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Research Paper

Understanding the Omnibus Law's Global History and Its Relevance to the Context of Indonesian Socio-Cultural Law

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ABSTRAK

Untuk meningkatkan kesadaran dan kepatuhan hukum, penting untuk memahami sejarah hukum di suatu negara. Begitu juga dalam konteks Indonesia, masih banyak masyarakat yang belum memahami sejarah omnibus law. Kajian ini bertumpu pada bukti-bukti ilmiah yang telah dipublikasikan di berbagai sumber kepustakaan seperti buku, konferensi akademi, makalah jurnal yang diterbitkan dan sumber-sumber lain yang membahas tentang omnibus law dan penerapannya di Indonesia. Proses tersebut dilakukan dengan mengkodifikasi, mengevaluasi secara komprehensif, dan menginterpretasikan data untuk memperoleh data yang valid guna memberikan pemahaman yang baik tentang omnibus law di Indonesia. Penulis memperoleh informasi dari studi mendalam dari sumber hukum dari Indonesia dan luar negeri. Omnibus law bisa menjadi jawaban untuk mengurangi jumlah regulasi yang berlebihan, karena Indonesia belum memiliki wawasan yang komprehensif. Substansi pedoman omnibus adalah untuk mengevaluasi kembali dan melanggar pedoman yang berbeda. Pemikiran ini dibuat di negara-negara administratif dengan instrumen peraturan standar Anglo Saxon, seperti Amerika Serikat, Belgia, Inggris, dan Kanada. Undang-Undang Cipta Kerja telah disahkan dan telah membawa perubahan bagi keberadaan bangsa Indonesia, dengan mempertimbangkan secara total bahwa sebuah teks otentik yang unggul harus memiliki prinsip-prinsip sosial dan berat yang berlaku di Indonesia tanpa mengesampingkan kehadiran kelas sosial lokal. Setelah upaya analisis dan diskusi mendalam, kami menyimpulkan bahwa semua warga negara harus memahami sejarah omnibus law dalam konteks internasional dan relevansinya dengan konteks sosial budaya Indonesia. Dengan demikian, warga akan mendapatkan pemahaman yang jelas dan patuh terhadap omnibus law.

Kata Kunci: Pemahaman, Sejarah Omnibus Law, Relevansi, Konteks Keindonesiaan, Sosial Budaya.

ABSTRACT

It is important to understand the history of laws in a country to increase awareness and legal compliance. Likewise, in the context of Indonesia, many people still do not understand the history of the omnibus law. This research aim is to study the substance of the omnibus in the context of the Indonesian law and the socio-cultural background, this importance because the Omnibus law was a relatively new phenomena and received many criticsm

Keywords: Understanding, Omnibus Law History, Relevance, Indonesian Context, Socio-Cultural.

from Indonesian Public. This is a Juridical normative research with the library and statutory research. This study relies on scientific evidence that has been published in many literary sources such as books, academy conferences, published journal papers and other sources that discuss omnibus law and its application in Indonesia. The Job Creation Law has been endorsed and has conveyed changes to the Indonesian people's presence, considering that an excellent authentic text should have social and severe principles that apply in Indonesia without putting the presence of local social classes aside. After analytical efforts and in-depth discussions, the research concludes that all citizens must understand the history of the omnibus law in context and its relevance to the socio-cultural context of Indonesia. Thus, citizens will obtain a clear understanding and comply with the omnibus law.

I. INTRODUCTION

This paper analyzes the global history of omnibus law and its relevance to Indonesian law's socio-cultural context, socio cultural context is meaning the background of the Indonesia Laws from the sociological and cultural which is influenced the omnibus. Lewis and Hurnik (1990) define the omnibus bill as an authoritative regulation that serves as a resolution for various discrete and clear issues. A bill in one structure manages an assortment of isolated and particular matters and frequently joins various subjects in one manner. Then, it forces the leader to consent to an objected arrangement or the whole regulation. According to a legitimate point of view, the word *omnibus* is frequently compared with the word *regulation* or *bill*. This implies that a guideline is made in light of the gathering results or the aftereffect of joining a few standards with various substances and levels. Pillemer and Levine (1982) A less complex definition expresses that an *omnibus bill* is "a bill comprising variously related but separate areas that try to revise or potentially repeal and institute at least one existing regulation." A bill comprises various but separate segments. It tries to alter at least one existing regulation or potentially make a new one.

In the aspect of legal language, the word *omnibus* is not only associated with regulations or laws (R. Arifin et al., 2021; Manullang, 2020, 2021). The Latin word *omnibus* is also used for various legal expressions, such as *omnibus hearing* or, *aphorisms/legitimate standards.* The association of the word *omnibus* with the word *regulation* is highly exploited, including in Black's Law Dictionary. The term used is an *omnibus bill*. This dictionary contains definitions of American and British jurisprudential terms and phrases, ancient and modern Fields (Prakasa, 2021). Assuming it is related to standard legal instruments, the word *omnibus* is more often used in the US and the UK which use custom-based regulatory frameworks. Meanwhile, Indonesia's legal instruments originated from the Netherlands, particularly its general regulatory framework, including the positive law outside of the religious and customary laws (S. Arifin, 2021).

The substance of omnibus ideas and guidelines reevaluates and subsequently rejects various guidelines (Trivedi, 2012). Referring to A. Putra in the Indonesian Legislation

Journal, this thinking is applied in countries with early English regulatory settings such as the United States, Belgium, England, and Canada, (Dutta et al., 2018). The omnibus guidelines possibly fix problems through the creation of many rules (overruling and covering). If this issue is handled in a standard manner, it would require a pervasive effort and cost a lot of money (Reininghaus et al., 2019). Similarly, the best-known approaches to drafting and shaping guidelines and rules are often discontinuous or uninteresting (Bar-Siman-Tov, 2021). Across many legal documents, readers can find 23 equivalents, antonyms, informal articulations, and related words for omnibus, similar to transport, whole, miscellaneous, storage, aggregation, treasury, vehicle, variation, determination, motor-coach, and cable car (Wang et al., 2016).

To know the direction and purpose of forming the omnibus law, which is now applicable in Indonesia, we need to know why the law was made and enforced in a country (Hamid, 2020). One needs to understand the introduction of the omnibus law in Indonesia to understand its systematics and arrangement, including maintaining and implementing state regulations among community members (Taufiq, 2021). Then, what about the practice of implementing the omnibus law in Indonesia? Does its implementation have any impact? Indonesia's President, Joko Widodo officially declared the formation of the latest omnibus law in Indonesia in his inauguration speech as President of Indonesia for the 2019-2024 period on October 20th, 2019 (Mahy, 2021).

Prof. Ari Hernawan, an expert in labor law said that the omnibus obtained various reactions from labor and it is not suitable to be applied in Indonesia. So, it is necessary to continue studying and obtaining various research findings from various contexts and contents to have a better understanding. It is hoped that this study can to the repertoire of thoughts and legal understanding concerning the omnibus law (Ackerman, 2017).

II. METHOD

This is a Juridical normative research with the library and statutory research. The library approach meaning this research relies on scientific evidence that has been published in many literary sources such as books, academy conferences, published journal papers, and other sources that discuss omnibus law and its application in Indonesia (Paez, 2017). So, to complete this research, the data that has been collected electronically will then be analize to describes the history of the application of omnibus Law and its relevance to the Indonesian sociocultural law context (Benchimol et al., 2015).

The process is carried out by codifying, comprehensively evaluating, and interpreting the data to obtain valid data that can answer the core problems of this study (Corby et al., 2015). Then, the authors relied on secondary qualitative data reports by referring to previous study reports. The author conducted literature reviews by obtaining and understanding data and then concluding. Then, the author created a report as a form of the final project to communicate the series of scientific events. This was how the authors conducted the study, from the formulation of the problem, finding the data, analyzing the

data, and reporting the results by adhering to the project report's descriptive qualitative data.

III. RESULT AND DISCUSSION

3.1. The Global History of the Omnibus Law

To see the historical background of the omnibus law, one must observe its application in various countries (Anggono & Firdaus, 2020). According to Massicotte (2013), it is difficult to say when the omnibus bill was first proposed in the Canadian Parliament. The House of Commons Procedures and Practices estimated that the omnibus bill was first proposed in 1888. It was proposed to seek support for two separate railway arrangements (Kirchhoff & Tsuji, 2014). However, bills such as the omnibus are also thought to have existed in mid-1868, primarily as a part of the regulation to expand the legitimacy of some post-Confederate Canada.

Some nations have additionally adjusted the omnibus method in Southeast Asia. In Vietnam, an appraisal of the utilization of the omnibus method was carried out to execute the WTO arrangement (Bebbington et al., 2006). The Philippines' Omnibus Investment Code of 1987 and the Foreign Investments Act of 1991 are a type that should be implemented in Indonesia. Based on the strategy paper gathered by de Oliveira et al. (2013) on July 16th, 1987, President Corazon C. Aquino marked Executive Order No. 26, which is known as The Omnibus Investments Code of 1987. The guideline is expected to coordinate, explain, and fit the regulations and guidelines on speculation to empower internal and foreign interests in the country. This guideline incorporates arrangements regarding the capacities and obligations of the investment (board of investments), ventures with impetuses, motivators for worldwide organizations, and motivations for organizations that handle trade.

3.2. Indonesian context of the Omnibus Law in Indonesia

The omnibus law can be an answer to decreasing the excessive number of regulations, as Indonesia lacks comprehensive insight (Hamid, 2020). As revealed by Bappenas, from 2000 to 2015, the central government issued 12,471 laws. Then, based on the information from the Indonesian Law and Policy Study Center, from 2014 to October 2018, 7621 Ministerial Regulations, 765 Presidential Regulations, 452 Government Regulations, and 107 Laws were issued (Anggono & Firdaus, 2020). The omnibus law is a genuine thought that spotlights the number of rules since it can quickly refresh and repudiate various laws.

Even so, it should be understood that administrative issues are the final issues. The numbers are excessively huge. In addition, there are disharmonies on public investment, sectoral self-image, and content that does not match the material substance. The utilization of the Omnibus Law cannot exclusively be to help the economy and work with the venture. It is likewise essential to focus and keep an offset with different areas, for example, eradicating defilement and fundamental freedoms because these two areas are generally defenseless against monetary and speculation perspectives (Wahyuni et al., 2021).

The substance of the omnibus guidelines is to reevaluate and break different guidelines. This thought was made in administrative nations with Anglo-Saxon standard regulatory instruments, like the United States, Belgium, the United Kingdom, and Canada (Kartiko et al., 2021). The proposed omnibus administrative plan was to fix the issues brought about by an excessive number of rules.

3.3. Administrative Issues of the Omnibus Law

The omnibus law can be a solution to work on such an enormous number of rules as what Indonesia is presently experiencing. According to Bappenas, from 2000 to 2015, the Indonesian central government issued 12,471 laws, with assistance being the most noticeable creator with 8,311 laws. The accompanying most critical kind of rule is informal Law, with 2,446 laws (Santosa et al., 2022). In the meantime, authoritative products issued by neighborhood states were overpowered by Indonesia's city/regency laws which reached 25,575 laws, followed by 3,177 standard guidelines. Then, according to the Indonesian Law and Policy Study Center, from 2014 to October 2018, 7621 laws were issued. The data prohibits rules issued over the latest year, from November 2018 up to now. Besides being too different, these laws likewise move to fix an issue. It is not to the point of modifying a law (Koeswahyono & Ulab, 2020; Priambodo, 2017).

Apart from that, there are a couple of other fundamental issues, first, is the unsynchronized readiness of guidelines and rules with development and game plans, both at the central and regional levels. Second, there is a tendency for guidelines and rules to shift away from the substance that should be controlled. Third, rebellion against the substance material raises the issue of "hyper-guideline". Fourth, the adequacy of regulations and guidelines is frequently an issue during execution. The shortfall of methodology exacerbates the circumstance for checking and assessing regulations and guidelines as well as the shortfall of a great foundation that handles all parts of the arrangement of regulations and regulations. With regards to content, framing regulations and guidelines are essential to place public strategies into legitimate restricting standards. A regular sentence in legal guidelines can be obligatory or compulsory, restrictive, and permissible (Moeliono, 2011).

According to Labanino, Dobbins, Czarnecki, and Železnik (2021), there must initially be the realization of what sort of regulation will be formed in framing regulations and guidelines. Based on the Hierarchy of the Legislation contained in Article 7 of Law Number 12 of 2011 concerning Legislation Formulation, according to Labanino et al. (2021), the kind of regulation can be known for the accompanying reasons: the greeting should have an unmistakable legitimate premise; not all regulations and guidelines can be utilized as a lawful premise. However, just those of an equivalent or more significant level; 1) just guidelines that are still in power might be utilized as a lawful premise; 2) guidelines to be repudiated may not be utilized as a legitimate premise; 3) There are sure materials that bring happiness for each regulation that vary between kinds of regulation (Traon et al., 2014).

For this situation, Article 10 of the Legislation Formulation Law expresses that the regulation should manage the following items: a further guideline on the arrangements of

the 1945 Constitution of the Republic of Indonesia; a request for a regulation to be controlled by another regulation; the ratification of specific peace agreements; and a circle back to the choice of the Constitutional Court (Zain, 2016). In the interim, the substance material for the sorts of legal guidelines under the Act, particularly Government Regulations and Presidential Regulations, contains materials to be requested by the regulation. Practically speaking, numerous issue points can be directed by one result of regulation. Yet, they are managed in some legislation results Fields (Atmaja, 2018).

3.4. Understanding the Omnibus Law: The Shaping Laws

Nonetheless, the obligation holder and the steps to convey public cooperation isn't clear, so in shaping regulations, open investment is just utilized as a conventional necessity without clear benchmarks (Case et al., 2013). The lack of clear stages and steps also asserts that public interest is just a manipulative outcome. The dismissal of regulation will not happen if, in its development, the yearnings of individuals are obliged. When an arrangement is not optimistic, doubt can emerge about the standards for figuring out who gets what. Then again, a strategy-making process done in a relaxed way and supported by sufficient data will make people feel that nothing is covered up (Wibowo & Ilwan, 2021).

Moreover, in understanding the public authority's longing to apply the omnibus law idea to reconsider or potentially disavow numerous regulations that are viewed as hampering the economy and venture, regardless of how great the idea is offered, without public investment, the following legitimate item will, in any case, be challenging to acknowledge. Also, while alluding to the times, the arrangement of public space or the presence of local area cooperation is a flat-out interest as a work to democratize (Taufiq, 2021).

The general population has become progressively mindful of their political privileges, with the goal that the creation of regulations and guidelines can, at this point, not be an area of mastery by administrators and parliaments (Atmadja et al., 2020). Albeit this local area investment is excessively tremendous and is not an assurance that a regulation it produces will be locally successful, essentially, the participatory advances taken by the governing body in each regulation arrangement will urge people to acknowledge the presence of law in general. Seeing the significance of public cooperation, and public support in framing regulations as directed in Article 96 of Law no. 12 of 2011 concerning Legislation Formulation, it is vital to explain the holder and the machine. This is planned, so there are clear benchmarks on the degree of public support, as well as to keep away from the presence of regulations that are just shaped in first-class regions with ravaged public cooperation Fields (Samawati & Sari, 2020).

3.5. Importance of the Omnibus Law

At the harmonization stage, two issues happen in the system to develop regulations and guidelines: first, harmonizing the arrangement of laws, government regulations, or presidential regulations; and second, harmonizing the development of local regulations. So far, the issue of harmonization in the arrangement of regulations, presidential regulations, and governmental regulations happens because this stage eliminates the linkage of one guideline or draft guideline with different regulations and guidelines

without checking out the reasonableness of the substance with the material. Accordingly, different guidelines whose substance was not of a specific sort of legislation were conceived. In the exploration directed by Kartiko et al. (2021) on 239 regulations during the period 1999 to 2012, it was observed that 14 regulations were not held back in the law. Ideally, in the harmonization stage, framing a regulation from the public authority or the parliament can be surveyed if it is as per the material substance (Rodiyah & Utari, 2021).

This likewise can happen in the development of regulations through the omnibus law idea. The idea of the regulations shaped through this idea is to reexamine or potentially deny numerous regulations. In the meantime, the issue of harmonization in the development of nearby guidelines is overwhelmed by covering specialists, including the Ministry of Law and Human Rights through provincial workplaces in the regions as well as the Ministry of Home Affairs as the leader of neighborhood leaderships (Doloksaribu, 2020).

At first, the harmonization of regional meetings was managed as the power of the agency or legitimate division of every neighborhood government. However, in the amendment, the harmonization authority was attracted to the issues of the service or establishment that does government undertakings in the field of framing regulations and guidelines. As expressed by Khairul Fahmi in "Incorporating the Formation of Regional Regulations," Article 58, section 2 has delegitimized the power of the neighborhood leadership (Handayani et al., 2021).

As stated by Kurniawan and Rosita (2021) the arrangements of Article 18 clause (6) of the 1945 Constitution attested to two things associated with local guidelines. To begin with, provincial guidelines are an attribution of the 1945 Constitution, so their arrangement turns into the local government's established right. As an attributive power, guidelines for the social environment can be framed without sitting tight for administrative appointments from higher regulations. Regarding harmonization, the arrangements of article 58 clause (2) will likewise force weight on harmonization that the middle should bring out through the service or organization accountable for regulation—an exceptionally weighty greeting. Progressively, the lower the guidelines, the more guidelines. If there is only one at the constitutional level, there can be 5 at the governmental regulation level. The governmental regulations will be answered by one regional regulation in each region. The arrangements of Article 58 section (2) should be surveyed. This also demonstrates that it is not enough to resolve administrative issues through the omnibus law (Azmi, 2021).

3.6. The Omnibus Law and the Socio-Cultural Aspect

Indigenous peoples are groups of people that live in specific geographic regions for several generations. They have unique familial patterns, homes, social characters, standard regulations, and solid relations with land and the climate. According to Brindley and Giordano (2014), in deciding monetary, political, social, social, and legal policies, the state must safeguard the heterogeneous indigenous people groups. Native peoples dwelling in beachfront regions are unquestionably a gathering of coastal communities who have lived in specific geographic regions for generations due to connections to genealogical starting points (S. Arifin, 2021).

They have a solid relationship with coastal resources and small islands. They have a value framework that decides monetary, political, social, and legitimate organizations. The state's guarantee for indigenous peoples is a work to ensure and safeguard them and their privileges, so they can live, develop and create as per their human poise (Ginanjar, 2021).

The manifestation of the law is to safeguard the interests of individuals by providing equity, the opportunity of decision, fair treatment, and compassionate treatment, as well as giving individuals the freedom to acquire government assistance and good work (Ramadhan et al., 2021). Assuming the force manager executes the errands framed by this regulation implies completing the ideal objectives that are intrinsic in the regulation condition, for example, endlessly safeguarding human existence, lawful assumptions have been satisfied. Native groups gather with specific limits in space and different social qualities that the state should safeguard through regulations. Legitimate security limits the significance of assurance, for this situation is just assurance by regulation (Marilang, 2021).

The insurance given by regulation is additionally connected with the privileges and commitments, for this situation that people claim as legitimate subjects in their associations with individual people and their current circumstances. (Qurbani, I. D., & Zuhdi, 2020) As legitimate subjects, people have the right and commitment to make a legitimate move which in the execution of the lawful activity, there is an assurance by regulation. They correspond to lawful security and friendly relations between the local region and the resident's (Saifullah, 2020).

3.7. The Impacts of Implementing the Job Creation Law

The state must be able to resolve the effects of the Job Creation Law on the Indonesian people. This is because the presence of the Job Creation Law is exceptionally dubious. There has even been its dismissal from different mass associations, activists, laborers, and business visionaries and part of the local area situated in different Regencies, Cities, and Provinces in Indonesia with a consistent explanation that the use of the Job Creation Law will influence individuals' lives from different fields going from the legitimate, socio-social and financial fields because many individuals do not comprehend the substance of the Job Creation Law (Sihombing & Hamid, 2020).

The presence of the Job Creation Law will affect local areas (Suprapti et al., 2020). Researchers can comprehend the reason for the public authority to apply the Job Creation Law yet from the opposite side the conventional individuals who are in beachfront regions and distant rural regions do not see well the utilization of the Job Creation Law. (Allen & McNeely, 2017) So, the public authority, both chief and legal as holders of the contentions for power, should give socialization on the execution of the Job Creation Law as well as the effect that Indonesian individuals and the legal contention will experience that the Job Creation Law will accommodate the presence of indigenous people groups in Indonesia sometime before this nation became autonomous. The State must safeguard indigenous people groups (Wahyuni et al., 2021).

Implying from Article 18B segment 2 of the 1945 Constitution, the State sees and respects standard guidelines of the indigenous people by standard honors as long as they are at this

point alive and according to the principles of the unitary State of the Republic of Indonesia, which are overseen in the guideline (Akpomuvie & Orhioghene, 2011). The plans above are a confirmation of the State to local social classes who must be protected by the state to be a particular affirmation from money-related, social, and political viewpoints even to every component of the presence of local social classes in the coastal areas of the Republic of Indonesia. Jawahir Thontowi in Cornelis Van Vollenhoven specifically states that the general guidelines of a positive approach to acting which from one perspective have sanctions (guideline), and afterward again are not grouped. A positive approach to acting has legal significance, which applies now (Grenfell, 2013). Sanctions here are additional proceeding responses from different gatherings for infringement of a legitimate standard (Prakasa, 2021).

To a great extent, it contains strict and concrete components. It generally advances the ruler's announcement that applies to a town because the lord's pronouncement is straightforwardly manifested in the existence of the native individuals. The Job Creation Law has been endorsed and has conveyed changes to the Indonesian people's presence, considering that an excellent authentic text should have social and severe principles that apply in Indonesia without putting the presence of local social classes aside (Danendra et al., 2021).

A constitution or fundamental guideline that genuinely lives in the public field does not simply contain a formed message but joins shows. The 1945 Constitution conforms to this cognizance and can ceaselessly remain mindful of the times because the constitution is not just responding to changes; corrections are also upgrading as the spot of the standard guideline is seen as being in principle guideline in Indonesia (Saptono & Ayudia, 2021).

The standard rule networks will see the affirmation of the execution of the Job Creation Law in beachfront regions, or will it impact the having place chances of standard rule networks both ashore and accessible, which will be utilized for the money-related issues of financial allies? It is fundamental to make a preventive move since Article 18 B clause (2) of the adjusted constitution analyzes, "The State sees and regards common rule area and their standard open doors as long as they are now alive and as per the area and the standards of the Republic of Indonesia. In the interim, Article 3 clause (2) of Law Number 4 of 2004 states, "The state court picks and keeps up with rule and a vibe of significant worth thinking about Pancasila." According to the revelations of Article 18 B Paragraph (2) of the Constitution and Article 3 region (2) of Law Number 4 of 2004, the State should safeguard neighborhood social classes by staying aware of values as correctly as conceivable, considering how nearby social classes are Indonesian inhabitants who saw under the 1945 Constitution (Anggono & Firdaus, 2020).

IV. CONCLUSION

The omnibus Law was a new law in Indonesia and the omnibus law simplifies the operations stipulated as applicable Law as in global application in others country, although there are still corrections to be made to suit the context of the application in Indonesia. The

omnibus law as regulation had become one of the mechanisms that harmonize the legal stipulations in Indonesia through various regulations and supervision carried out by the state. It must follow the Indonesian socio-cultural context, to be acceptable for public. Also, following the socio-cultural conditions of the Indonesian people, and its relevance for the citizen which had been formed with various rules that govern the lives of the people. The definition of exposure to the conclusions that we can present with the hope that this will enrich legal understanding both for the academic realm and for the general public. Understanding the Omnibus Law's Global History and Its Relevance to the Context of Indonesian Socio-Cultural Law

Authors' Declaration

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