

# Performance of the House of Representatives in the Legislative Function in the Perspective of Successful Implementation of the Omnibus Law

Evita Isretno Israhadi<sup>1</sup>, Hamid Noor Yasin<sup>2</sup>

{[evita\\_isretno@borobudur.ac.id](mailto:evita_isretno@borobudur.ac.id)<sup>1</sup>, hamidnooryasin99@gmail.com<sup>2</sup>}

Universitas Borobudur<sup>1,2</sup>

**Abstract.** As stated in the fourth section of the Prelude to the 1945 Constitution of the Republic of Indonesia (UUD 1945), the objectives of the State are outlined in the constitution or fundamental law of the State: Every one of the 1) safeguard the whole Indonesian country and Indonesia's gore; 2) advancing the government's general assistance; 3) edify the country's life; Additionally, 4) take part in completing worldwide solicitations. Grasping the Omnibus Regulation as a logical strategy for drafting legislation is fundamental. In contrast, the Omnibus Law resulted in the Job Creation Law, a legal product regarding employment. In this manner, the focal point of further developing regulation ought to be the substance of Regulation No. 11 of 2020 concerning Copyright, and not the Omnibus Regulation. The DPR's legislative function, as a maker of statutory regulations, has received sharp attention for its success in enacting an omnibus law as an explanation to summarize many statutory regulations to be more effective and efficient, without having to sacrifice justice as the main purpose of forming laws.

**Keywords:** Performance; Legislation; DPR; Omnibus Law.

## 1 Introduction

The Constitution of the Republic of Indonesia of 1945 (UUD 1945) is the most basic rule in the country and state where the Constitution of the Republic of Indonesia of 1945 (UUD 1945) coordinates the association between the public power and its state and the association between government establishments so the Republic of Indonesia 1945 Constitution (UUD 1945) can should be the constitution of the Republic of Indonesia. The constitution of a country coordinates the going with things: a) Chooses the obstructions on the power of state organs, b) Deals with the association between one state association and another, and c ) relates the power association between state establishments and occupants.[1] d) The things that are commonly controlled in the constitution are the means by which the country's objectives, specifically those for state life, are carried out. Each nation is formed with distinct goals. The targets of the nation shift as per individuals' perspectives on the country and the point of view that underlies them.[2]

The prelude to the 1945 Constitution of the Republic of Indonesia (UUD 1945), which is situated in the fourth entry of the State Constitution, unequivocally expresses the goals of the development of the Indonesian state. The objectives of a state are typically outlined in the

state's constitution or basic law. In the Republic of Indonesia in 1945 (UUD 1945), the significance of the law's expansion and limitations were unclear. Article 20 of the 1945 Constitution simply communicates the DPR's ability to shape guidelines with imparted simultaneousness to the public power. Article 24 C segment (1) simply confirms that the Safeguarded Court has the situation to overview guidelines against the Constitution. Regulations or legitimate deeds that are shaped by official establishments with a joint concurrence with chief foundations, in the broadest sense, regulations can be perceived as lawful texts, which include specific materials and structures.[3] As a result, in order for the state to establish a rule of law, it must establish standard guidelines for the organization of legal guidelines, procedures, and components. TAP MPRS Number XX/MPRS/1966 concerning Wellsprings of Authentic Solicitation, TAP MPR Number III/MPR/2000, and Guideline Number 10 of 2004 concerning the Plan of Regulative Rules are a portion of Indonesia's rules for the improvement of legitimate rules. On August 12, 2011, the public power issued Guideline Number 12 of 2011 as a replacement for Guideline Number 10 of 2004 regarding the Improvement of True Rules because it was of the opinion that the previous rules were divided. [4]

New arrangements are remembered for Guideline No. 12 of 2011, explicitly the reappearance of the MPR TAP in the order of lawful rules. In Article 7 portion (1) it is conveyed that the organized development of rules and rules contains the 1945 Constitution, TAP MPR, UU/Perpu, casual guidelines, official principles, common close by rules, and area rules. Taking into account the approaches of Article 20 section (2) of the 1945 Constitution which states: " Each draft guideline is discussed by the Spot of Specialists and the President to secure joint underwriting." In view of the clarification above, it very well may be perceived that the DPR is responsible for making regulations and looking for endorsement from the President. Legislation is made by the legislature, a political structure. In Article 20 segment (2) of the 1945 Constitution above, it is shown that the pioneer not simply has the authority as an association that runs the wheels of government and completes legal guidelines yet additionally has the authority as a lawmaker, the chief's clout in regulation is underlined in the arrangements Article 20 passage (3) expresses that if the chief (President) doesn't endorse a draft legal guideline, one might say that the draft legal guideline didn't get common endorsement so the draft regulation can't be additionally exceptional as a draft regulation.[5]

"Omnibus" comes from the Latin word "omnibus" or "many". In the feeling of an omnibus, there are numerous regulations whose guideline is completed across areas, so that clashing arrangements can be renounced or dropped. This idea is otherwise called an omnibus bill, which is much of the time utilized in nations that connect to a Custom-based Regulation framework, for example, the US while shaping guidelines.[6]

Right in 2021, the idea of Omnibus Regulation was reverberated by President Joko Widodo by taking a gander at the circumstance around then, where there were 1,244 articles and 79 regulations in a single guideline, so it should have been managed to make it more successful, and proficient, and with clear lawful goals. One of the regulations remembered for the Omnibus Regulation is the Work Regulation. The Draft Omnibus Regulation on Occupation Creation will make 11 changes, including rearranging authorizing, speculation prerequisites, unfamiliar laborers, working hours, specialist privileges and assurance, adding kinds of cutbacks, and reinforcing federal retirement aide.[7]

During the time spent drafting Regulation Number 11 of 2020 Concerning Position Creation (UUCK), one example of the DPR RI's declining job should be apparent. The explanation this regulation was framed is on the grounds that the public authority has the

political will to coordinate guidelines. All things considered, Indonesia is as yet dealing with administrative issues. This administrative issue happens in light of the fact that there are numerous guidelines spread across different regulations and guidelines.[8]

After the corrections to the 1945 Constitution, it is trusted that the place of the DPR RI will become more grounded to control the strategies made by the public authority. The three capabilities did by the DPR are one way for the DPR to reinforce its situation and assist with diverting the goals of individuals. Nonetheless, the peculiarity that happens is that people in general surveys that the nature of the DPR RI's administrative capability is poor, and as far as amount the quantity of lawful items delivered doesn't match the objective. Aside from that, the regulations that have been instituted by the DPR along with the President are thought of as not to satisfy the public's feeling of equity.[9] Public strategy is pointed toward taking care of issues that exist in the public arena. In the event that policymakers have fizzled or are off-base in characterizing an issue, the effect of a strategy will normally be unfavorable to individuals.[10]

## **2 Research Problem**

From the background above, a problem formulation can be found, namely; How the House of Representatives Performs in the Legislative Function in the Perspective of Successful Implementation of the Omnibus Law.

## **3 Method and Approach**

### **3.1 Method**

This applied paper's method, which is documented in hard copy, is an unmistakable scientific method, especially because it uses information that clearly depicts issues in the field. After that, an examination is completed, and then ends are drawn to address a problem. The data grouping methodology is through discernment and composing study to acquire answers for issues in setting up this paper. This research falls under the category of qualitative research, so a qualitative approach approach will be used in accordance with the goals of the study. Soerjowinoto et al. claim that In order to construct a complex and holistic legal phenomenon, qualitative methods are procedures that emphasize the researcher's understanding of the problem-solving process.[11]

### **3.2 Approach**

The humanistic juridical system, specifically the juridical strategy procedure used to take a gander at issues from a genuine and productive perspective, and as a manual for concludes that can be used as a justification for analyzing legitimate eccentricities that arise. The humanistic technique, explicitly the system used to focus on an issue in the public eye or the neighborhood searches for an objective to get real factors, which is followed by finding issues, recognizing issues, and searching for deals with serious consequences regarding issues.

A humanistic juridical methodology is taken to concentrate on issues according to a legitimate viewpoint, which connects with the Exhibition of Individuals' Delegate Committee in Regulative Capabilities in the Viewpoint of Fruitful Execution of the Omnibus Regulation. This examination depicts what is happening of the article under study, to be specific zeroing in on the Exhibition of Individuals' Agent Gathering on Authoritative Capabilities in the Viewpoint of the Effective Execution of Omnibus Regulation By and by.[11]

## **4 Discussion**

### **4.1 Implementation of the DPR's Legislative Functions Based on the Perspective of the 1945 Constitution of the Republic of Indonesia Post-Amendment**

A vote based system is an administration by individuals where the force of most of residents is worked out. The process of representation, in which the people choose their representatives, is how democracy is carried out in modern times. As per the premise of a majority rules system, the most noteworthy choices in state government lie in the possession of individuals through the go-between of the Delegate Body. Political Representatives are community members who act as these's representatives.[12]

There has been a lot of discussion about whether the Constitution of 1945 needs to be changed or replaced.[13] After the Change Period, the 1945 Constitution was as of now not holy, in actuality, talk about the Constitution specifically and different issues overall was generally opened. It is expected by and large to the commitment made by the 1945 Constitution in destroying the regular conditions of the Indonesian state as it is today, recollecting the annihilating money related climate and the decay for the way of life of individuals. Open doors are available to complete understandings and execution of the articles in the 1945 Constitution.[14]

Then again, numerous different elements add to unfortunate administration processes, making this condition happen, both outer and inside factors. Outer variables for this situation are worldwide political and financial improvements in different nations on the planet. Changes in a nation's circumstances, particularly in developed nations, will almost certainly have an effect on those of other nations as a result of the expansion of international relations and what is known as globalization. Indonesia is a non-industrial nation that actually depends intensely on exchange and innovation from created nations. In the mean time, inside factors incorporate unfortunate state organization which is eclipsed by bad "societies" like debasement, arrangement, nepotism, paternalism, etc.

Because the previous government was authoritarian and engaged in a variety of political engineering, the amendment to the 1945 Constitution is an endeavor to lay out an arrangement of decentralization and a majority rules government between high state organizations in view of shared will. By taking the necessary steps to change the 1945 Constitution, the targets of a country can be perceived. It has eliminated the myth of the holiness of the 1945 Constitution by making the change, which is in opposition to cutting-edge and contemporary political life. The aggregation of other outer and inner variables which have added to the unfortunate condition of the nation can't be denied. However, it is also necessary to take measures to lessen their impact, such as

incorporating a superior framework into the Indonesian constitution. Consequently, the difference in the public power structure and safeguarded system in Indonesia ought to begin through changes to the 1945 Constitution.

Normally, the execution of changes to the 1945 Constitution is communicated in the plans of the 1945 Constitution which are coordinated To a limited extent (2) Decisions are taken with the underwriting of something like 2/3 of the people present."

With these arrangements, in light of the constitution, changes to the 1945 Constitution are not excessively muddled on the grounds that it just requires 2/3 of the individuals present to make changes to the 1945 Constitution. In any event, as per protected regulation, on the off chance that the above arrangements are met, it is established. Juridically, it is constitutional because it refers to Article 37 of the 1945 Constitution. The MPR made this reference during the 1999-2002 execution of corrections to the 1945 Constitution. The MPR likewise utilizes Article 92 of the MPR Rules and Guidelines with respect to the degree of conversation while making and settling on MPR meeting materials, notwithstanding the arrangements in Article 37 of the 1945 Constitution.

The primary adjustment to the 1945 Constitution was executed at the General Gathering of People's Consultative Social event of the Republic of Indonesia in 1999 (SU MPR 1999). The gathering which was held after the 1999 general political choice and conveyed new MPR people considering the MPR rules and rules outlined the MPR mechanical get together to design draft changes to the 1945 Constitution. This first change determined focal changes to the safeguarded structure, government system, power dissemination framework, and provincial independence execution framework. as well as the place of the Place of Agents. In this manner, the consequences of the main revision to the 1945 Constitution were changes that straightforwardly affected the Indonesian state framework. What hangs out in this first change is the change to Section III of the 1945 Constitution, Article 5 section (1) concerning the President's power in the regulative field, which then transforms into the DPR's decidedly in its institutional turn of events, Article 7 which is associated with the confined term of office of a President. After just two periods, the President/VP's vow and commitment are made in Article 9, Section 1. Article 9 then it was added with segment (2) to coordinate the strategy for doing the President's Promise and Responsibility if the MPR and DPR can't hold a gathering.

DPR RI (the Republic of Indonesia's high-situating People's Representative Board is depended with doing authoritative capacities, spending plan abilities, and managerial capacities. In doing its capacities, the DPR has the right of interpellation, the right of solicitation, and the choice to give perspectives (Article 20A Segment (2) of the 1945 Constitution). Further, the Indonesian DPR, is one of the really high state foundations, despite other state instruments that execute a notoriety based structure. Since the adoption of the fourth amendment to the Constitution in 1945, there have been significant shifts in the position that the DPR occupies within the system that is used to administer state power. This is communicated in Article 20 Area (1) of The 1945 Constitution which communicates that "People's Representative Council holds the capacity to approach guidelines." Regardless of the way that the ability to shape guidelines rests with the DPR, discussion of a bill ought to be finished commonly with the public power, as communicated in Article 20 segment (2), "Each draft guideline is analyzed by the Spot of Representatives and the President to get joint support." In addition, the DPR has the honor to explain major problems and convey thoughts and

speculations alongside issues of obstruction (Article 20A area (3) of the 1945 Constitution). Further plans with respect to the honors of DPR people are overseen in guideline (Article 20A segment (4) of the 1945 Constitution).

After the authority of the DPR was changed in the 1945 Constitution Amendment, it was no longer a rubber-stamp institution, and its function as a legislative institution was restored. Aside from that, it is trusted that the DPR's efficiency will build because of the DPR's all in all correct to drive which is upheld by guidelines in different regulations both in power and with regards to specialized, for instance, the presence of Prolegnas in the new regulation so the job of the DPR is more noticeable. In addition, the Executive's and the Legislature's roles as checks and balances are more clearly visible now, as opposed to before the 1945 Constitution Amendment, when the President dominated the legislative function.

#### **4.2 Performance of the House of Representatives in the Legislative Function in the Perspective of Successful Implementation of the Omnibus Law**

One of the numerous issues, however exceptionally crucial in nature, is that there is still disharmony between strategy making and the drafting of the guidelines required (administrative making) to carry out approaches. Quantitatively, the arrangement of guidelines from the middle to the locales is over-managed, bringing about cross-over, disharmony, struggle, and different understandings, both in an upward direction (ordered progression) and evenly. Then, in terms of legislative formation alone, the disharmony between policy-making and regulatory making can be seen from the evaluation of the planning for the formation of laws planned in the 2010-2014 Prolegnas Priority Law Draft (RUU) List and the need for bills planned in the 2010-2014 RPJMN. The 2010-2014 Prolegnas stipulates 258 bills to be finalized, but the 2010-2014 RPJMN only plans 29 bills. The bills that are in line with the 2010-2014 RPJMN and the 2010-2014 Prolegnas are 20 bills. This condition shows that there is no synergy between policy planning for developing regulations and planning for the formation of regulations which should show synergy between the role of the State as a regulator and the role of the State as an operator.[15]

From the past primer clarification, it is realized that the motivation behind the Omnibus Regulation and the Work Creation Regulation is to smooth out around 79 regulations and 1239 articles into 15 sections, which cover 11 bunches from 31 services and other government organizations. A few Articles in the Gig Creation Regulation need to get consideration or study, for instance:[16]

1. Not zeroing in on the ever-evolving arrangement of legitimate rules as contained in Article 170 Segments 1, 2, and 3 of the Gig Creation Guideline, where the rule gets a handle on that "To accelerate the execution of key work creation draws near, true to form in Article 4 section 1, considering the Law This, the Central Government has the ability to change the plans in this Guideline, or possibly change the courses of action in the Law that are not changed in this Guideline.

Additionally, it is gotten a handle on that any "movements to the game plans as suggested in Segment (1) are coordinated by Informal regulations".

The consequences is that there is a sensible encroachment of the plans in Guideline No. 12 of 2001 concerning the Game plan of Regulatory Rules which thoroughly indicates that Organization Rules (PP) are under the Law.

Consequently, the PP can't drop or change the plans in the Law, in light of the fact that the PP is a completing rule of the real Regulation.

2. action of Article 79 of Guideline No. 13 of 2003 concerning Work. From the outset, Article 79 segment 2 letter b read "Expanded rest of somewhere near 2 (two) months, and finished in the seventh and eighth years for 1 (one) month each for workers/laborers who have worked for 6 (six) years reliably at a comparative association, given that the specialist is not generally qualified for yearly rest inside the ongoing 2 (two) years and from that point applies for each 6 (six) year work period." In any case, in the Gig Creation Regulation, Article 79 passage 2 letter b is annulled, and isn't controlled all the more plainly. What is managed is just Article 79 section 5 of the Gig Creation Regulation, which expresses that Long Leave is directed through a work understanding, or aggregate work arrangement, which has suggestions for the shortcoming of the current legitimate power, when contrasted with the limiting power of the Law.

Officially, Article 96 of Regulation Number 12 of 2011 concerning the Development of Administrative Guidelines has given assurances to residents to be engaged with the most common way of drafting authoritative guidelines in the lawmaking body. Then, it is determined in Article 170 entry (6) of Guideline Number 17 of 2014 concerning the MPR, DPR, DPD, and DPRD, and Article 138 area 8 of DPR Rule Number 1 of 2014 concerning DPR Rules of Strategy. In any case, the conversation for obliging and the stream for conveying public collaboration isn't clear, so open support in shaping regulations is just utilized as a proper prerequisite with practically no unmistakable benchmarks. The shortfall of a reasonable gathering and stream likewise makes cases of public investment be just manipulative outcomes.[17]

The confirmation of the Gig Creation Regulation is one of the terrible acts of not completing administrative capabilities by the DPR which causes the making of legitimate vulnerability. The development of this regulation hosts gained numerous complaints from different gatherings, demonstrating that there is a befuddle between the items in the law and the requirements of society. The desires of individuals don't appear to be heard by the DPR as individuals' agents. With a circumstance in a change like this, it is challenging to depend on the DPR and the public authority to have the option to make and complete a decent official cycle.[8]

In President Jokowi's system, apparently the DPR plays lost its part as boss of regulative capabilities. Despite the fact that the 1945 Constitution provides official capacity to the DPR to talk about, decide, support, or not bills proposed by the president. In any case, in the event that you take a gander at the ongoing time of change, the DPR is simply deliberately ignoring every one of the irregularities in the formation of the Gig Creation regulation. A non-straightforward drafting process, absence of public support, and disregarding the principles for making great administrative guidelines as managed in Regulation Number 12 of 2011 concerning the Development of Official Guidelines are a few models that can outline the most common way of shaping regulations.

## 5 Conclusion

To make demand and genuine affirmation, the occupation of Omnibus Guideline is to make the latest legal things tended to by Guideline Number 11 of 2020 concerning Position Creation. Referring to the courses of action of Article 1 point 1 of the Gig Creation Guideline, what is inferred by work creation is tries to make occupations through working with business, protecting and empowering scaled down, close to nothing, and medium endeavors, further fostering the hypothesis climate, and working with business and central government adventure and accelerating public imperative assignments. The law is a proper wellspring of regulation. Wellsprings of regulation in the conventional sense are connected with issues and different issues to get or find arrangements that direct human existence in the public eye. In the interim, material regulations are composed guidelines that apply by and large and are made by the focal specialists or legitimate gatherings.

Since the adoption of the fourth amendment to the Constitution in 1945, there have been significant shifts in the position that the DPR occupies within the system that is used to administer state power. This is reflected in the phrase "Individuals' Delegate Gathering holds the ability to frame regulations" from Article 20 of the 1945 Constitution. Even though the DPR has the authority to create regulations, a bill should be discussed with the public authority, as stated in Article 20 passage (2), " each draft guideline is discussed by the Spot of Specialists and the President to secure normal underwriting." In addition, in accordance with Article 20A passage (3) of the 1945 Constitution, the DPR can obtain clarification on pressing issues and convey ideas and feelings. Additional DPR members' rights are governed by law (Article 20A, paragraph 4 of the 1945 Constitution).

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