



# Application Of The Omnibus Law Concept In The Job Creation Law On The Environment And Economic Revival

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**Abstract:** The Omnibus Law in the Job Creation Law was first passed by President Jokowi Dodo, intended to make regulations more effective and simplify so that they are right on target. The purpose of writing this article is to analyze the concept of Omnibus law and the application of the Job Creation Law to the environment and economic improvement. The research method used is normative juridical, with a statutory and conceptual approach with primary data sources, namely the 1945 Constitution and the Job Creation Law. Work, with secondary data, namely, books, research journals and so on. The results of the research on the rules in omnibus law are very beneficial for investors in Indonesia because they are too simple in the licensing stages, so they can increase the economic revival of the community but on the other hand also give rise to negative impacts on environmental sustainability because of this policy. Conclusion The Job Creation Law has a flawed legal basis, so it should need a review, both in the business industry licensing articles which are considered to be damaging and worrying about environmental sustainability, as well as articles which cause people's economic welfare to decline. As the decision of the panel of judges at the Constitutional Court stated that Omnibus Law still needs to be improved

**Keywords:** Environment; Economy; Job Creation; Omnibus Law.

## 1. Introduction

The Omnibuslaw or what is usually called the Job Creation Law which was passed in 2020 has had various polemics from various circles of Indonesian society and within the Indonesian government. Some of the polemics that occur can be a very frightening threat to small communities and workers because the law is more pro-investor (Putra, 2020). There are even indications that it is detrimental to the people and workers. In fact, several sources said that many small businesses in the community even had to close down, some workers were laid off due to changes in regulations and increased working hours. The Omnibus Law Act actually has several weaknesses and advantages in several of its articles. There are various kinds of controversies in the Omnibus Law, such as changes to the minimum wage between cities and districts. Changes in layoff regulations, making it easier to absorb foreign workers to work in Indonesia, resulting in an increase in the unemployment rate in Indonesia (Azeri, 2020).

The significant impact of the Job Creation Law is Firstly, a Certain Time Work Agreement, a certain time work agreement which is definitely a time limited agreement, this policy does not provide certainty about workers' employment status and is often used to benefit employers in facilitating recruitment or terminating work relationships and employing low wage workers. Second, Wages, minimum wages are calculated using a minimum wage calculation formula which takes into account the variables of economic growth and inflation. Third, outsourcing, many companies do not include

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outsourced workers in labor social security and insurance programs. Fourth, the order for workers to terminate their employment relationship, in the Job Creation law Replacement Money, Service Period Rewards (Pesangon) is abolished (Singhs et al., 2023). Then on the one hand, this law is believed to be able to cause flood disasters such as those that occurred in South Kalimantan province, environmental destruction, large-scale clearing of forest land, ease of clearing industrial land so that it will be a disaster and even environmental damage (Sari et al., 2023).

The omnibus law, also known as the Job Creation Law, is considered the legal foundation underlying the resolution of various sectoral problems in Indonesia. However, the general view of the Indonesian people towards the Omnibus law is not unanimous, as reported by Detik Finance, (Sugianto, 2020). In particular, labor workers showed strong opposition to it. Based on data presented by the National Development Planning Agency (Bappenas, 2018), the aim of implementing the Omnibus Law is to improve Indonesia's position in the world ranking, including in the group of developed countries, with an income target of US \$23,200 per capita in 2045, equivalent to Rp. 324.9 million. This target has been mapped in order to achieve a Gross Domestic Product (GDP) of US \$ 7.4 trillion, making Indonesia the fifth largest country in the world.

The natural resources sector is an important focus in discussions, especially considering the existence of Law Number 32 of 2009 concerning environmental protection and management which regulates environmental governance. However, in the Omnibus Law, this law was removed, raising concerns about potential threats to forest areas and environmental governance (Nur et al., 2021). Therefore, it is important to review the relationship and relevance between other regulations, especially those related to environmental regulation.

In 2020, the people's representative council and the government passed a revision of mineral and coal in the midst of the Covid pandemic, in order to save the coal mining industry, this law is included in the Omnibus Law, the companies that benefit include: PT Arutmin Indonesia, Bakrie Group, whose contract was extended in South Kalimantan, which covers more than 57,000 hectares of land used. PT Adaro Energi is owned by the Erick Thohir family (BUMN minister) and owns around 31,380 hectares of coal mining land around the South Kalimantan area which at that time also received an extension of its business permit in the area (Suntoro, 2021).

In the ratification of the Omnibus Law, concerning Job Creation, there are pros and cons among many parties, because in the Job Creation Law, it is believed to be detrimental to environmental sustainability, due to eliminating complicated business permits and eliminating Amdal. However, on the other hand, Law Number 11 of 2020 concerning Job Creation can improve the economic welfare of society and the national economy (Situngkir, 2022). An indicator of the success of a law, as stated by Hans Kelsen, is that in the process of drafting legal regulations they must be in accordance with the needs of society, and not conflict with other laws. However, in this case the government passed the Job Creation Law to increase foreign investment and increase employment opportunities in order to reduce the unemployment rate.

Similar research has been carried out by Arham et al., (2019), who analyzed the existence of the Omnibus Law from the perspective of Legal Theory. However, the

research concluded that it was not yet the time to fully implement it in Indonesia, considering the importance of careful review according to Hans Kelsen's theory in preparing legal regulations that are comprehensive and in accordance with needs, This research discusses regulations or the process of forming legal regulations using the omnibuslaw method with a legal theory perspective. Furthermore, Prabowo et al., (2020) also conducted research which highlighted that Omnibus Law with a codification approach is not always consistent, because the processes of drafting different laws can conflict with each other. The Omnibus Law seeks to change existing laws and replace them with a new omnibus law, This research examines the legal politics of establishing omnibus law in Indonesia, to cut down on the many and overlapping regulations.

This research has been compared with previous studies as an effort to produce something new. So this research aims to determine the application of the omnibus law concept regarding the Job Creation Law in order to revive the economy. Then examine in more depth several environmental regulations, whether the existing regulations have a good impact on nature and the surrounding community. However, the Job Creation Law also becomes a boomerang which can be detrimental to society in preserving the environment and public land. In this research, we will provide new insight into a barometer which can be used to view this Omnibus Law as more than just a phenomenon in the legal field, one one in the economic and environmental fields.

## 2. Materials and Methods

This research is included in the category of normative legal research (Ishaq, 2017), which uses data sources from primary and secondary legal materials. Primary legal materials are legal materials that are binding or can be understood by the public, including legal products that are analyzed and legal products that are used as critical references. Meanwhile, secondary legal materials include interpretations of primary legal materials presented in the form of expert doctrine which can be found in books, journals and websites (Muhammad, 2004). The data collection method used in this research is documentation, using guidelines such as notes, quotations, and searching legal literature and books, the legal documents are thoroughly examined, evaluated, and organized into a coherent framework for debate. This framework is designed to address the study subject and the issues that have been identified (Abdussamad, 2021). Research approaches include a statutory approach, which articulates legal definitions based on legal principles, and a conceptual approach (Marzuki, 2016). To analyze the data, the step are : define research object, establish inclusion and exclusion criteria, and cross validation.

## 3. Results and Discussion

### 3.1 Omnibus Law Concept In The Job Creation Law

The word omnibus itself comes from Latin, *omnis*, meaning "for everything" or "many". If combined with the word law which means law, then omnibus law can be defined simply as law for all (Kristiyanto, 2020). Another opinion states that the legal framework is "Just like a standard bill, omnibus bills are formal proposals to change laws that are voted on by rank and file lawmakers and sent off to the executive branch for final approval. The difference with omnibus bills is they contain numerous smaller bills, ostensibly on the same broad topic. Take the omnibus tax bill as an example: It may

include changes on everything from income, corporate, and sales taxes, but all of those issues can fit under the large umbrella of taxes.” (Bierschbach, 2017).

From these definitions, it can be seen that the policy making approach using the Omnibus Law reflects the desire of decision makers and policy makers to avoid being shackled by regulations that are deemed inappropriate to the context. The Omnibus Law on Job Creation is considered a step to simplify regulations which are considered complicated and confusing and are considered to be hindering Indonesia's economic growth.

The Job Creation Law was drafted within two months and covers eleven clusters, including (1) simplification of land licensing, (2) investment requirements, (3) employment, (4) support and protection for MSMEs, (5) ease of doing business, (6) support for research and innovation, (7) government administration, (8) imposition of sanctions, (9) land control, (10) facilitation of government projects, and (11) Special Economic Zones (Kemenkoperekonomian, 2020). This law will make changes to more than 1,200 articles in 79 laws which are considered unsupportive for business and investment actors (Patunru et al., 2020).

Some parties see that the Omnibus Law Act actually increases uncertainty in the business and investment climate. Then this law has an unrealistic tempo or duration of implementation. This is because the preparation of technical regulations for laws in Indonesia often takes years due to limited policy-making capacity in Indonesia (Pramusinto, 2016). As in the case lawsuit at the Constitutional Court, the 2 panel of judges at the Constitutional Court (MK) stated that Law number 11 of 2020 concerning job creation is contrary to the 1945 Constitution of the Republic of Indonesia. The Job Creation Law does not have binding legal force. conditionally, the Panel of Judges at the Indonesian Constitutional Court also unconstitutionalized several controversial articles (Badan Pusat Statistik, 2023). The House of Representatives (DPR) and the government are asked to improve the Job Creation Law which must be immediately addressed within the next two years. Laws revised by the Job Creation Law will be deemed to be in effect again and if not then the Omnibus Law / work copyright cannot be officially authorized or permanently unconstitutional.

### *3.2 Application Of The Job Creation Law To The Environment*

The Job Creation Law was passed for the first time by President Jokowi Dodo shortly after his second inauguration as president of the Republic of Indonesia. This law is a combination of two laws called the Omnibus Law, with the Omnibus Law Law intended to further streamline and simplify regulations. regulations to be more targeted (Putra, 2020). This is actually in contrast to several policies in various countries which have begun to reduce the use of coal or even stopped using it due to its various impacts which can damage and pollute the environment and the lack of a major contribution to climate change for our Earth. However, in Indonesia it has actually been given the red carpet with its legalization. Job Creation Law (Situngkir, 2022).

Through the Job Creation Law, the coal industry is given a 0% royalty or privilege in increasing the added value of its production. This 0% royalty policy is a very big mistake, by providing royalty-free incentives for coal entrepreneurs to further exploit

existing resources. Coal is increasingly dominating the country's energy mix and closing space for renewable energy (Suntoro, 2021). The Job Creation Law also removes the 30% limit requirement for forest area formation. In fact, if we look at the data, it is stated that in the last thirty-five years, more than half of the tropical forests around the Kalimantan area have changed land function, but instead of these forests being cultivated and bred into forests as they were before, these forests are now increasingly changing and turning into expanses. palm oil plantations and coal mining pits are managed by various companies with their respective profits (Alam, 2020). The destruction of rainforests and burning of coal causes the earth's temperature to rise, warming the world's land temperature and ultimately causing the climate crisis and making extreme weather more frequent in various regions of the world (Sari et al., 2023).

Environmental protection is weakened, the job creation law opens loopholes for the nation's industry. There are at least 5 aspects that make this Omnibuslaw an enemy of the nation's environmental sustainability. One of them is about the scope of forest areas that must be maintained. Constitution no. 41 of 1999 mentions forestry in article 18. There are regulations that require maintaining a minimum of 30 percent of the area of the river basin or the island itself. And in the Job Creation Law this was abolished, so there are no minimum provisions. Apart from that, there are several reasons why this omnibus law is legally flawed.

- a. Loss of protected forest areas that must be maintained under Law no. 41 of 1999 concerning forestry article 18 which regulates the coverage of forest areas in Indonesia.
- b. The disappearance of the Amdal commission and weak community participation, the presence of a central government due diligence institution and the disappearance of the Amdal assessment commission have made the community increasingly powerless to protect the environment. The abolition of the Amdal commission also changes the contents of Law 32/2009 concerning the protection and management of environmental governance, article 30, this article actually regulates the Amdal commission which contains elements from society such as environmental organizations, experts and experts in the environmental field.
- c. Land procurement for various public purposes is increasingly massive, changes to article 10 of Law no. 2 of 2012 concerning land acquisition for development in the public interest which includes many new elements, such as: industrial areas. Land conversion is becoming increasingly massive and is prone to triggering seizures of community land because the government gives privileges to the business and investment sectors for ownership of land owned by the community.
- d. Environmental lawsuits for the community, the abolition of Law 32 of 2009 in the article on environmental permits which is believed to cancel the community's access to voice in the judicial process regarding the environment they are fighting for. And the impact that will occur on the business license can no longer be contested by other parties.
- e. Elimination of criminal sanctions for entrepreneurs/investors who issue permits haphazardly, article 165 in the Mineral and Coal Law states that criminal sanctions for business actors are officials who commit corruption in the field of mining

business governance. In article 165 it is stated that "every time an IUP, IPR or IUPK is issued that violates the law, you will be subject to a 2 year criminal sentence and a fine of two hundred million rupiah. However, this provision was completely abolished in the new mineral and coal law. This opens a gap for the emergence of corrupt actions in the licensing sector (Alam, 2020).

Law Number 11 of 2020 concerning Job Creation is too general and gives discretionary power to the central government in regulating many things. Investment is one of the links to this. Starting from determining spatial planning, imposing sanctions on everyone who has an impact on destroying the environment and nature.

### *3.3 Application Of The Job Creation Law In Economic Revival*

Indonesia faces many problems in the economic sector, frequent imports of goods and smuggling of goods have caused economic conditions in Indonesia to decline, especially in international trade, and also have problems in the goods and services production sector which have an impact on the global sector (Kemenkoperekonomian, 2020). Especially when Indonesia faced the Covid pandemic outbreak, many people received very significant impacts ranging from reduced income, layoffs and so on, one lecturer in Jakarta said that there were around 2.9 million people who were laid off in 2020, not only layoffs, In the business sector, many have experienced businesses going out of business and even no longer being able to operate due to declining quality and demand for goods from consumers (Zulaiha, 2022).

Deputy chairman of the Indonesian Chamber of Industry in the field of trade, Mulyadi Jayabaya, said that after the Job Creation Law was passed, it could bring in domestic and foreign entrepreneurs and investors so they could invest and open businesses in Indonesia (Bappenas, 2018). According to Prof. Wihana, Special Staff for Economics and Business, in discussions on the network, the problems that occur in the investment sector faced by Indonesia are due to overlapping bureaucracy and chaotic regulations, causing bottlenecks in Indonesian investment (Kemenhub, 2019). If job opportunities are not immediately opened, the unemployment rate in Indonesia will increase, namely around 6.4 million, and this will affect the skills possessed by Indonesian people." The ratification of the Job Creation Law is expected to be a positive thing for economic development in Indonesia (Kasim, 2007).

Even though the Job Creation Law has been designed ideally, the government must not relax, there must be thought about how our nation can compete with countries out there, because our business ranking is still lagging behind (Yusliwidaka, 2022). Investment and hynis in the Job Creation Law are not only foreign investments but also local investments whose target is to boost the economy of the Indonesian people (Kemenkoperekonomian, 2020).

The Job Creation Law also provides support to Micro, Small and Medium Enterprises, although there are still several aspects that need to be perfected. However, this law also allows companies not to pay wages according to standards, which can have a negative impact on the environment (Yusliwidaka, 2022). Maruf stated that Indonesia's economic growth would be hampered and would not reach the targets that had been set. Therefore, the people's economy, which is the main foundation for national economic

progress, must be empowered through stimulus to Micro, Small and Medium Enterprises and increasing people's purchasing power to support Indonesia's economic growth so that it can compete in the global market (Azeri, 2020). The Job Creation Law has significant relevance to the local economy of the community, because it makes the business licensing process easier. However, currently Micro, Small and Medium Enterprises are facing difficulties in getting back on their feet. The regulations in the Job Creation Law significantly speed up the licensing process for entrepreneurs and investors, with the aim of encouraging Indonesian and international economic growth (Alhusain & Ahmad, 2020).

Some of the positive impacts related to the enactment of the Job Creation Law with economic revival for the Indonesian nation are wrong, the formulation of the Job Creation Law in the era of President Jokowi and Vice President Ma'ruf Amin is expected to bring good economic changes to the Indonesian nation and this Law can encourage investment and investment in Indonesia properly and correctly.

- a. The positive impact of the Job Creation Law on society. At that time, society showed its reaction to the Job Creation Law through a survey made public. From the results of a survey involving approximately 2000 respondents, half of them stated that they were satisfied with the passing of the Job Creation Law, or 55 percent agreed and around 47 percent said they did not understand the law and around 13 percent refused regarding the passing of the law. And there are several Answers from respondents stated that they agreed with the passing of this law because it could provide positive energy for the nation's economic development in the future.
- b. Availability of extensive employment opportunities for the community. One of the reasons for the creation of the Job Creation Law is because it can be a tool to provide extensive employment opportunities and can absorb so many workers, in order to grow the business sector and businesses in Indonesia. The Job Creation Law also regulates working hours, work contracts, workers' wages and so on, and it is hoped that in the future it will be a solution for unemployed people so that they have the opportunity to work in their respective fields.
- c. As capital investment and investment for the community. The Job Creation Law not only regulates the availability of employment opportunities, the Job Creation Law also regulates investment and business in the economic sector, this is so that it can revive the Indonesian economy so that it can compete internationally, and it is hoped that Indonesia's economic growth can become a big pot. world economic power. It is believed that the Job Creation Law can benefit life in the community, the process of business permits and investment in Indonesia is expected to be easier so that it will encourage and grow small businesses owned by the community, although it is believed that the Job Creation Law has a bad impact on the environment, however This law also has an impact on the creation of economic progress in society (Alhusain & Ahmad, 2020).

Based on data from the Central Statistics Agency for the last five years, national economic growth reached 5.05%. The potential of Indonesia's natural and human resources provides great opportunities to increase further economic growth, especially considering the population has reached 275 million people. With this large population,

Indonesia has abundant labor potential and a wide market to absorb the production of goods and services.

**Table 1.** Indonesia's Economic Growth in Quarter IV (BPS, 2024)

No	Years	Gross Domestic Product (GDP)
1.	2019	5,02 Persen
2.	2020	-2,07 Persen
3.	2021	3,70 Persen
4.	2022	5,31 Persen
5.	2023	5,05 Persen

However, the government should improve the articles that are considered inappropriate, so that the law can be accepted by all parties. In the work copyright law there are several indicators of running a business, trade, paying taxes, business permits, the results of which can provide convenience and improve Indonesia's economic progress in international eyes, and Indonesia needs these indicators, and it is hoped that this legislation can help Indonesia from going down (Ulil et al., 2020)

#### 4. Conclusions

It is hoped that the passing of the Job Creation Law will make Indonesia's economy more advanced, so that it can compete on the international stage. In a circulating survey, it was recorded that 55 percent of respondents agreed with the passing of the Job Creation Law, the Job Creation Law regulates employment and business. , business permits, thereby providing convenience and increasing national economic progress. Then the government should take quick action to cover state losses, the weakening of the economic sector can be overcome with national economic recovery (PEN). However, there are several articles that should be reviewed, so that they can provide justice for the whole community and not take sides too far with officials so that people are not harmed and provide justice between people.

On the other hand, the Job Creation Law is considered to have a flawed legal basis so that it needs to be reviewed, both in the application of the business industry licensing article which is considered to be damaging and worrying about environmental sustainability, as well as the article which causes people's economic welfare to decline. As the decision of the panel of judges at the Constitutional Court assessed that the Omnibuslaw still needs to be reformed by the government and the People's Representative Council.

The implication of the formation of the Omnibus Law is to reduce the unemployment rate with the aim of attracting investment, so as to create new jobs and improve the community's economy. According to legal theory, regulations that are comprehensive and appropriate to needs should be prepared. However, in practice, the current implementation of the Omnibus Law is inappropriate and has the potential to damage the environmental ecosystem.

After the ratification of Omnibus Law no. 11 of 2020 concerning Job Creation, especially regarding the labor and environmental sectors, the government should consider the sociological needs of its community. Especially in the fields of labor and the environment, it is hoped that regulations made by the government will not only pay



attention to the interests of one party, but all parties. Apart from that, these regulations should not burden the community, because the environmental sector and the economic sector, as well as investment, are sectors that are very closely related to the community.

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