibus laws.
2. There is a new law to regulate an entirely new policy, but if the new policy is implemented without a separate law it will violate or violate several laws at once, then all laws that are inconsistent with the new policy, need to be amended accordingly with the new law in accordance with the need for new regulatory norms. This new draft law also falls into the category of pattern 2 omnibus law.
3. There are two or three laws that are to be amended simultaneously with a new law, and with the new law later, two or three old laws will be repealed and become no longer valid. This draft law belongs to the pattern 3 omnibus law category.<sup>10</sup>

If referring to the opinion mentioned above, there are 3 (three) conditions for practicing the omnibus law, namely the law to be amended is directly related. Additionally, the law to be amended is not directly related, and the law to be amended is not related but in practice it intersects. It can also be concluded that the problems regulated must be complex because they consist of several types of problems.

Based on various practices implemented in various countries, there are 2 (two) patterns of the application of the omnibus law:

<sup>7</sup>Privacy Exchange.org., *A global information resource on consumers, commerce, and data protection worldwide National Omnibus Laws*, <http://www.Privacyexchange.Org/legal/nat/omni/nol.html>, 20/9/2020

<sup>8</sup>Michel Bédard, “*Omnibus Bills: Frequently Asked Questions*”, [https://lop.parl.ca/sites/PublicWebsite/default/en\\_CA/ResearchPublications/201279E#txt](https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/201279E#txt), April, 2020.

<sup>9</sup>Glen S. Krutz, *Omnibus Legislating In The U.S. Congress*, Ohio State University Press, p. 3.

<sup>10</sup>JimlyAshiddiqie. (2020). *Omnibus Law dan Penerapannya di Indonesia*. Jakarta: Konstitusi Press, p. 4.

1. One law changes many laws at once by amending certain parts of the law without causing them to be repealed altogether.
2. One law integrates many laws into a unified new law by revoking all of the old laws that were integrated while at the same time changing part of the material of the old law as needed.

Meanwhile, the omnibus law has characteristics, both general and special characteristics. The general characteristics of the omnibus law are the acceleration of the legislative process and the complexity of the issues regulated in one law. Meanwhile, the special characteristics are related to the legal politics of the government.

For some experts who adhere to the principles of the civil law legal system, the omnibus law is seen as an affirmation of the civil law principles themselves, so they are deemed unsuitable for application. However, if you look at the historical threads, in practice Indonesia has implemented the preparation of regulations through the omnibus law, even though at the time of its formation it was not explicitly stated that the approach was through the omnibus law as stated in the Job Creation Law. Because there is no explicit mention of the approach to its formation through the omnibus law approach, it does not lead to long debates that lead to pros and cons such as when forming the Job Creation Law.

### **Implementation of Omnibus Law Method in Indonesia**

Even though it is not called an omnibus law, Indonesia has applied the same concept when the People's Consultative Assembly (MPR) issued MPR RI Decree Number I/MPR/2003 concerning Review of the Material and Legal Status of Provisional MPR Decrees and MPR RI Decrees from 1960 to 2002. This omnibus law is also implemented in Law Number 7 of 2017 concerning Elections, basically uniting and revising 6 (six) laws. Long before, the omnibus law had also been practiced by Indonesia in simplifying around seven thousand (7,000) regulations left by the Dutch into around 400 regulations.<sup>11</sup>

Omnibus law cannot be defined simply as one law or one bill that revises dozens of laws. The Omnibus Law is not a main/umbrella/principal law and is not a codification. In its implementation, the omnibus law is faced with several challenges in its application, namely the technique of statutory regulations, the application of the principles of statutory regulations, and the potential for recentralization. Through the omnibus law, the practice that is usually implemented in the civil law system, can be improved where each law is compiled in a text containing provisions that focus on the material related to the title, without considering other material which in practice in the field often has a mutual relationship. supporting, or conversely contradicting each other, causing uncertainty and injustice, sometimes even useless to apply because it creates problems in achieving legal objectives.

Thus, there is nothing wrong with the concept of the omnibus law in legal science if the purpose of applying this concept in the legislative process is to resolve regulatory issues. However, as an ideal alternative in structuring laws and regulations in a country, in the process of drafting an omnibus law, it cannot be applied immediately. Its implementation must be adapted to the conditions and constitutional characteristics of each country. The practice of copying and pasting constitutional concepts from one country to another is commonly practiced by various countries in the world with the legal term, namely legal transplantation. In terms of the omnibus law, it can be said that when the omnibus law is implemented in a country whose

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<sup>11</sup>Satya Arinanto, *Reviving omnibus law: Legal option for better coherence*, HarianJawa Post, <https://www.thejakartapost.com/news/2019/11/27/reviving-omnibus-law-legal-option-better-coherence.html>, 20/10/2020.

basis is not common law, then that country has carried out a practice known as the omnibus law transplantation process.

The actual application of the omnibus law is also a practice of legal transplants in the global era and must be adjusted in advance to the conditions and constitutional characteristics based on the reference of each legal system. Moreover, the essence of the omnibus law is a legal product which directly covers various major issues. It is undeniable that the omnibus law has a considerable impact on the entire societal order. If the omnibus is not carried out in a way adapted to the legal system of the grafting country, and not implemented according to the law formation mechanism in that country, both referring to procedural due process of law and substantive due process of law, then what is form is only a disruptive legal product.

One of the realizations of implementing the omnibus law in Indonesia is Law Number 11 of 2020 concerning Job Creation. The Job Creation Law contains the intent to simplify the number of regulations which are hampering the pace of investment to spur acceleration of economic growth. The ideal policy is deregulation and not reregulation, not adding new regulations which can be an additional burden on the dynamics of economic growth.

The Job Creation Law consists of 10 Clusters, as follows:

- a) Improving the investment ecosystem and business activities;
- b) Employment;
- c) Ease, protection, and empowerment of cooperatives and Micro, Small and Medium Enterprises (UMKM);
- d) Ease of business activities;
- e) Research and innovation support;
- f) Land acquisition;
- g) Economic zones;
- h) Central Government investment and acceleration of national strategic projects;
- i) Implementation of government administration; and
- j) Imposition of sanctions.<sup>12</sup>

### **Problem in Implementation of Omnibus Law Method in Indonesia**

Law Number 12 of 2011 concerning the Establishment of Legislation has not included the concept of the omnibus law as one of the principles in the sources of law as well as a methodological framework for revising laws and regulations. Therefore, it emerges different opinions. According to Jimly, to practice the omnibus law policy, it is necessary to amend the law regarding the Establishment of Legislation. However, without amendment, the practice of establishing legislation with the omnibus law can be carried out. The guidelines in the annex to the law are guiding and do not need to be interpreted rigidly. The guidelines are compiled based on current practice so that the format and design process follow the existing customs, allowing breakthroughs in the establishment of legislation, and making new constitutional conventions and customs as a legal basis equal to laws for further practice.<sup>13</sup>

With this practice of constitutional conventions, traditions that are usually carried out in common law countries can be carried out in civil law countries and vice versa. If an unusual omnibus law is challenged through an application at the Constitutional Court, then the decision of the Constitutional Court can directly become a source of law that is equal to the amendment of law through a legislative process (legislative review). Thus, the idea of practicing the

<sup>12</sup>Article 4 Law Number 11 of 2020 Concerning Job Creation.

<sup>13</sup>Jimly Asshiddiqie, *Omnibus Law Tidak Harus Merevisi UU Pembentukan Peraturan Perundang-undangan*, <https://www.hukumonline.com/berita/baca/1t5dd6787f9f806/omnibus-law-tak-harus-merevisi-uu-pembentukan-peraturan/>, 03/03/2021.

omnibus law can be continued without having to wait for an amendment to the law regarding the establishment of legislation.<sup>14</sup>

Omnibus law can also be seen from the perspective of legal transplants. Through this method, the exploration of the text and the meaning of legal interpretation in the development of the national legal system in the context of legal science is interpreted as long as the making of laws and regulations adheres to the hierarchical system and fulfills the principles of establishing regulations.<sup>15</sup> Alignment with the law regarding the formation of laws and regulations is not interpreted in a formal legalistic manner, but through a progressive legal reading approach<sup>16</sup> in which the reading of the legal meaning of the harmony of the omnibus law method is interpreted as long as the making of laws and regulations complies with the hierarchy and fulfills the principles of formation legislation.

The policy of making laws (basic policy) that combines elements originating from foreign laws with laws originating from the original paradigmatic values of Indonesian culture and society must be carried out carefully and with full calculation so that the laws that will be enforced in this country are not separated from ideological-philosophical roots of Indonesia.<sup>17</sup>

One of the principles of legislation states that a regulation can be changed and revoked by a higher or equal regulation. Based on this, it is possible to have a law that revokes other laws that do not regulate the same matter or title. However, the technique of amending laws that has never happened or rarely occur is the abolition of provisions in dozens of laws with one law.

Law Number 12 of 2011 concerning the Establishment of Legislation does not recognize the term omnibus law. However, the provisions of the omnibus law must comply with the law regarding its position and content. Omnibus law is a method in the process of legislation or preparation of regulations, not a type of statutory regulation. If the omnibus law defines as a type of statutory regulation, it is the same as the term of the umbrella act, which is indeed not known in the law regarding the Establishment of Legislation. However, if the omnibus law is defined as a method, it does not conflict with statutory regulations, if the type is a law (bill) that includes more than one aspect combined into one law. Likewise, if it is related to the material content of the law, the existence of the omnibus law does not conflict with Law Number 12 of 2011 concerning the Establishment of Legislation.

The Indonesian legal system adheres to the concept of the single-subject rule or the One Subject at a Time Act, which is a method that regulates one subject in one law.<sup>18</sup> This method is specified in CHAPTER I letter A paragraphs 6 and 7 of Appendix II of the Law on the formation of laws and regulations which states:

6. In the names of the amended laws and regulations, the phrase amended is added in front of the title of the amended laws and regulations.
7. If the laws and regulations have been amended more than one time, a description is inserted between the word amendment and the word above indicating how many times the amendment has been made without detailing the previous amendment.

This method is intended to prevent the abuse of legislators to violate privacy rights as stated by Millard H. Ruud as to combat various forms of legislative misconduct.<sup>19</sup>

<sup>14</sup>JimlyAsshiddiqie, *Undang-Undang Omnibus Law, PenyederhanaanLegislasi, dan Kodifikasi Administratif*,<https://www.jimlyschool.com/baca/34/uu-omnibus-omnibus-law-penyederhanaan-legislasi-dan-kodifikasi-administratif>, 03/03/2021.

<sup>15</sup>A. ZuhdiMuhdlor.(2016). *Kajian Politik Hukum TerhadapTransplantasi Hukum di Era Global*. *Jurnal Hukum dan Peradilan*, 5 (2).

<sup>16</sup>Anthony F Susanto. (2005). *Semiotika Hukum, Dari Dekonstruksi Teks Menuju Progresifitas Makna*. Bandung: RefikaAditama, p. 1-14.

<sup>17</sup>EvaristusHartoko W. (2002). *Good Corporate Governance in Indonesia, Griffin's View on International and Comparative Law*, 3 (1).

<sup>18</sup>Michael D. Gilbert. (2006). *Single Subject Rules and The Legislative Process*. *University Of Pittsburgh Law Review*, 67,(4).

<sup>19</sup>Millard H. Ruud. (1958). *No Law Shall Embrace More Than One Subject*. *Minnesota Law Review*, 42 (1).

## The Omnibus Law Method as a Breakthrough in Facing Hyperregulation and Global Challenges

There are two possible reasons for the implementation of the omnibus law: First, there are three forms of law when linked to the 1945 Constitution of the Republic of Indonesia, including 1) There is a law that combines 2 or 3 content materials regulated in the constitution; 2) There are laws that are formed based on the material specified in the Constitution, and 3) There is a law that expands the regulated material from that stipulated in the Constitution.

The two forms of law in points 1 and 2 are influenced by using the phrase formulation in the Constitution, namely “regulated within the law” (which emphasizes that an issue must be regulated in law) and “regulated by law” (regulation with an independent law). Meanwhile, in point 3, legislators do not look at the original intention in understanding the text of the 1945 Constitution but expand the meaning which has an impact on the wider range of objects regulated. Based on this, the 1945 Constitution allows the formation of laws containing material more than 1 object.

Second, is the existence of the mechanism of the principle of legal preference. The provisions of Article 7 paragraph (1) of the Law on the Establishment of Legislation explain that the position of laws is equal. However, due to the influence of Continental Europe, the principle of legal preference arises to harmonize the contradicting laws and regulations, both vertically and horizontally.

In practice, the omnibus law should be avoided for large-scale policy topics or themes, especially those relating to human rights because broad-based strategic policies require in-depth discussion and consideration. However, because the omnibus law has not been regulated in law regarding the establishment of Legislations, its existence is attached to government policies or government legal politics which may not be continued.<sup>20</sup>

For the omnibus law to gain legitimacy from Law Number 12 of 2011, the formation and process of legislation is carried out with the following provisions: 1) The type of law (bill) is the law that covers more than one aspect which is combined into one law; 2) The material content regulated by the omnibus law is under the provisions of the law regarding the Establishment of Legislations; 3) There is no prohibition in the law regarding the Establishment of Legislation for the establishment of an omnibus law which functions to accommodate several content materials at once. 4) Revise the law regarding the Establishment of Legislation.

The Indonesian omnibus law method approach can be applied by placing a model method for forming statutory regulations. This difference in the legal system must be overcome by legal renewal as the concept and opinion of Mochtar Kusumaatmaja, that the function of law is as a means of community renewal (law as a social engineering tool) and law as a system is indispensable for the Indonesian nation as a developing country.<sup>21</sup>

In practice, legislators often do not have the ability and speed of work to keep up with the speed of changing legal requirements. Because of this, the law often left behind developments in society’s legal needs. Many laws and regulations are formed to address any problems without considering: (1) whether these laws and regulations are needed in order to support development priorities; and (2) whether the substance has been regulated by other sector laws and regulations.<sup>22</sup>

<sup>20</sup>Bayu Dwi Anggono. (2020). *Pokok-pokok Pemikiran Penataan Peraturan Perundang-Undangan di Indonesia*, Jakarta: Konstitusi Press, p. 190.

<sup>21</sup>Romli Atmasasmita. (2003). *Menata Kembali Masa Depan Pembangunan Hukum Nasional*. Makalah disampaikan dalam “Seminar Pembangunan Hukum Nasional VIII” di Denpasar.

<sup>22</sup>Bernard Arief Sidharta. (2012). *Pengembangan Hukum Dewasaini di Indonesia*. EpistemaInstitut: BerkalaIsu Hukum dan Keadilan Eko-Sosisal.

Many parties minded that the omnibus law cannot be applied in the legal system and legislation in Indonesia. The progress of the globalization era positively requires the creation of laws and regulations that can meet the demands of globalization, in this case, laws and regulations must be able to reflect the will and realize justice for society.

Based on the various descriptions above, the author contends that the omnibus law can be applied in the Indonesian legal system. Omnibus law is a concept, method, or technique that is not related to the applicable legal system, but it is the substance of the omnibus law that makes the concept or method appropriate to be used as a solution in structuring statutory regulations. The Omnibus law does not make the law that is formed have a higher position than other laws.<sup>23</sup>

## CONCLUSION

The progress of the globalization era positively requires the creation of laws and regulations that can meet the demands of globalization, in this case laws and regulations must be able to reflect the will and realize justice for society. of the content material that should be regulated. Disobedience to the content material raises the issue of “hyperregulation”. As an effort to simplify regulations that are too many and as an anticipation of the dynamics of global change that need to get a fast and appropriate response, where updating of laws and regulations in the framework of legal development is urgently needed, then the omnibus law method can be used as a breakthrough.

Omnibus law is the accurate method to be used as a solution in structuring laws and regulations. To overcome hyperregulation in Indonesia, the government chose the Omnibus law method, which is a legal breakthrough by forming new laws that amend, delete, and or/ make new provisions from various laws. Law Number 11 of 2020 concerning Job Creation is a law that establishes using the omnibus method by changing, deleting, and or making new provisions from various laws.

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<sup>23</sup>Suteki. (2013). *Hukum dan Alih Teknologi Sebuah Pergulatan Sosiologis*, Yogyakarta: Penerbit Thafa Media, p. 11.

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