

The Potential and Challenges of Implementing the Omnibus Method in Indonesia: Lessons from Other Countries

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Abstract

This article seeks to provide an analysis of the issue of over-regulation and the solutions offered by the omnibus method, as well as to examine the application of the omnibus method from a comparative study perspective. The research method employed is normative juridical, using a statutory approach (state approach) and a comparative approach. The data used includes primary data and secondary data, such as relevant legislation and various articles and information from literature sources. The findings indicate that the omnibus method is effective in reducing regulatory burdens, enhancing efficiency, and fostering innovation. In Canada, for instance, implementation through the Budget Implementation Act 2012 led to more responsive policies, although it faced criticism for reducing transparency. In Australia, the Omnibus Repeal Day Bills succeeded in lowering regulatory compliance costs but attracted attention regarding public interest protection. Meanwhile, in the United States, the Consolidated Appropriations Act demonstrated the omnibus method's ability to expedite budget approvals, despite concerns about reduced transparency. In conclusion, although the omnibus method offers promising solutions to address over-regulation, its implementation in Indonesia faces complex challenges, such as low regulatory coordination, resistance to change, and limited public participation. This highlights the importance of an inclusive approach and ongoing evaluation to achieve effective and equitable regulatory reform.

Keywords: Indonesia legal system; legal policy; omnibus method; over-regulation.

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1. Introduction

Indonesia, as a developing country, faces a range of regulatory challenges. Over-regulation or hyper-regulation is one of the most common issues, characterized by an excess of overlapping regulations that conflict with one another or are irrelevant to current conditions. In recent years, the issue of hyper-regulation has become a serious concern for businesses, policymakers, and regulators alike. The proliferation of rules and regulations has created a complex and often contradictory regulatory landscape that stifles innovation and hinders economic growth. The omnibus method, a novel approach to regulatory reform, offers a promising solution to this problem¹.

¹ Marsudi Dedi Putra et al., "Democratic Omnibus Law in Indonesia," *International Journal of Social Science Research and Review* 6, no. 6 (June 2023): 244–57, <https://doi.org/10.47814/ijssrr.v6i6.1148>.

This hyperregulation is confusing and hampers business processes, bureaucracy, and investment, as the sheer volume and complexity of rules and regulations become overwhelming, making it difficult for businesses to comply and for regulators to enforce, leading to a range of negative consequences, including increased compliance costs, which can be prohibitively expensive, particularly for small and medium-sized enterprises, reduced innovation, as excessive regulation can stifle innovation by discouraging companies from taking risks or investing in new products and services, inefficient allocation of resources, as companies are forced to divert resources from productive activities to compliance and regulatory affairs, and regulatory capture, where special interest groups or industries exert undue influence over the regulatory process.²

The omnibus method is a legislative approach used to streamline or revise many laws or regulations into one new law or regulation³. This method allows the government to remove, update, or replace multiple irrelevant or conflicting provisions in one legislative step. Historically, this method has been applied in various countries to simplify the legislative process and address the problem of hyperregulation⁴. The main advantage of the omnibus method is its ability to simplify regulations in a short time. By reducing the number of overlapping regulations, the government can create a more attractive investment climate and reduce administrative burdens⁵. In addition, this method also provides flexibility for the government to adapt to rapid global economic changes⁶.

Case studies from Canada, Australia, and the United States show that the omnibus method can improve bureaucratic efficiency and reduce regulatory

² Zaenal Arifin and Adhi Putra Satria, "DISHARMONISASI PERATURAN PERUNDANG-UNDANGAN DI INDONESIA: ANTARA BENTUK, PENYEBAB DAN SOLUSI," *Jurnal Pro Hukum : Jurnal Penelitian Bidang Hukum Universitas Gresik* 9, no. 1 (2020), <https://doi.org/10.55129/jph.v9i1.1016>.

³ Kaharudin, Gatot Dwi Hendro Wibowo, and M Ilwan, "Structuring Legislation Through Omnibus Law: Opportunities And Challenges In The Indonesian Legal System," *Journal of Legal, Ethical and Regulatory Issues* 24, no. 7 (2021): 1 – 11.

⁴ Muhammad Ihsan Firdaus, "Metode Omnibus Law Dalam Pembaharuan Hukum Pembentukan Peraturan Perundang-Undangan Di Indonesia (Studi Perbandingan Negara Kanada, Amerika Serikat, Filipina Dan Vietnam)," *Jurnal Hukum Ius Quia Iustum* 30, no. 2 (May 2023): 233–55, <https://doi.org/10.20885/iustum.vol30.iss2.art1>.

⁵ Marsudi Dedi Putra et al., "Legislative Formation Design Using the Right Omnibus Law in Indonesia," *International Journal of Social Science Research and Review* 6, no. 7 (July 2023): 119–29, <https://doi.org/10.47814/ijssrr.v6i7.1295>.

⁶ Maskun et al., "Legal Politics of Fulfillment of Sustainable Fisheries Resources After the Enactment of the Omnibus Law 2020," *IOP Conference Series: Earth and Environmental Science* 860, no. 1 (October 2021): 012–091, <https://doi.org/10.1088/1755-1315/860/1/012091>.

burdens⁷. In 2012, Canada adopted the omnibus method through the Budget Implementation Act 2012, which contained more than 400 pages of changes to federal legislation. This act amended more than 70 laws, covering aspects such as natural resource management, environmental policy, and labor rights. As a result, Canada managed to simplify and speed up the implementation of fiscal policy. However, it was not free from criticism for neglecting environmental aspects and the public consultation process.

Meanwhile, in Australia, Omnibus Repeal Day Bills Australia has also implemented the omnibus method through the Omnibus Repeal Day Bills, which were introduced in 2014⁸. The main objective of this initiative is to reduce the regulatory burden by repealing or simplifying various laws that are no longer relevant. Data from the Australian Productivity Commission shows that since the introduction of omnibus bills, Australia has saved more than AUD 700 million in regulatory compliance costs⁹. However, there are challenges in ensuring that the repeal of regulations does not ignore safety standards and the public interest¹⁰.

The Consolidated Appropriations Act of 2005 is one example of how the omnibus method is applied in the United States. This law combines various budget policies and includes more than 300 regulations in one law. A study from the Harvard Law Review shows that although the omnibus method effectively combines regulations, it also increases the risk of a lack of transparency and accountability in the policy-making process¹¹.

The primary benefit of the omnibus method is in its capacity to expedite the streamlining of regulations within a brief timeframe¹². To enhance the investment climate and alleviate administrative difficulties, the government can

⁷ Firdaus, "Metode Omnibus Law Dalam Pembaharuan Hukum Pembentukan Peraturan Perundang-Undangan Di Indonesia (Studi Perbandingan Negara Kanada, Amerika Serikat, Filipina Dan Vietnam)."

⁸ Eddy Pratomo and R. Benny Riyanto, "The Legal Status of Treaty/International Agreement and Ratification in the Indonesian Practice within the Framework of the Development of the National Legal System," *Journal of Legal, Ethical and Regulatory Issues* 21, no. 2 (2018): 1–9.

⁹ Ana Fauzia et al., "Implementation of the Omnibus Law Concept and Consolidated Texts: Amalgamation of the Common Law and Civil Law Legal Systems," *Journal of Law and Legal Reform* 4, no. 2 (April 2023): 235–54, <https://doi.org/10.15294/jllr.v4i2.68256>.

¹⁰ Klaus Meßerschmidt, *Omnibus Legislation in Germany: A Widespread Yet Understudied Lawmaking Practice*, 2021, https://doi.org/10.1007/978-3-030-72748-2_6.

¹¹ Firdaus, "Metode Omnibus Law Dalam Pembaharuan Hukum Pembentukan Peraturan Perundang-Undangan Di Indonesia (Studi Perbandingan Negara Kanada, Amerika Serikat, Filipina Dan Vietnam)."

¹² Meßerschmidt, *Omnibus Legislation in Germany: A Widespread Yet Understudied Lawmaking Practice*.

achieve these goals by minimising the number of overlapping rules¹³. Furthermore, this approach offers the government the ability to easily adjust to swift global economic fluctuations. Nevertheless, the primary obstacle posed by the omnibus method is its capacity to overlook crucial elements of the legislative process, including transparency, public engagement, and safeguarding of social rights¹⁴. Empirical evidence from Canada, Australia, and the United States demonstrates that while this approach can indeed streamline laws, it also heightens the potential for disregarding public and environmental concerns¹⁵. In Indonesia, community groups that perceive negative consequences from the Job Creation Law also exhibit resistance towards it^{16,17}

Discussing over-regulation and the omnibus method as a solution, from a legal perspective, the issue of over-regulation in Indonesia has resulted in overlapping regulations and inconsistencies among regulations, leading to legal uncertainty for business actors. The multitude of uncoordinated regulations has the potential to hinder business processes, bureaucracy, and the investment climate, as various regulations may contradict each other or be less relevant to contemporary situations. From an empirical standpoint, hyper-regulation impacts on-the-ground implementation, where many stakeholders, both from the government and businesses, struggle to comply with complex and layered regulations. The mismatch between regulations and actual conditions on the ground triggers high compliance costs, stifles innovation, and results in inefficient resource allocation. Meanwhile, from a comparative perspective, the implementation of the omnibus method in other countries has shown positive outcomes, such as improved bureaucratic efficiency and reduced regulatory burdens. However, the application of this method in Indonesia still faces challenges, such as minimal regulatory coordination and limited institutional capacity.

Based on empirical data, cases like the Job Creation Law in Indonesia illustrate the negative impacts of hyper-regulation. This regulation was expected to

¹³ Evan Wright, "Omnibus Legislation and Separation of Powers: Too Big to Fail?," *Journal of Legislation* 49, no. 1 (2023): 110–35.

¹⁴ Glen S. Krutz, "Getting around Gridlock: The Effect of Omnibus Utilization on Legislative Productivity," *Legislative Studies Quarterly* 25, no. 4 (2000): 533, <https://doi.org/10.2307/440433>.

¹⁵ Firdaus, "Metode Omnibus Law Dalam Pembaharuan Hukum Pembentukan Peraturan Perundang-Undangan Di Indonesia (Studi Perbandingan Negara Kanada, Amerika Serikat, Filipina Dan Vietnam)."

¹⁶ Evan Samuel Grigorius, "Keterbukaan Informasi Publik Dalam Proses Legislasi: Studi Kasus RUU Cipta Kerja," *Jurist-Diction* 5, no. 1 (January 2022): 143, <https://doi.org/10.20473/jd.v5i1.32729>.

¹⁷ Fadjriri Wira Perdana et al., "Omnibus Law Undang-Undang Cipta Kerja Dalam Perspektif Sosiologi Hukum," *Jurnal Indonesia Sosial Sains* 3, no. 6 (June 2022): 1018–25, <https://doi.org/10.36418/jiss.v3i6.670>.

encourage investment and create a conducive business climate through regulatory simplification; however, its implementation faces obstacles as many parties believe that this law inadequately considers transparency and public interests. Additionally, in other countries like Canada and Australia, the implementation of omnibus bills has resulted in efficiency gains and reduced compliance costs but has also drawn criticism for allegedly neglecting social and environmental aspects. Data from the Australian Productivity Commission indicate that since the introduction of omnibus legislation, Australia has saved over AUD 700 million in regulatory compliance costs, although challenges remain in maintaining safety standards and public interest.

This study primarily aims to assess the originality of implementing the omnibus law method in Indonesian legislation by comparing the findings of previous research addressing similar issues. Muhammad Ihsan Firdaus (2020) highlighted the relatively new use of the omnibus law method in Indonesia, focusing on overlapping regulations and their impact on investment and legal certainty. Firdaus examined this concept through a comparative study with other countries, such as Canada, the United States, the Philippines, and Vietnam, and found that the reasons for adopting omnibus laws in these nations vary, ranging from regulatory consolidation to enhancing the investment climate.¹⁸

Arnanda Yusliwidaka (2021) focused on the effectiveness of the omnibus law concept in the context of Law No. 11 of 2020 on Job Creation, which was developed to address the economic impacts of the COVID-19 pandemic. Yusliwidaka emphasized the importance of critical analysis in measuring the effectiveness of omnibus law, particularly amidst public debate surrounding this law. This study underscores that, while the Job Creation Law aims to boost investment and create jobs, the diverse public responses indicate a gap between the regulation's objectives and its reception by society.¹⁹

Keny Gainau (2022) also discussed the omnibus law method within the Job Creation Law context, arguing that although the main goal of the omnibus law is to streamline regulations to promote investment and employment, there exists a misalignment between the Job Creation Law and the principles of

¹⁸ Bayu Dwi Anggono and Fahmi Ramadhan Firdaus, "Omnibus Law in Indonesia: A Comparison to the United States and Ireland," *Lentera Hukum* 7, no. 3 (November 2020): 319, <https://doi.org/10.19184/ejhl.v7i3.19895>.

¹⁹ Arnanda Yusliwidaka, "MENAKAR EFEKTIVITAS KONSEP OMNIBUS LAW DALAM UNDANG-UNDANG NOMOR 11 TAHUN 2020 TENTANG CIPTA KERJA DI MASA PANDEMI COVID-19," *Jurnal Hukum Progresif* 10, no. 2 (2022), <https://doi.org/10.14710/jhp.10.2.167-178>.

legislative formation outlined in Law No. 12 of 2011. Gainau stressed that the application of the omnibus method in Indonesia must adhere to sound regulatory principles to ensure legal certainty and regulatory sustainability.²⁰

This research aims to enrich studies on the omnibus law method by analyzing its effectiveness in the context of regulatory reform in Indonesia. In this study, the author will explore whether the currently implemented omnibus law method aligns with national legal principles and its relevance to the intended economic and social development objectives. Additionally, a comparative study will be included to enhance the literature review.

Building on these studies, this article aims to analyze the effectiveness of the omnibus method in streamlining regulations in Indonesia, focusing on the challenges and strategies necessary to ensure that this method can enhance the investment climate and bureaucratic efficiency without neglecting transparency and public involvement.

2. Research Method

Normative legal research serves as the study methodology²¹, using secondary evidence to support its conclusions²². The study employs secondary data, including primary and secondary legal materials used by the author. Data collection is conducted through the use of literature-based media learning. The author obtained the data pertaining to the topic through bibliographic research. The collected data was examined utilising qualitative methods²³. The methodologies employed encompass a systematic and organised methodology that integrates national laws and other relevant legislation²⁴. As a result, the data may have a systematic, qualitative, and complete nature, providing accurate and relevant information on the law²⁵.

²⁰ Keny Gainau, Supriyadi, and Susanto, "A Study of the Omnibus Law Method in Law Establishment in Indonesia," *International Journal of Research in Social Science and Humanities* 03, no. 09 (2022), <https://doi.org/10.47505/ijrss.2022.v3.9.6>.

²¹ Hardijan Rusli, "Metode Penelitian Hukum Normatif: Bagaimana?," *Law Review* V, no. 3 (2006).

²² Zaini Zulfi Diane, "Implementasi Pendekatan Yuridis Normatif Dan Pendekatan Normatif Sosiologis Dalam Penelitian Ilmu Hukum.," *Pranata Hukum* 6, no. 2 (2011): 18.

²³ Theresia Anita Christiani, "Normative and Empirical Research Methods: Their Usefulness and Relevance in the Study of Law as an Object," *GATR Global Journal of Business Social Sciences Review* 3, no. 4 (October 2015): 16–22, [https://doi.org/10.35609/gjbsr.2015.3.4\(3\)](https://doi.org/10.35609/gjbsr.2015.3.4(3)).

²⁴ Depri Liber Sonata, "METODE PENELITIAN HUKUM NORMATIF DAN EMPIRIS: KARAKTERISTIK KHAS DARI METODE MENELITI HUKUM," *FIAT JUSTISIA: Jurnal Ilmu Hukum* 8, no. 1 (2015), <https://doi.org/10.25041/fiatjustisia.v8no1.283>.

²⁵ Reza Banakar, "Norms and Normativity in Socio-Legal Research," in *Normativity in Legal Sociology* (Cham: Springer International Publishing, 2015), 215–39, https://doi.org/10.1007/978-3-319-09650-6_11.

3. Research Results and Discussion

3.1. The Omnibus Method: A Solution to Over-Regulation

The omnibus method is a regulatory reform approach that seeks to simplify and streamline the regulatory landscape. The method involves consolidating multiple regulations into a single, comprehensive framework, eliminating redundant or unnecessary rules, and providing clear guidance on compliance²⁶.

The omnibus method offers several advantages over traditional regulatory approaches, including simplified compliance, reduced regulatory burden, improved regulatory clarity, increased efficiency, and enhanced innovation. By consolidating regulations into a single framework, businesses can more easily understand and comply with regulatory requirements, freeing up resources for more productive activities²⁷. The elimination of redundant or unnecessary rules reduces the regulatory burden on businesses, while clear guidance on compliance reduces the risk of regulatory uncertainty and confusion. The streamlined regulatory framework enables regulators to focus on high-priority areas, improving the overall efficiency of the regulatory process²⁸. Countries like Singapore, Canada, and Australia have successfully implemented the omnibus method, leading to increased economic growth, innovation, and competitiveness²⁹.

But using the omnibus method in Indonesia comes with a lot of problems that need to be carefully thought out, coordinated, and carried out³⁰. These problems include a complicated regulatory landscape, a lack of regulatory coordination, weak institutions, resistance to change, low public participation, corruption and regulatory capture, a lack of clear goals and priorities, weak international cooperation, political and economic instability, and the need for constant monitoring and evaluation³¹. By

²⁶ Meßerschmidt, *Omnibus Legislation in Germany: A Widespread Yet Understudied Lawmaking Practice*.

²⁷ Putu Eva Ditayani Antari, "The Implementation of Omnibus Law in Indonesia Law Making Process on Philosophy Review," *De Jure: Jurnal Hukum Dan Syar'iah* 14, no. 1 (June 2022): 179–94, <https://doi.org/10.18860/j-fsh.v14i1.15757>.

²⁸ Audy Amelia Siregar, "Legal Studies on Omnibus Law Issues in Indonesia," *International Asia Of Law and Money Laundering (IAML)* 1, no. 4 (October 2022): 270–78, <https://doi.org/10.59712/iaml.v1i4.50>.

²⁹ Fauzia et al., "Implementation of the Omnibus Law Concept and Consolidated Texts: Amalgamation of the Common Law and Civil Law Legal Systems."

³⁰ Bagus Hermanto and Nyoman Mas Aryani, "Omnibus Legislation as a Tool of Legislative Reform by Developing Countries: Indonesia, Turkey and Serbia Practice," *The Theory and Practice of Legislation* 9, no. 3 (September 2021): 425–50, <https://doi.org/10.1080/20508840.2022.2027162>.

³¹ Tarmizi, "Legal Simplification of Land Regulation Associated With Increased Investment as the Basis for Conceptualization of the Omnibus Law," *Journal of Advanced Research in Law and Economics* 11, no. 1 (2020): 203 – 207, [https://doi.org/10.14505/jarle.v11.1\(47\).24](https://doi.org/10.14505/jarle.v11.1(47).24).

adopting a comprehensive and inclusive approach to regulatory reform, involving all stakeholders, and leveraging technology and international cooperation, Indonesia can create a more efficient and effective regulatory framework that supports economic growth, innovation, and prosperity for all³².

Several countries and industries have successfully implemented the omnibus method to address overregulation, achieving significant benefits. For example, the Dodd-Frank Act in the US consolidated multiple financial regulations, simplifying compliance and reducing the regulatory burden on financial institutions³³. The European Union's Environmental Liability Directive and the US Federal Communications Commission's (FCC) omnibus method for telecommunications regulations have also streamlined compliance and promoted innovation in their respective industries. These case studies demonstrate the effectiveness of the omnibus method in reducing regulatory complexity and promoting economic growth, providing valuable lessons for Indonesia as it seeks to implement a similar approach to address its own regulatory challenges.

While the omnibus method offers a promising solution to overregulation, it is not without its challenges and limitations. Implementing the omnibus method requires buy-in from multiple stakeholders, including regulators, businesses, and industry groups, which can be difficult to achieve³⁴. Additionally, consolidating multiple regulations into a single framework can be a complex and time-consuming process. Furthermore, the omnibus method is also susceptible to regulatory capture, requiring careful safeguards to prevent special interest groups from exerting undue influence and undermining the effectiveness of the regulatory framework.

3.2. A Comparative Study of the Implementation of the Omnibus Law Method in Canada, Australia and the United States

The application of the omnibus method in Canada is a significant example of how this approach can be used to streamline regulations and

³² Anggono and Firdaus, "Omnibus Law in Indonesia: A Comparison to the United States and Ireland."

³³ Glen S. Krutz, "Tactical Maneuvering on Omnibus Bills in Congress," *American Journal of Political Science* 45, no. 1 (2001): 210, <https://doi.org/10.2307/2669368>.

³⁴ Meßerschmidt, *Omnibus Legislation in Germany: A Widespread Yet Understudied Lawmaking Practice*.

government policies³⁵. One of the most well-known implementations is the Budget Implementation Act of 2012, which includes various significant changes to federal law. The background of the implementation of the omnibus method in Canada is that in 2012, the Canadian government, under Prime Minister Stephen Harper, faced a global economic challenge that required a quick and efficient response. Meanwhile, the government has decided to use the omnibus method to address various issues related to economic growth, natural resource management, and fiscal policy. We designed the Budget Implementation Act of 2012 to unify various policies into a single comprehensive law³⁶.

The Budget Implementation Act 2012 is a comprehensive and extensive document, spanning over 400 pages and amending more than 70 different laws, resulting in significant changes in several key areas, including environmental policy, where the number of projects requiring environmental assessments has been reduced to expedite the approval process for infrastructure and natural resource projects; natural resource management, where the industry and local governments now manage resources differently due to changes to laws governing fisheries and water management; and employment and social welfare, where numerous changes have been made to unemployment insurance and pension programs, among others³⁷.

The implementation of this omnibus method has sparked various reactions and controversies. On the one hand, the Canadian government claims that this law is effective in accelerating policy implementation and responding quickly to economic challenges. From an efficiency standpoint, the use of omnibus methods allows the government to implement broad policies without having to go through the lengthy legislative process for each individual change in the law³⁸.

However, this step has also faced sharp criticism from various parties, including the opposition party, environmental organizations, and civil society. The main criticism is that this omnibus law reduces transparency

³⁵ Sulistina Sulistina et al., "The Pathway of Adopting Omnibus Law in Indonesia's Legislation: Challenges and Opportunities in Legal Reform," *Jurnal Kajian Pembaruan Hukum* 2, no. 2 (August 2022): 155, <https://doi.org/10.19184/jkph.v2i2.31524>.

³⁶ Firdaus, "Metode Omnibus Law Dalam Pembaharuan Hukum Pembentukan Peraturan Perundang-Undangan Di Indonesia (Studi Perbandingan Negara Kanada, Amerika Serikat, Filipina Dan Vietnam)."

³⁷ Firdaus.

³⁸ Meßerschmidt, *Omnibus Legislation in Germany: A Widespread Yet Understudied Lawmaking Practice*.

and public participation in the legislative process³⁹. Many parties feel that because this law covers too many aspects in one package, in-depth debate and discussion about each change become limited.

Many activists, particularly in the environment, are concerned that regulatory changes will weaken environmental protections in Canada, especially in terms of environmental impact assessments for large projects. The public's significant dissatisfaction stems from this criticism, as they perceive the sacrifice of long-term environmental interests for short-term economic gains.

As a result, the use of the omnibus method in Canada, particularly through the Budget Implementation Act 2012, demonstrates that this method can be a powerful tool for the government to respond quickly to economic and social changes. However, this also highlights potential risks, particularly related to the neglect of public consultation processes, transparency, and protection of important issues such as the environment. Although omnibus methods can be highly effective, their implementation requires careful consideration of their long-term impacts on various sectors of society, as demonstrated by the Canadian experience.

Implementing the Omnibus Law Method in Canada has significantly influenced the legislative process and policy-making, particularly regarding efficiency and transparency. While it aims to streamline legislation, it has also raised concerns regarding its implications for democratic practices. The Omnibus Law Method allows for consolidating multiple legislative proposals into a single bill, expediting the legislative process. This has been particularly evident in budget implementation bills, where the Speaker can divide bills for separate voting, enhancing procedural efficiency⁴⁰.

However, this efficiency has been criticized for potentially undermining thorough debate and scrutiny, as complex issues are bundled together, making it challenging for legislators to assess each component adequately. The rise of omnibus legislation has also prompted concerns about transparency, as it can obscure the details of significant policy changes

³⁹ Wright, "Omnibus Legislation and Separation of Powers: Too Big to Fail?"

⁴⁰ Louis Massicotte, "Canada: If Controversial, Omnibus Legislation Is Here to Stay," in *Comparative Multidisciplinary Perspectives on Omnibus Legislation*, 2021, 257–81, https://doi.org/10.1007/978-3-030-72748-2_11.

within larger bills⁴¹. Critics argue that this practice can lead to a lack of accountability, as voters may not fully understand the implications of the legislation being passed. The Liberal government's attempt to address these concerns by empowering the Speaker to separate bills reflects an acknowledgment of the need for greater transparency in the legislative process⁴².

In Australia, the use of the omnibus method is part of the government's efforts to simplify regulations and reduce the administrative burden deemed unnecessary for businesses and the public. The Omnibus Repeal Day Bills, initiated in 2014, serve as an example of this method's application.

The background for the implementation of the omnibus method is that in 2013, the Australian government under Prime Minister Tony Abbott identified that excessive regulatory burdens were a barrier to economic growth and bureaucratic efficiency. In line with the deregulation agenda, the government has proposed implementing the omnibus method as a tool to reduce regulatory complexity. The main goal is to repeal or revise laws that are irrelevant, outdated, or impose excessive administrative burdens.

The Omnibus Repeal Day Bills are an initiative introduced in 2014 that later became part of the government's routine efforts to simplify regulations. The government has designated two days a year as "Repeal Day," during which parliament specifically focusses on the elimination or simplification of unnecessary regulations.

The scope and content of each Omnibus Repeal Day Bill cover various areas, including corporate law, taxation, the environment, and public services, and aim to achieve several objectives, such as the repeal of obsolete laws, including those related to industry regulations that have either ceased to exist or have been updated through newer legislation; the simplification of administrative processes, such as eliminating excessive forms or reducing reports required from businesses; and the reduction of the regulatory burden for small and medium-sized enterprises (SMEs), by simplifying compliance processes, allowing them to focus more on developing their businesses than on bureaucracy.

⁴¹ Note Supra, "Omnibus Bills: Frequently Asked Questions," *Library of Parliament* 1, no. 74 E (2012): 724.

⁴² Massicotte, "Canada: If Controversial, Omnibus Legislation Is Here to Stay."

According to the Australian Productivity Commission, implementing the Omnibus Repeal Day Bills has successfully reduced regulatory compliance costs in Australia. Since the introduction of the initiative, the Australian government has estimated savings of over AUD 700 million in regulatory compliance costs. This is considered a significant achievement in terms of reducing the administrative burden on businesses and encouraging economic growth⁴³.

However, like in other countries, the implementation of the omnibus method in Australia is not without criticism. Some parties express concern that the elimination of outdated regulations could potentially overlook or weaken important rules that protect public interests, such as safety standards and environmental protections. Furthermore, concerns exist that the use of omnibus methods could potentially diminish transparency and accountability in the legislative process, as they consolidate numerous changes into a single, expansive law that may not consistently garner sufficient attention from parliament or the public⁴⁴.

Thus, the implementation of the Omnibus method in Australia through the Omnibus Repeal Day Bills has had a positive impact in terms of simplifying regulations and reducing administrative burdens, which ultimately supports economic efficiency. Australia's experience shows that this method can be an effective tool for updating complex and outdated regulatory frameworks. However, as in the implementation in other countries, it is important to maintain a balance between deregulation and the protection of public interests, as well as to ensure that the legislative process remains transparent and accountable.

In the United States, the omnibus method is a common legislative approach that combines various policies or changes into a single, large law. It has become an important tool for the government to pass a significant number of regulations or budgets in a short period of time. The Consolidated Appropriations Act, a well-known example of the omnibus method in the United States, frequently consolidates the federal government's annual budget. The omnibus method in the United States addresses legislative complexities, particularly in the approval of the federal budget. Every year, the U.S. Congress must pass budget legislation to ensure funding for

⁴³ Fauzia et al., "Implementation of the Omnibus Law Concept and Consolidated Texts: Amalgamation of the Common Law and Civil Law Legal Systems."

⁴⁴ Krutz, "Getting around Gridlock: The Effect of Omnibus Utilization on Legislative Productivity."

various government programs. In many cases, to avoid a government shutdown or to expedite the legislative process, Congress combines various unresolved budget bills into one large package, known as an omnibus bill. The Consolidated Appropriations Act typically includes funding for a wide range of federal departments and programs and often contains policies that are not directly related to the budget but are deemed important by legislators⁴⁵. This method allows Congress to overcome tight budget deadlines and avoid potential political turmoil. One important example of the omnibus method in the U.S. is the Consolidated Appropriations Act of 2005. This law combines more than 300 regulations into a single legislative document that covers various issues, including health policy, education, national security, and military funding.

The Consolidated Appropriations Act of 2005 encompasses three key elements: it provides funding for various federal programs for one fiscal year, including budgets for the Department of Defence, Health and Human Services, Education, and international aid programs; it incorporates additional policies inserted by legislators, such as changes to immigration laws, tax rule revisions, and provisions affecting environmental regulations; and it reflects political compromise, as the omnibus method allows legislators from different parties or regions to include their priorities in the package, facilitating a broader consensus.

The omnibus method in the United States has proven effective in uniting various policies and passing budgets quickly, especially in situations where there is pressure to avoid a government shutdown. However, its implementation often involves controversial aspects, including a lack of transparency, as not all members of Congress or the public have time to read each provision of this massive and complex legislation, raising concerns that controversial provisions or those benefiting certain groups may be inserted without adequate debate⁴⁶. Additionally, omnibus laws are often lengthy and complicated, making it difficult for members of Congress to fully understand the implications of all the policies contained within them, leading to potential confusion and errors in implementation at the bureaucratic level. Furthermore, there is a chance for legislators to insert unrelated policies, known as "riders," into omnibus laws to pursue special interests, which can be seen as an abuse of the process.

⁴⁵ Krutz, "Tactical Maneuvering on Omnibus Bills in Congress."

⁴⁶ Krutz.

The application of the omnibus method in the United States, particularly through the Consolidated Appropriations Act, is an important tool in the legislative process that allows for the passage of complex and extensive laws in a short period of time⁴⁷. Although this method can help prevent political deadlock and ensure that the government continues to function, the use of omnibus methods also brings significant challenges in terms of transparency, accountability, and the risk of abuse⁴⁸. Therefore, we must exercise caution when applying the omnibus method, even though it can be effective in certain situations, to maintain fairness and transparency in the legislative process for both the public and legislators⁴⁹.

3.3. Challenges of Implementing the Omnibus Method in Indonesia

The Omnibus Law's implementation in Indonesia faces several challenges. Firstly, the complexity and potential increase in the number of new regulations pose difficulties in understanding and executing the law, possibly leading to legal uncertainty⁵⁰. Secondly, the undemocratic nature of the law, particularly in limiting public participation, raises concerns about democratic principles not being fully upheld⁵¹. Additionally, conflicts and problems have arisen during the implementation process, highlighting the need for smoother execution and resolution of issues to ensure legal certainty and effectiveness in achieving the law's objectives, such as reducing unemployment rates and improving the economy⁵². Furthermore, the negative impact on vulnerable groups, especially women workers, due to reduced rights and job security, emphasises the importance of protecting workers' interests in future regulations⁵³. Overall, these challenges underscore the necessity of refining the Omnibus Law to align with democratic values, ensure legal certainty, and safeguard the rights of all workers in Indonesia.

⁴⁷ Glen S. Krutz, *Hitching a Ride: Omnibus Legislating in the U.S. Congress* (Ohio: Ohio State University Press, 2001).

⁴⁸ Seito Hayasaki, "The Unlikely Heroes of Progressive Taxation: CEOs' Support for Bill Clinton's Tax Increase Package in 1993," *Journal of Policy History* 35, no. 2 (2023): 219 – 253, <https://doi.org/10.1017/S089803062200032X>.

⁴⁹ Krutz, *Hitching a Ride: Omnibus Legislating in the U.S. Congress*.

⁵⁰ Firdaus, "Metode Omnibus Law Dalam Pembaharuan Hukum Pembentukan Peraturan Perundang-Undangan Di Indonesia (Studi Perbandingan Negara Kanada, Amerika Serikat, Filipina Dan Vietnam)."

⁵¹ Sriayu Aritha Panggabean and Amaludin Sikumbang, "Undang-Undang Cipta Kerja Dan Dampaknya Terhadap Ekonomi Mikro," *Jesya* 6, no. 2 (June 2023): 2289–2300, <https://doi.org/10.36778/jesya.v6i2.1242>.

⁵² Hamid Supardi, Setyoko. Paulus, Israwan, and Kurniasih. Denok, "The Role Of Omnibus Law Implementation On The Women Workers Protection: An Descriptive Analysis Of Labor Law In Indonesia," *Russian Law Journal* 11, no. 2 (March 2023), <https://doi.org/10.52783/rj.v11i2.668>.

⁵³ Putra et al., "Democratic Omnibus Law in Indonesia."

Implementing the omnibus method in Indonesia is not without its challenges. The country's complex regulatory landscape, with multiple laws, regulations, and decrees issued by various government agencies, makes it difficult to consolidate regulations into a single framework⁵⁴. Additionally, the lack of regulatory coordination, limited institutional capacity, and resistance to change from stakeholders can hinder the implementation process. Implementing the omnibus method in Indonesia necessitates a comprehensive approach to address its challenges⁵⁵. To overcome these challenges, it is essential to establish a clear regulatory reform agenda, strengthen regulatory coordination, and build institutional capacity. Defining clear objectives and priorities for regulatory reform, establishing a regulatory coordination body, and providing training and capacity-building programs for regulatory agencies can achieve this⁵⁶.

Furthermore, Indonesia may not have the extensive public participation and consultation that the omnibus method requires. It must take measures to prevent the country's history of corruption and regulatory capture, which poses a risk to the implementation of the omnibus method⁵⁷. Moreover, the limited digital infrastructure, lack of clear objectives and priorities, and limited international cooperation can also impede the implementation process⁵⁸.

To overcome these challenges, careful planning, coordination, and execution are essential. It is crucial to address these challenges proactively to ensure that the omnibus method is successful in simplifying and streamlining the regulatory landscape in Indonesia⁵⁹. In doing so, Indonesia can create a more business-friendly environment, promote economic growth, and improve the overall quality of life for its citizens.

⁵⁴ Kaharudin, Wibowo, and Ilwan, "Structuring Legislation Through Omnibus Law: Opportunities And Challenges In The Indonesian Legal System."

⁵⁵ Alsyam Alsyam and Yunita Syofyan, "Model Omnibus Law Dalam Penyusunan Peraturan Perundang-Undangan Yang Berlaku Di Indonesia," *UNES Law Review* 5, no. 3 (March 2023): 835–46, <https://doi.org/10.31933/unesrev.v5i3.423>.

⁵⁶ Miran Miran et al., "Omnibus Law Perspektif Hukum Dan Politik," *Jurnal Indonesia Sosial Sains* 3, no. 08 (August 2022): 1179–85, <https://doi.org/10.36418/jiss.v3i8.666>.

⁵⁷ Vivi Oktaviani Pulkadang, Novendri M Nggilu, and Fence M Wantu, "Regulatory Arrangement In The Welfare Sector Using The Omnibus Law Method," in *AIP Conference Proceedings*, ed. Arifin R. et al., vol. 2573 (American Institute of Physics Inc., 2022), 040014, <https://doi.org/10.1063/5.0110473>.

⁵⁸ Kaharudin, Wibowo, and Ilwan, "Structuring Legislation Through Omnibus Law: Opportunities And Challenges In The Indonesian Legal System."

⁵⁹ I Made Pria Dharsana, Indrasari Kresnadjaja, and I Gusti Agung Jordika Pramanditya Pramanditya, "The Legal Consequences of the Government's Policy of Attracting Foreign Investors Based on the Omnibus Law," *Journal of International Legal Communication* 6 (September 2022): 42–51, <https://doi.org/10.32612/uw.27201643.2022.6.pp.42-51>.

The omnibus method offers a promising solution to the problem of overregulation in Indonesia. However, its implementation necessitates careful planning, coordination, and execution to overcome the challenges that come with it. By establishing a clear regulatory reform agenda, strengthening regulatory coordination, building institutional capacity, and fostering public participation, Indonesia can create a more streamlined and efficient regulatory framework that promotes economic growth, innovation, and competitiveness⁶⁰.

The strategies outlined in this report can help Indonesia overcome the challenges of implementing the omnibus method and create a more conducive business environment. It is essential to adopt a comprehensive and inclusive approach to regulatory reform, involving all stakeholders and leveraging technology and international cooperation⁶¹.

Ultimately, the success of the omnibus method in Indonesia will depend on the government's commitment to regulatory reform, the engagement of stakeholders, and the ability to adapt to changing circumstances⁶². By working together, Indonesia can create a more efficient and effective regulatory framework that supports economic growth, innovation, and prosperity for all⁶³. By adopting these strategies, Indonesia can overcome the challenges of implementing the omnibus method, create a more business-friendly environment, promote economic growth, and improve its citizens' overall quality of life. It is essential to foster a culture of regulatory reform within government agencies and among stakeholders, encourage a mindset shift towards a more streamlined and efficient regulatory framework, and recognise and reward innovation and excellence in regulatory reform.

Additionally, encouraging public participation, preventing regulatory capture and corruption, and leveraging digital infrastructure are crucial to the success of the omnibus method. Establishing a transparent and inclusive public consultation process, implementing transparency and accountability mechanisms, and developing a comprehensive digital

⁶⁰ Kaharudin, Wibowo, and Ilwan, "Structuring Legislation Through Omnibus Law: Opportunities And Challenges In The Indonesian Legal System."

⁶¹ Sulistina et al., "The Pathway of Adopting Omnibus Law in Indonesia's Legislation: Challenges and Opportunities in Legal Reform."

⁶² Firdaus, "Metode Omnibus Law Dalam Pembaharuan Hukum Pembentukan Peraturan Perundang-Undangan Di Indonesia (Studi Perbandingan Negara Kanada, Amerika Serikat, Filipina Dan Vietnam)."

⁶³ Wright, "Omnibus Legislation and Separation of Powers: Too Big to Fail?"

infrastructure to support the omnibus method can achieve this⁶⁴. Furthermore, fostering international cooperation, ensuring political and economic stability, and monitoring and evaluating progress are all critical to overcoming the challenges of implementing the omnibus method.

4. Closing

4.1. Conclusions

Based on the discussion regarding the omnibus method as a solution to over-regulation, it can be concluded that this approach offers significant potential to simplify and clarify the regulatory framework in Indonesia. By consolidating various regulations into a comprehensive legal framework, this method can reduce regulatory burdens, enhance compliance, and facilitate innovation and economic growth. Examples of success from countries such as Canada, Australia, and the United States demonstrate that the implementation of this method can yield significant benefits, such as efficiency in regulatory processes and a reduction in compliance costs. However, the challenges faced by Indonesia in implementing this method are quite complex. Issues such as a convoluted regulatory landscape, weak inter-agency coordination, and resistance to change must be addressed comprehensively. Furthermore, it is essential to ensure broader public participation and to avoid risks of corruption and opaque decision-making.

4.2. Suggestions

Based on the findings and analysis of this research, the following recommendations can be made to enhance the effectiveness of enforcing regulations against hoax reporting by journalists:

1. For the Government: Proactive measures are needed to improve inter-agency coordination and enhance transparency in the decision-making process. The government should also engage the public at every stage of drafting new regulations to ensure that public voices are taken into account.
2. For the Community: The community needs to raise awareness and participate in the regulatory process. By actively engaging, the public can provide constructive feedback and strengthen the principles of democracy in decision-making.

⁶⁴ Zainal Arifin Mochtar and Idul Rishan, "Autocratic Legalism: The Making of Indonesian Omnibus Law," *Yustisia Jurnal Hukum* 11, no. 1 (April 2022): 29, <https://doi.org/10.20961/yustisia.v11i1.59296>.

3. For Companies: Companies are expected to provide feedback regarding existing regulations and participate in dialogues with the government to create a better business environment. Additionally, a good understanding of new regulations should be developed to minimize confusion and uncertainty.

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