



## Urgency and Mechanism of Structuring Regional Regulations with the Omnibus Law Method

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### **Abstrak**

*Penataan peraturan daerah menjadi perlu seiring dengan semakin banyaknya terungkapnya berbagai permasalahan peraturan di daerah, baik yang menyangkut jumlah maupun materi muatan. Dalam upaya mendorong penataan peraturan di daerah, pasal ini mengusulkan penggunaan metode omnibus law dalam pembentukan peraturan daerah melalui pembahasan urgensi dan mekanisme penggunaan omnibus law dalam pembentukan peraturan daerah. Omnibus law sendiri merupakan suatu cara atau teknik dalam pembentukan peraturan perundang-undangan dengan menetapkan peraturan untuk mengubah, mencabut, atau mengesahkan beberapa peraturan sekaligus. Metode ini layak dipertimbangkan untuk digunakan dalam penataan peraturan penggunaan daerah mengatasi banyaknya peraturan daerah dan beberapa di antaranya bermasalah secara substansi. Di tingkat peraturan daerah, cara ini juga urgen untuk merespon UU Cipta Kerja yang sebelumnya dibentuk dengan metode omnibus law, mengingat UU ini dan peraturan pelaksanaannya memerlukan penyempurnaan peraturan daerah agar sinkron dan harmonis. Mekanisme yang dapat ditempuh adalah inventarisasi dan analisis terhadap beberapa peraturan daerah yang muatannya sama atau serumpun untuk kemudian dibentuk dan disusun menjadi satu peraturan daerah. Berbagai peraturan daerah yang muatan muatannya telah digabungkan harus dinyatakan dicabut dan tidak berlaku lagi, agar lebih mudah digunakan dibandingkan hanya melakukan perubahan atau mencabut beberapa pasal dan menyisipkan beberapa pasal baru sebagaimana yang dilakukan dalam UU Cipta Kerja.*

**Kata kunci:** penataan; peraturan daerah; hukum serba guna

### **Abstrac**

Structuring regional regulations become necessary as more and more the disclosure of various regulatory problems in the region, both regarding with the amount and material of the load. In an effort to encourage structuring regulations in the regions, this article proposes the use of the omnibus method law in the formation of regional regulations through discussion of urgency and mechanisms the use of omnibus law in the formation of regional regulations. The omnibus law itself is a method or technique in the formation of legislation by establishing a rule to change, revoke, or pass several regulations at once. Method This is worthy of consideration for use in structuring local use regulations overcoming the large number of regional regulations and some of them are problematic in substance. At the local regulatory level, this method is also urgent in order to respond to the Employment Creation Act, which was previously established using the omnibus law method, considering this Law and its implementing regulations require improvements to the regional regulations so that synchronous and harmonious. The mechanism that can be taken is an inventory and analysis of several regional regulations with similar or cognate content to be later formed and compiled into one regional regulation. Various regional regulations whose cargo materials have

been combined must be declared revoked and not applies again, in order to make it easier to use compared to just make changes or revoke some articles and insert several new articles as carried out in the Job Creation Law.

**Keywords:** structuring; regional regulation; omnibus law

## Introduction

This article discusses and offers the arrangement of Regional Regulations by using the *omnibus law method*. Method use omnibus law in structuring regional regulations or regional regulations does not only intended to follow the pattern of regulatory structuring at the national level center at the level of recently introduced legislation and start to be applied, but also required to complete variety of problems in the formation of the regional regulation itself, mainly with respect to increasing quantities and charge materials inconsistent and harmonious. In this paper, the discussion will focus on two things: the urgency of the omnibus law method in regulation of regulations and the mechanism for their user. As is known, omnibus law is becoming more and more crowded been discussed since Joko Widodo delivered it in a speech after his inauguration as President on October 20, 2019. President Joko Widodo emphasized that an omnibus law is needed to overcome regulatory constraints, especially those that hinder field creation work and development of SMEs. With the omnibus law, some even dozens of laws that are considered problematic revised at once.<sup>1</sup>

Since the speech was delivered, there have been two the laws so far that were formed using the omnibus law method, namely Law Number 11 Years 2020 concerning Job Creation (Job Creation Law) and the Act Number 7 of 2021 concerning Harmonization of Tax Regulations. The presence of a law formed based on the omnibus law. This, especially the Job Creation Law, of course, requires a strong response prompt and appropriate response from the local government, including responses in the form of: arrangement and formation of regulations under its authority, namely regional regulations or regional regulations. Arrangement and formation of regulations at the regional level, in this is through a regional regulation, it becomes urgent to do this along more and more problematic regional regulations are revealed. In 2016, the Ministry Domestic canceled 3,143 regulations, 1,765 of them are regional regulations and regional head regulations (PPerkada) which revoked or revised by the Minister of Home Affairs, and 1,267 regional regulations/Perkada regencies/municipalities revoked or revised by the Governor.<sup>2</sup>

Thousands of regional regulations are considered problematic because it inhibits growth, regional economies, extending bureaucratic paths, impeding the process permits, hinders the ease of doing business, and contradicts higher laws and regulations.<sup>3</sup> Findings other problematic regional regulations are disclosed by the Implementation Monitoring Committee Regional Autonomy (KPPOD) based on its study in 2019 on regional regulations related to the economy and investment in business activities in six regions (DKI Jakarta Province, Depok City, Bogor City, Bekasi Regency, Kulonprogo Regency, and Sidoarjo Regency). Of the 1,109

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<sup>1</sup> World Health Organization. et al., "Naskah Lengkap Pidato Presiden Joko Widodo Dalam Pelantikan Periode 2019-2024," Osteoarthritis and Cartilage, 2020.

<sup>2</sup> Kementerian Dalam Negeri Republik Indonesia, "Kemendagri Resmi Umumkan 3.143 Perda Yang Dibatalkan," *Sekretariat Kabinet Republik Indonesia*, 2016.

<sup>3</sup> Indonesia.

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regional regulations, KPPOD found 347 problematic regulations, 67 percent of them are related to taxes and levies and 18 percent related to licensing.<sup>4</sup>

Jambi Province, which is an example of a study in this article, is also not an exception to the area where the regional regulation is found problematic. In 2016, the Ministry of Home Affairs revealed, there are 42 regional regulations that have been canceled by the Central Government, both regional regulations Province and Regency/City of Jambi.<sup>5</sup> Basically, a statutory regulation, including regional regulations, is considered problematic if they are found in the arrangement things in the form of conflict, multiple interpretations, inconsistent, and not operational. A regulation is declared to have a conflict if there is an article or provisions that clearly contradict the regulations others, both higher and equivalent regulations. A rule is stated to have multiple interpretations if there is ambiguity on subjects and objects that are arranged so as to make it difficult understand the language formulation and systematic writing. Something regulations are declared inconsistent if there are provisions or inconsistent arrangements in one legislation and their derivatives. A regulation is declared non-operational if the regulation does not have effectiveness, however the regulations are still valid or do not have regulations executor.<sup>6</sup>

In an effort to overcome problematic regulations, the omnibus method law becomes interesting to adapt its use. Amount too many regulations and not harmonious, as revealed in problematic regional regulations, it needs to be simplified by looking for steps to solve it. Simplification or simplification of these regulations can be done by using an omnibus law method. Omnibus law is the right choice in an effort to simplify this considering the discussion which is multi-sectoral and incorporates many regulations, so that can encourage efficiency and harmonization of laws.<sup>7</sup> Setup regional regulations with the omnibus law method will simplify governance and development, especially in scope of public services relating to requirements, authority, mechanism, timeframe, cost, supervision and penalty. The use of this technique will produce quality regulations and streamline the application of regulations.<sup>8</sup>

### **Research Method**

In this article, we discuss the arrangement of regional regulations using the method omnibus law begins with a description of the urgency of its use in Indonesia. In addition to too many regulatory problems and tend to not harmonize, this urgency is also related to needs, taking fast and appropriate steps by the government regions in response to the Job Creation Law. Discussion section the next relates to the mechanism of using the method omnibus law in structuring regional regulations. The mechanisms discussed here include technical

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<sup>4</sup> H. Saripudin, "KAJIAN TERHADAP PERDA BERMASALAH DARI SUDUT PANDANG HAM," *Yuriska : Jurnal Ilmiah Hukum* 2, no. 2 (2020), <https://doi.org/10.24903/yrs.v2i2.105>.

<sup>5</sup> Novia Rahmawati, "LITERASI LEGISLASI ANGGOTA DPRD PROVINSI JAWA TIMUR PERIODE 2019-2024," *Journal of Civics and Moral Studies* 5, no. 1 (2020).

<sup>6</sup> Al Asrin Rahman, Muhammad Amir, and Adrian Tawai, "REFORMASI BIROKRASI MELALUI PENATAAN KELEMBAGAAN PADA SEKRETARIAT DAERAH KOTA KENDARI," *Publica : Jurnal Administrasi Pembangunan Dan Kebijakan Publik* 12, no. 1 (2021), <https://doi.org/10.33772/publica.v12i1.14498>.

<sup>7</sup> Wicipto Setiadi, "SIMPLIFIKASI REGULASI DENGAN MENGGUNAKAN METODE PENDEKATAN OMNIBUS LAW," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 9, no. 1 (2020), <https://doi.org/10.33331/rechtsvinding.v9i1.408>.

<sup>8</sup> Setiadi.

mechanisms, as well as substantive mechanisms or cargo material. Evaluation and selection of existing regional regulations in Jambi Province will be used as material in the review and offers a mechanism for adapting the omnibus law method in legislation.

## Result and Discussion

### Urgency of Structuring Regional Regulations Using the Omnibus Law Method

Conceptually, the term *omnibus* comes from *omni* (Latin) and *bus* (English). This word was originally used in French in 1828 for the definition of a long vehicle towed by horses that carry people along the main streets of Paris. The term omnibus was then used also in the United States and Canada, but in the sense of “for all” or “covering all”, namely a new law that was formed to accommodate and regulate material provisions derived from several laws at a time.<sup>9</sup> From these words and understanding, the term *omnibus is recognized laws and omnibus bills*. The omnibus bill is a design omnibus law, which if later mutually agreed and ratified changed to omnibus law. After approval and ratification, which means it has become law, designation the omnibus law itself becomes unimportant and necessary, because status has become law as the law in general. This shows that the omnibus law actually just a *method* or *technique* in forming the law, in this case the method or technique to do the formation or amendment of several laws at once existing and in effect before.<sup>10</sup>

As a method or technique, omnibus law looks very pragmatic. Because, he will change, revoke, or pass several laws in one law.<sup>11</sup> As illustrated at the beginning of its use, the omnibus law is indeed associated with the need to make changes to several existing laws at once. Omnibus law too to look very pragmatic because it will be relatively easy achievement of certain goals of a development that planned. In relation to investment, for example, the existence of omnibus law will accelerate the obstacles of the rules that so far it is often seen as overlapping, so that certainty trying to be more guaranteed, especially to investors who will invest in Indonesia.<sup>12</sup>

However, because the concept of omnibus law comes from *a common law legal tradition* that has a strong relationship with the legal system, liberal parliamentary law, then attempts to adopt or adapting it to Indonesia requires adjustments and modification. According to Mirza Satria Buana, in the Indonesian context, omnibus law is more appropriate to be adopted and applied at the regulatory level president, while the law is more appropriate to use *consolidation law*. Because, different from the omnibus law, consolidation the law collects legal norms that have a subject and acts as a mouthpiece for clarification of the legislature and the government

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<sup>9</sup> Zsazya, “Omnibus Law Dan Rencana Penerapannya Di Indonesia,” <https://www.online-pajak.com/>, 2020.

<sup>10</sup> Novianto Murti Hantoro, “Konsep Omnibus Law Dan Tantangan Penerapannya Di Indonesia,” *Parliamentary Review* 2, no. 1 (2020).

<sup>11</sup> Louis Massicotte, “Omnibus Bills in Theory and Practice,” *Canadian Parliamentary Review* 36, no. 1 (2013): 13–17.

<sup>12</sup> Ima Mayasari, “Menggagas Omnibus Law,” 2020.

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against the obscurity of norms in the law. Therefore, the consolidation law is not *regeling in nature*, but only to clarify and interpret the norms law.<sup>13</sup>

In relation to this omnibus law and consolidation law, the law that becomes a consolidation law will serve as an "umbrella" for the implementation of presidential regulations that are omnibus.<sup>14</sup> However, with the use of the omnibus method, law in the formation of a law, as Job Creation and the Law on the Harmonization of Tax Regulations, then attempts to follow this method or technique in the form of Other regulations also need to be considered, including regional regulations. Efforts to also use this method in regional regulations are not taken into account, consider it as an offer that merely follows along, but considers various problems in the recent regional regulations increasingly revealed. The offer to adopt the omnibus law in Perda also does not mean ignoring various criticisms in its use of the Job Creation Law.<sup>15</sup>

The various criticisms actually become part of the offer regarding the mechanism that also needs to be addressed when the omnibus law method is used. As mentioned at the beginning of this paper, the problem the main thing with regard to the current regulation is the amount that gets out of control. In early November 2021, the official website government that collects laws and regulations in Indonesia, <https://peraturan.go.id/>, there are 40,873 per regulations in Indonesia. Of these, 3,827 are per central regulation (1,702 of which are statutes), 16,593 regulations ministerial regulations, 4,471 LPNK regulations, and 15,982 regional regulations. This number is of course very large. President Joko Widodo in one occasion in 2017 even questioned the number of regulations the big one, "Try it, don't you get dizzy?" As a result of these regulations, then the Indonesian nation called the President cannot move fast following the changing times, "just about to run, reminded of the law, I just want to run, I'm reminded by the Presidential Regulation, and when to run."<sup>16</sup>

In an effort to simplify and reduce the number of regulations, the omnibus law method or technique is the choice right. The reason is, as discussed earlier, the omnibus law will establish, modify, revoke, or authorize some laws in one law. A number of regulations that large, even called obesity, will inhibit accelerated development and improvement of public services, due to bureaucracy become long, inharmonious regulation, out of sync, and overlap each other.<sup>17</sup> At the regional regulatory level, because the number is much larger which of course is due anyway by the number of provinces, districts and cities, the simplification has also become very important, including through the omnibus method law. Efforts to adopt the intended omnibus law method to speed up government movements, eliminate various barriers, and simplifying regulations, is also not meaningless the law will just follow or even justify every move of the government. After all, within a country law, then the various movements of anyone in an area the state, including the government, must get signs and legal legitimacy, in

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<sup>13</sup> Mirza Buana Satria, "Menakar Konsep Omnibus Law Dan Consolidation Law Untuk Harmonisasi Peraturan Perundang-Undangan Indonesia: Pendekatan Perbandingan Hukum Tata Negara," *Strategi Perampingan Dan Harmonisasi Regulasi Pusat Dan Daerah*, (Badan Pengkajian MPR RI 2017), n.d., 347–66.

<sup>14</sup> Satria.

<sup>15</sup> Bayu Dwi Anggono and Fahmi Ramadhan Firdaus, "Omnibus Law in Indonesia: A Comparison to the United States and Ireland," *Lentera Hukum* 7, no. 3 (2020), <https://doi.org/10.19184/ejlh.v7i3.19895>.

<sup>16</sup> Satria, "Menakar Konsep Omnibus Law Dan Consolidation Law Untuk Harmonisasi Peraturan Perundang-Undangan Indonesia: Pendekatan Perbandingan Hukum Tata Negara."

<sup>17</sup> Bayu Dwi Anggono, *Pokok-Pokok Pemikiran Penataan Peraturan Perundang-Undangan Di Indonesia*, 2021.

order to avoid arbitrariness and abuse of power. The law in this case, as Mochtar Kusuma Atmadja reminded, must play a directing role change and develop so that it takes place regularly and orderly,<sup>18</sup> but don't even hinder various updates and the development.

In addition to answering problems in regional regulations, the use of The omnibus law method in structuring regional regulations is also urgently carry out government affairs in order to realize welfare of the people. Issuance and enactment of the Job Creation Law are an opportunity for regions, both provinces and districts/cities, to carry out the widest possible autonomy and strive create people's welfare.<sup>19</sup> Especially in February 2021 simultaneously, 45 government regulations and four presidential regulations as implementing regulations for the Job Creation Law. That number may still increase considering the Job Creation Law mandated more than 450 provisions to be further regulated in the delegation rules. 18 Against the 45 implementing regulations the most urgent to be addressed by the regions, namely PP No. 5 years 2021 concerning Implementation of Risk-Based Business Licensing (PPBBR), PP No. 6 of 2021 Implementation of Business Licensing in the Region (PPBD), PP No. 7 of 2021 concerning Ease, Protection, and Empowerment of Cooperatives and Micro, Small, and Medium Enterprises and Medium,<sup>20</sup> PP No. 10 of 2021 concerning Regional Taxes and Regional levies in order to support the ease of doing business and Regional Services, and PP No. 16 of 2021 concerning Regulations Implementation of Law No. 28 of 2002 concerning Building.<sup>21</sup>

All of these implementing regulations require improvement of friendly regional regulations, especially with the aim of forming Job Creation Law. In addition to implementing the Job Creation Law, local governments also need to arrange regional regulations in order to synchronize and harmonization of various regional regulations with the Job Creation Law and PP implementation. Letter of the Minister of Home Affairs Number 188/1518/ OTDA dated March 19, 2021 regarding Identification of Perda and Perkada Follow-up to the Job Creation Law addressed to the governor and the chairman of the provincial DPRD, the regent/mayor and the chairman of the regency/city, set first, identify the regional regulations and regional regulations whose content is related to the law Job Creation. Second, make changes, revocation or form new regulations in accordance with the Job Creation Law. Third, stipulating the planning of a regional regulation outside the program of formation, regional regulations (Propemperda) with DPRD decisions and carry out additional planning for regional head regulations that determined by decision of the regional head.<sup>22</sup>

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<sup>18</sup> M. Zulfa Aulia, "Hukum Pembangunan Dari Mochtar Kusuma-Atmadja: Mengarahkan Pembangunan Atau Mengabdikan Pada Pembangunan?," *Undang: Jurnal Hukum* 1, no. 2 (2019), <https://doi.org/10.22437/ujh.1.2.363-392>.

<sup>19</sup> Qomaria Anum, "Society Welfare Post Analysis of Regional Expansion," *International Journal on Social Science, Economics and Art* 10, no. 4 (2021): 217–26.

<sup>20</sup> Kemsetneg RI, "Peraturan Presiden Nomor 10 Tahun 2021 Tentang Bidang Usaha Penanaman Modal," *Perpres. Peraturan Presiden Republik Indonesia. Kementerian Sekretariat Negara Republik Indonesia*, no. 086430 (2021).

<sup>21</sup> Peraturan Pemerintah RI, "Peraturan Pemerintah Nomor 16 Tahun 2021 Tentang Peraturan Pelaksanaan Undang-Undang Nomor 28 Tahun 2002 Tentang Bangunan Gedung," Peraturan Pemerintah § (2021).

<sup>22</sup> Agus Suntoro, "Implementasi Pencapaian Secara Progresif Dalam Omnibus Law Cipta Kerja," *Jurnal HAM* 12, no. 1 (2021), <https://doi.org/10.30641/ham.2021.12.1-18>.

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This opportunity can be a momentum in the region to structuring regional legal products by implementing regional regulatory association system and institutions through the omnibus law method, so that regional regulations can become instruments realize the welfare of the people in the region. Use of this method in the form of regional regulations can be applied for several reasons. First, omnibus law is a method of establishing regulation. Therefore, this technique can be used against all kinds of regulations in Indonesia, because the omnibus law is not prohibited things. 19 Second, at the time of the establishment of the Job Creation Law, actually what is being opposed is not the omnibus law, but the substance The Job Creation Law and the procedures for its formation are considered ignoring public participation.<sup>23</sup>

Third, the error of using the term in Indonesia so far, that omnibus law is considered a law, so that it must be rejected, even though what is meant is the Job Creation Law because it is detrimental, especially for workers. Fourth, this method in the formation of laws and regulations in Indonesia actually been done. By adapting the omnibus law method of structuring regional regulations, is expected to be able to resolve regional conflicts both vertically and horizontally quickly, effectively and efficiently. Usage In structuring regional regulations, it is expected to be able to reform the chain convoluted bureaucracy, improve coordination between agencies related because it has been regulated in an integrated manner, as well as guarantees legal certainty and legal protection based on product quality local legislation.<sup>24</sup>

If in practice found the problem of formation that is too pragmatic and less democracy, limiting the space for public participation, and reducing thoroughness and prudence, 21 then things like this in the future must be anticipated through more formation mechanisms open and participatory.

### **Mechanisms for Structuring Regional Regulations Using Methods Omnibus Law**

Problems with the formation of regional regulations, especially since the reforms have been struggling with some things. First, the study of making mic academy scripts. This process is very important, because the scope of the study includes the background and the purpose of the preparation, the goals to be realized, range and direction setting. In the practice of forming regional regulations, the form of academic manuscripts is very limited even only done by internal team. In some cases too, it was found that the formation of a regional regulation only replaced it from another region (*copy paste*). Second, the lack of community participation or other parties interested. Community participation in the formation of Perda is very important, because it is related to the enactment of a regulation which will result in rights and obligations. Participation The community in the formation of regional policies is very important, but it is rarely done or even completely absent.<sup>25</sup>

Learning from the formation of the Job Creation Law, very participation minimal at the time of its preparation will have an impact on the wave rejection. In fact, the drafting of

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<sup>23</sup> Antoni Putra, "Penerapan Omnibus Law Dalam Upaya Reformasi Regulasi," *Jurnal Legislasi Indonesia* 17, no. 1 (March 31, 2020): 1, <https://doi.org/10.54629/jli.v17i1.602>.

<sup>24</sup> Diya UI Akmal, "PENATAAN PERATURAN PERUNDANG-UNDANGAN SEBAGAI UPAYA PENGUATAN SISTEM HUKUM DI INDONESIA," *Jurnal Legislasi Indonesia* 18, no. 3 (2021), <https://doi.org/10.54629/jli.v18i3.761>.

<sup>25</sup> Fauzi Syam, "Partisipasi Publik Dalam Proses Pembuatan Kebijakan Daerah Di Provinsi Jambi," 2017.

legislation concerning the livelihood of many people, such as the Job Creation Law, needs to be done with a careful and participatory process. The nature of legislation not only what the legislators want, but what the public wants.<sup>26</sup> Third, lack of socialization regulations that have been enacted, so that many people even local government officials themselves who do not know or understand it.

The variety of problems shows how important it is preparation for the formation of a regional regulation before the formulation is carried out in the articles and continued in the official discussion in the DPRD, and therefore *the mechanism or procedure* becomes important to get more attention. In structuring regional regulations using the omnibus law technique can be carried out in several stages urgent.<sup>27</sup> First, the local government forms a drafting team regional regulation. Second, the drafting team carried out an inventory to all applicable regional regulations. Third, results the inventory is then studied in depth by the drafting team. Fourth, the regional head based on the results of the study by the drafting team submits a list of regional regulations, which are then submitted in the program for the formation of regional regulations (Propemperda) to DPRD. In the event that the Raperda is drafted by the DPRD, it is coordinated with the regional regulatory agency (Bapemperda). The initial stage in the framework of structuring a regional regulation is the formation of a legislative drafting team. Team building initiatives sun turtles should be carried out by a provincial or departmental law firm district and city laws.<sup>28</sup>

The drafting team consists of elements local government, especially those who are experts in legislation, legal academics who are experienced in drafting regional regulations and language experts, especially legal language, elements of figures who understand the conditions of society. This team then determined by the governor, regent or mayor to implement the task of structuring regional regulations using the omnibus law method. Team too tasked with exploring community needs for material that will be included in the regional regulation. This kind of team may be called the working group for the arrangement of regional regulations (Pokja structuring regional regulations). The next stage, the drafting team conducts an inventory and analysis of all existing regulations. Results Inventory is expected to be the starting material for structuring regional regulations, especially the material to be regulated. Inventory results and the analysis are then grouped into two regional regulations, certain clumps based on government affairs that become the authority of the region, namely the field clumps or clumps of institutional.<sup>29</sup>

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<sup>26</sup> Sigit Riyanto et al., "RINGKASAN EKSEKUTIF KERTAS KEBIJAKAN CATATAN KRITIS TERHADAP UU NO. 11 TAHUN 2020 TENTANG CIPTA KERJA (Pengesahan DPR 5 Oktober 2020)," *Fakultas Hukum Universitas Gadjah Mada*, 2020.

<sup>27</sup> Imam Sujono, "URGENCY OF RECHTSVINDING AND JURISPRUDENCE IN THE CONSTITUTIONAL COURT AUTHORITY: URGENSI PENEMUAN HUKUM DAN YURISPRUDENSI DALAM KEWENANGAN MAHKAMAH KONSTITUSI," *Constitutional Law Society* 1, no. 2 (2022): 161–78.

<sup>28</sup> Hendra Wahanu Prabandani, "Rekonstruksi Mekanisme Perencanaan Pembentukan Peraturan Pemerintah Dan Peraturan Presiden Di Indonesia," *Undang: Jurnal Hukum* 1, no. 1 (2018), <https://doi.org/10.22437/ujh.1.1.85-108>.

<sup>29</sup> Helmi Helmi, Fitria Fitria, and Retno Kusniati, "PENGUNAAN OMNIBUS LAW DALAM REFORMASI REGULASI BIDANG LINGKUNGAN HIDUP DI INDONESIA," *Masalah-Masalah Hukum* 50, no. 1 (2021), <https://doi.org/10.14710/mmh.50.1.2021.24-35>.

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The grouping of these fields, for example, includes the environment life, health, education, local finance, taxes and levies regional economy, regional economy, licensing or public services, and regional staffing. While institutional associations can include regional heads and all regional apparatus, village administrations, indigenous peoples, and regionally owned enterprises. Clumps this is then analyzed into an academic manuscript draft regional regulations (Ranperda). The main reference in conducting grouping is business, government which is the authority of the region based on the attachments to the Law on Regional Government and the Law on Job Creation. In the grouping does not mean every government affair regional regulations are formed, but are adjusted to the needs and regional capabilities with associations. For example, inventory results and analysis in the health sector, there are sub-clusters about hospitals, health workers, health services which is currently regulated by a separate regional regulation, then in the context of the arrangement can be made into one regional regulation, namely the Regional Regulation of the System Regional Health. Likewise, institutional clusters, for example, regional apparatus organizations that are within the scope of the secretariat regions, regional offices, and regional technical institutions, which actually can be regulated in one regional regulation, namely the Regional Government. Law Number 12 of 2011 concerning the Establishment of Legislation regulates, a form of legislations regulation, including regional regulations, is the making of regulations which includes the stages of planning, preparation, discussion, ratification or determination, and promulgation.<sup>30</sup>

Making regional regulations are carried out, among others, based on the authority of the four, conformity with the regulated material, especially, can be checked hold higher rules or equivalent, must follow certain procedures, and the necessity does not conflict with higher regulations.<sup>31</sup> The first stage in the formation of a regional regulation is planning, preparation of regional regulations in the regional legislative program (Prolegda). Based on Article 10 of the Regulation of the Minister of Home Affairs Number 80 of 2015 concerning the Establishment of Regional Legal Products, the scope of activities for the planning of the draft regional regulation includes:

- a) preparation of programs for the formation of regional regulations (Propemperda);
- b) planning for the preparation of an open cumulative draft regional regulation; and
- c) planning for the preparation of draft regional regulations outside the regional regulations.

The Propemperda institution consists of: first, the Propemperda provinces, districts, cities whose preparation is coordinated by the head of the regional apparatus in charge of law based on assignment by governors, regents, mayors.<sup>32</sup> Team composition can be obtained involve related vertical agencies, such as vertical agencies from the ministry that carries out

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<sup>30</sup> Dermina Dalimunthe, "Proses Pembentukan Undang-Undang Menurut UU No. 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-Undangan," *Yurisprudencia: Ilmu-Ilmu Kesyarifan Dan Keperdataan* 3, no. 1 (2017).

<sup>31</sup> Muhammad Suharjono, "PEMBENTUKAN PERATURAN DAERAH YANG RESPONSIF DALAM Mendukung OTONOMI DAERAH," *Dih: Jurnal Ilmu Hukum* 10, no. 19 (2014), <https://doi.org/10.30996/dih.v10i19.281>.

<sup>32</sup> PERATURAN MENTERI DALAM NEGERI REPUBLIK INDONESIA NOMOR 120 TAHUN 2018 TENTANG PERUBAHAN ATAS PERATURAN MENTERI DALAM NEGERI NOMOR 80 TAHUN 2015 TENTANG PEMBENTUKAN PRODUK HUKUM DAERAH, "PERATURAN MENTERI DALAM NEGERI REPUBLIK INDONESIA NOMOR 120 TAHUN 2018 TENTANG PERUBAHAN ATAS PERATURAN MENTERI DALAM NEGERI NOMOR 80 TAHUN 2015 TENTANG PEMBENTUKAN PRODUK HUKUM DAERAH," 2021.

government affairs in in the field of law, related vertical agencies in accordance with the authority and the material of the load or requirement. Propemperda manuscript submitted by the head of the regional apparatus (coordinator) to the regional head through the regional secretary, then the regional head conveys to Bapemperda through the leadership of the DPRD.<sup>33</sup> Second, the DPRD Propemda whose preparation is coordinated by the provincial perda formation agency (Bapemperda), district, city. In this DPRD Propemperda, the Ranperda usually this is a DPRD initiative. Because it started with proposals from members of the DPRD which are then formulated to be included in the DPRD's Propemperda.<sup>34</sup> Third, the provincial, district patent, the city whose preparation is carried out together with the DPRD and the head of the area. This Propemda is stipulated for a period of one year based on the priority scale for the formation of a provincial, regional regulation draft carried out by the law firm in the province or legal department in districts and cities.<sup>35</sup>

The preparation and stipulation of the provincial Propemperda is carried out every year prior to the stipulation of the draft regional regulation concerning the provincial APBD which contains a list of the draft provincial regulations which is based on the order of the laws and regulations higher; regional development plans; maintenance regional autonomy and assistance tasks; and community aspirations area.<sup>36</sup>

As an official planning document in the formation, regional regulations, Propemperda between DPRD and local government this will be agreed to become a provincial, district or a regional Propemperda city and determined in the plenary session of the DPRD with a decision DPRD. In certain circumstances, the provincial DPRD or the governor can submit a draft regional regulation outside the regional regulation Propemperda because reason: dealing with extraordinary circumstances, conflict situations, or disasters natural;

- follow up on cooperation with other parties;
- resolve certain other circumstances that ensure the urgency of a draft regional regulations that can be mutually agreed by the equipment DPRD which specifically handles the field of forming regional regulations and units who handles the legal field in regional government;
- orders from the provisions of laws and regulations that are higher after the Propemperda was enacted.

Regarding the technical omnibus law in structuring regional regulations, drafting a regional regulation is the first step. If connected with an inventory of regulations that are still in effect, then the preparation of the regional regulation must be oriented to the principle omnibus law, namely synchronization and harmonization of all regional regulations, but with restrictions through field associations and institutional association.<sup>37</sup>

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<sup>33</sup> PERATURAN MENTERI DALAM NEGERI REPUBLIK INDONESIA and PENGELOLAAN ASET DESA, "MENTERI DALAM NEGERI REPUBLIK INDONESIA," *MODUL PERANCANGAN PERATURAN DAERAH PROVINSI*, 2018.

<sup>34</sup> INDONESIA and DESA.

<sup>35</sup> Imam Sujono, "A Power Of Attorney Legality For Indonesian Citizens From Overseas To Proceed In Indonesian Courts," *Jurnal Hukum Magnum Opus*, 2022.

<sup>36</sup> Imam Sujono, "Urgensi Penemuan Hukum Dan Penggunaan Yurisprudensi Dalam Kewenangan Mahkamah Konstitusi," *Jurnal Konstitusi* 18, no. 3 (February 15, 2022): 585, <https://doi.org/10.31078/jk1835>.

<sup>37</sup> Imam Sujono, "Legal Education about Marriage of Women without Divorce Certificate and Previously Unregistered Marriage," *International Journal of Law Society Services* 2, no. 2 (October 24, 2022): 48, <https://doi.org/10.26532/ijlss.v2i2.22410>.

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In the process of drafting this omnibus law Propemperda carried out more openly involving related parties, especially community representatives, and in-depth analysis to determine the priority of the regional regulation that will be formed. At this stage, it should conduct various open discussions to absorb public aspirations. Before being submitted and determined by the DPRD, the results of the preparation also exposed to the public, so that it does not just unite several regional regulations that were previously regulated in sub-clusters, however furthermore in order to produce quality regulations in the appropriate sense with community needs.<sup>38</sup>

The second stage is the preparation of a draft regional regulation (Ranperda), consists of the preparation of academic texts (NA) and regional regulations. For regional regulations originating from local governments, the preparation of NA is coordinated by the head of the regional apparatus as the initiator, while the regional regulation from DPRD members, commission, joint commission, or Bapemperda, coordinated by Bapemperda. In addition to the initiator (regional apparatus directly related, with the load material), the drafting team formed and determined the regional head or the chairman of the DPRD also includes the apparatus areas in charge of law, and can include vertical agency of the ministry that carries out the affairs of government in the field of law, and third parties who have expertise according to the content in the draft regulation.<sup>39</sup>

Ranperda then carried out a systematic alignment and content material by the legal bureau (NA Ranperda province) or division law (NA Ranperda district, city) that includes stakeholders, regional apparatus carrying out functions provincial research and development law firm or the legal department through the regional secretary then conveys return the NA that has been aligned to the initiator accompanied by an explanation of the results of the alignment.<sup>40</sup>

There are two things important in the alignment of the NA Ranperda, namely the writing technique norms and linkages between articles and content that are clear, in accordance with the authority, and can be implemented. In an effort to form a good regional regulation, there must be wide participation space for interested parties to provide input, because NA is a study document that become a material for drafting a regional regulation that will have a broad impact on the public. By using the omnibus law method, the NA prepared for the regional regulation is the result of an inventory that has been adjusted to the grouping as described previously, namely grouping in fields or institutions. Based on the NA, then drafted by the initiator Ranperda under the coordination of the leadership of the regional apparatus if it comes from local government. Meanwhile, the regional regulation from the DPRD may be proposed by

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<sup>38</sup> INDONESIA and DESA, "MENTERI DALAM NEGERI REPUBLIK INDONESIA."

<sup>39</sup> INDONESIA and DESA.

<sup>40</sup> PERATURAN MENTERI DALAM NEGERI REPUBLIK INDONESIA NOMOR 120 TAHUN 2018 TENTANG PERUBAHAN ATAS PERATURAN MENTERI DALAM NEGERI NOMOR 80 TAHUN 2015 TENTANG PEMBENTUKAN PRODUK HUKUM DAERAH, "PERATURAN MENTERI DALAM NEGERI REPUBLIK INDONESIA NOMOR 120 TAHUN 2018 TENTANG PERUBAHAN ATAS PERATURAN MENTERI DALAM NEGERI NOMOR 80 TAHUN 2015 TENTANG PEMBENTUKAN PRODUK HUKUM DAERAH."

members of the DPRD, commissions, joint commissions, or Bapemperda based on provincial Propemperda. Compilation Ranperda is carried out by a team formed by the regional head.<sup>41</sup>

Team leader comes from the regional apparatus that is the initiator or official other appointed members, while the team membership consists of elements local government (regional head, regional secretary, apparatus initiating area, regional apparatus in charge of law, relevant regional apparatus) and drafters of laws and regulations. In the team, for example the provincial, regional regulation, then the governor may involve related vertical agencies and/or or academics in the membership of the drafting team.<sup>42</sup> Drafting team may involve researchers and/or experts from universities or community organizations, according to related needs load material. During the preparation of academic manuscripts usually already involved researchers or experts, and therefore in the preparation of Ranperda should also be involved, so that Ranperda is in line with study results in NA. The next stage is the discussion of the regional regulation by the DPRD and regional heads. The draft originating from the regional government is submitted by the regional head to the leadership of the DPRD, and those from the DPRD shall be submitted by the DPRD leadership to the regional head. The cover letter for the regional regulation contains three things, namely the background and purpose of the preparation, the target realized, and the subject matter is arranged, which describes the entire substance of the regional regulation. The explanation is also equipped with academic manuscripts included in the regional regulation. Letters like this in the government system in Indonesia, it is commonly referred to as a memorandum service that briefly outlines the background, legal basis, meaning and content.<sup>43</sup>

In the forum at the DPRD, the discussion is carried out in talks first and second levels. At level talk first, in the case that the draft provincial regulation comes from the governor, conveyed the governor's explanation in the plenary meeting regarding the draft regional regulation, the general view of the faction against the draft regional regulations, as well as the governor's response and/or response to the general view of the faction.<sup>44</sup> Meanwhile, if the draft perda province comes from the DPRD, carried out with an explanation from the leadership commission, the head of the joint commission, the head of the Bapemperda, or the head of the special committee in the plenary session on the design provincial regulations, the governor's opinion on the draft regional province, and responses and/or factions' answers to opinions

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<sup>41</sup> PERATURAN MENTERI DALAM NEGERI REPUBLIK INDONESIA NOMOR 120 TAHUN 2018 TENTANG PERUBAHAN ATAS PERATURAN MENTERI DALAM NEGERI NOMOR 80 TAHUN 2015 TENTANG PEMBENTUKAN PRODUK HUKUM DAERAH.

<sup>42</sup> Yoshito Nakagawa, "Theorizing Postcolonial Deliberation and Deliberative Peacebuilding," *Journal of Intervention and Statebuilding* 12, no. 2 (2018), <https://doi.org/10.1080/17502977.2018.1464353>.

<sup>43</sup> T. S. C., "The Evidence Given Before the Select Committee of the House of Commons on Lunacy Law, 1877," *Journal of Mental Science* 23, no. 104 (1878), <https://doi.org/10.1192/bjp.23.104.457>.

<sup>44</sup> PERATURAN MENTERI DALAM NEGERI REPUBLIK INDONESIA NOMOR 120 TAHUN 2018 TENTANG PERUBAHAN ATAS PERATURAN MENTERI DALAM NEGERI NOMOR 80 TAHUN 2015 TENTANG PEMBENTUKAN PRODUK HUKUM DAERAH, "PERATURAN MENTERI DALAM NEGERI REPUBLIK INDONESIA NOMOR 120 TAHUN 2018 TENTANG PERUBAHAN ATAS PERATURAN MENTERI DALAM NEGERI NOMOR 80 TAHUN 2015 TENTANG PEMBENTUKAN PRODUK HUKUM DAERAH."

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governor, discussion in commission meetings, joint commissions, or special committee which is carried out together with the governor or official appointed to represent him.<sup>45</sup>

In the next stage the discussion of the regional regulation is carried out in commission meetings, joint commissions, or special committees carried out together with the governor or an official appointed to represent him. After the first-level discussion, and before the regional regulation is approved by the DPRD and the regional head, the next steps are: The next important thing is the development of the draft by the Minister of the Interior State through the Director General of Regional Autonomy for the draft regional regulations province and by the governor for district and city Ranperda. This stage is carried out as part of the supervision of administration of provincial, district and city government, so that the regional regulation is not expected to be problematic in its application. The discussion of the regional regulation continues at the discussion level second, which is the decision making result of the discussion the first level carried out by the commission, combined commission or a special committee and has involved experts, representing public figure. Decision making in plenary meeting, which is preceded by the submission of a report from the head of the commission/leader joint commission/leader of a special committee that contains opinions factions and discussion results, and requests for approval from members orally by the chairman of the plenary meeting as well as opinions the end of the regional head.<sup>46</sup>

After the regional regulation is approved together, there are still stages the important thing is the evaluation of regional regulations, but specifically for certain fields. Regarding provincial, regional regulations that are required to go through an evaluation process in Ministry of Home Affairs, which is about development plans regional long-term development plan (RPJPD), long-term development plan regional medium (RPJMD), APBD, APBD changes, accountability implementation of the APBD, regional taxes, regional levies, and regional layout. Regarding district and city regional regulations, evaluate carried out by the governor as the representative of the central government in the regions through the special provincial law bureau of regional regulations concerning the RPJPD, RPJMD, APBD, changes to APBD, accountability for implementation APBD, regional taxes, regional levies, regional spatial planning, plans district/city industrial development, establishment, elimination, merging, and/or changing the status of a village to a kelurahan or village to village.<sup>47</sup>

Basically, the process of discussing the regional regulation is to become regional regulations in meetings at the DPRD that use the omnibus law same as the regulation in Permendagri No. 81 of 2015 and Permendagri No. 120 of 2018. Only in the context of an omnibus law, the process requires the involvement of interested parties more diverse. This is related to the scope and material wider and deeper charge, because it will unite in one field or clump that has been regulated separately. Of course, of commission meetings, joint

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<sup>45</sup> PERATURAN MENTERI DALAM NEGERI REPUBLIK INDONESIA NOMOR 120 TAHUN 2018 TENTANG PERUBAHAN ATAS PERATURAN MENTERI DALAM NEGERI NOMOR 80 TAHUN 2015 TENTANG PEMBENTUKAN PRODUK HUKUM DAERAH.

<sup>46</sup> David Kosař et al., "Post-Communist Chief Justices in Slovakia: From Transmission Belts to Semi-Autonomous Actors?," *Hague Journal on the Rule of Law* 13, no. 1 (2021): 107–42, <https://doi.org/10.1007/s40803-021-00150-w>.

<sup>47</sup> Muhammad Khamim, "RECONSTRUCTION OF EXECUTIVE AND LEGISLATIVE AUTHORITIES TO MAKE A GOOD GOVERNANCE BASED ON WELFARE VALUES," *International Journal of Law Reconstruction* 1, no. 1 (2018), <https://doi.org/10.26532/ijlr.v1i1.2411>.

commissions or special committee, all DPRD members must understand that the regional regulation currently being discussed uses the omnibus law method.<sup>48</sup> Therefore, as much as possible in each discussion continue involving experts and representatives of community leaders or parties who interested. In fact, it is highly recommended by the local government or The DPRD involves the working group as previously stated.

### **Content of Regional regulation Arrangement Using Omnibus Law**

Based on the 2011 PPP Law, Permendagri No. 80 of 2015, and Permendagri No. 120 of 2018, the content of the regional regulations is in the framework of the implementation of regional autonomy and assistance tasks and accommodate special regional conditions and/or more elaboration further higher laws and regulations. Regional regulations may contain the threat of imprisonment or criminal law fines other than those stipulated in the legislation other.<sup>49</sup>

Content material in the context of implementing regional autonomy and co-administration implies that the formation of regional regulations must be based on the division of affairs between government, provincial government and district/city governments as regulated in the 2014 Regional Government Law and other laws and regulations that regulate division of affairs in certain fields (such as regulations in the mining, forestry, and so on).<sup>50</sup> The content material to accommodate special regional conditions means that regulations region as a regulation that aggregates community values in the area containing the charge material identified values as a special condition for the region, so that the content of the perda reflects the potential and uniqueness of each region in accordance with the purpose of granting regional autonomy, and of course it should not be contrary to statutory regulations that are more high, and remain within the framework of Indonesian unity.

The content of regional regulations must answer the needs of the community, For example, in the context of public services in the health sector, education, population, and environment. This is what is meant by the principle of conformity between types, hierarchies and payload materials. This principle means that the formation of laws and regulations must pay attention to the right load material according to the type of and the hierarchy of laws and regulations. Closely related to the content of the perda above, namely: authority. In this case, there are two sides, namely authority, forming regional regulations attached to institutions or officials forming, and the authority in terms of organizing government affairs regulated in regional regulations.<sup>51</sup>

Based on theory, the source of authority for the formation of a regional regulation consists of the authority based on the 1945 Constitution, which is often referred to as authority attribution and authority in the context of implementing autonomy area which is often referred

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<sup>48</sup> Kelik Endro Suryono, "WEAKNESSES OF THE LEGISLATION FUNCTION OF THE REGIONAL REPRESENTATIVE COUNCIL IN THE BICAMERAL PARLIAMENT SYSTEM IN INDONESIA," in *The 1st Proceeding International Conference And Call Paper*, vol. 1, 2021.

<sup>49</sup> Otong Syuhada, "REKONSTRUKSI POSITIVISME DALAM HIERARKI PERATURAN PERUNDANG-UNDANGAN DI INDONESIA," *Journal Presumption of Law* 2, no. 2 (2020), <https://doi.org/10.31949/jpl.v2i2.796>.

<sup>50</sup> Andi Bau Inggit AR, "ASAS-ASAS PEMBENTUKAN PERATURAN PERUNDANG-UNDANGAN DALAM PENYUSUNAN RANCANGAN PERATURAN DAERAH," *Jurnal Restorative Justice* 3, no. 1 (2019), <https://doi.org/10.35724/jrj.v3i1.1935>.

<sup>51</sup> Inggit AR.

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to as delegation authority. With the basis of attribution authority, the formation of a regional regulation can be carried out without having to wait for a delegation from higher legislation. Limitations in the exercise of authority attributive is as long as it does not violate the laws and regulations higher status, public interest, and decency. Meanwhile, the formation of a regional regulation in the context of implementing autonomy relates to government affairs, the material to be regulated in regional regulations are all government affairs that are determined by law as a regional authority.<sup>52</sup>

The main basis for the arrangement of the material aspect content, namely regional authority based on the division of affairs, government based on the attachment of the 2014 Regional Government Law that, in the latest developments, must also be based on the Job Creation Law, which changes the regional authority contained in the Regional Government Law is primarily public service, especially licensing.<sup>53</sup> Therefore the content of the material must be adjusted to the implementing regulations Job Creation Law. However, that doesn't mean every business the government is formed by one regional regulation or even more than one regional regulation. The content of the results of the regional regulation arrangement actually simplifies the quantity (number of perda) and quality of perda, so that it is easier to understand, implemented, and can resolve various legal issues in the context of governance and development area.<sup>54</sup>

In relation to the arrangement of regional legal products, Minister of Home Affairs through letter No. 188/1518/OTDA date March 9, 2021 requested all governors, regents, mayors and chairmen DPRD for:<sup>55</sup>

- a. Identify regional regulations and regulations, regional heads whose content is related to the Job Creation Law.
- b. Make changes, revocations or establish regulations regional head or regional head regulations in accordance with the Work Law<sup>56</sup>
- c. Stipulating regional regulation, planning outside of the regional regulations with the DPRD's decision and carry out additional planning, regional head regulations stipulated by decree District head.
- d. Report to the Ministry of Home Affairs CQ. Directorate General of Regional Autonomy on the implementation of activities as referred to in letters a, b, and c above, within which is not too long.<sup>57</sup>

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<sup>52</sup> Muhammad Reza Winata and Ibnu Hakam Musais, "MENGAGAS FORMULASI BADAN REGULASI NASIONAL SEBAGAI SOLUSI REFORMASI REGULASI DI INDONESIA," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 10, no. 2 (2021).

<sup>53</sup> Enny Nurbaningsih, *Problematika Pembentukan Peraturan Daerah: Aktualisasi Wewenang Mengatur Dalam Era Otonomi Luas* (Rajawali Pers, 2019).

<sup>54</sup> Zaid Afif, "PEMBENTUKAN PERATURAN PERUNDANG-UNDANGAN BERDASARKAN PANCASILA DAN UNDANG-UNDANG DASAR NEGARA KESATUAN REPUBLIK INDONESIA," *Jurnal Dialog* VII, no. September (2018).

<sup>55</sup> Ferry Irawan Febriansyah, "KONSEP PEMBENTUKAN PERATURAN PERUNDANG-UNDANGAN DI INDONESIA," *Perspektif* 21, no. 3 (2016), <https://doi.org/10.30742/perspektif.v21i3.586>.

<sup>56</sup> Helmi Helmi, "Penataan Peraturan Daerah Dengan Metode Omnibus Law: Urgensi Dan Mekanisme," *Undang: Jurnal Hukum* 4, no. 2 (2021): 441–72.

<sup>57</sup> Helmi.

The letter above confirms the regional authority to structuring regional regulations as an implication of the enactment of the Copyright Act Work and PP implementation. Therefore, the area must immediately structuring regional regulations, especially those related to PP No. 5 Year 2021 concerning Implementation of Risk-Based Business Licensing, PP No. 6 of 2021 concerning the Implementation of Business Licensing in the Regions, PP Number 10 of 2021 concerning Regional Taxes and Regional levies in order to support the ease of doing business and Regional Services.<sup>58</sup>

In the matter of licensing, it is enough to form a regional regulation concerning licensing system in risk-based regions or regional regulations on the administration of business licensing are integrated electronically (*Online Single Submission*, OSS). This regulation will unite all government affairs in terms of business licensing such as plantations, health, education, and others, both micro-enterprises small and medium. For large-scale businesses, there are in the province and most of the ministers, especially the energy business sector mineral resources (ESDM) and forestry. Likewise, regarding regional taxes and regional levies, it is necessary simplified into one perda. In Jambi Province, for example: Currently, there are four regional retribution regulations and one regional regulation on local tax: Perda no. 16 of 2016 concerning Business Service Retribution which was amended by Regional Regulation No. 8 of 2019; Regional Regulation No. 3 years 2012 concerning Certain Licensing Retribution as amended by 9 of 2019; Regional Regulation No. 02 of 2012 concerning General Service Retribution, which was amended by Regional Regulation No. 5 of 2018; Regional Regulation No. 4 years 2014 concerning Retribution for Extension of Employment Permits Foreign Work; and Regional Regulation No. 6 of 2011 concerning Regional Taxes, which amended, by Regional Regulation No. 6 of 2018. Similar conditions, there are four regional retribution regulations and one regional tax regulation, were also found in Districts and Cities in Jambi Province.<sup>59</sup>

For arrangement purposes, the five regional regulations are enough to be made into one regional regulation on taxes and regional levies, the material of which is about local taxes, business service fees, certain licensing fees and service fees generally. For the retribution for the extension of the permit to employ workers foreign work is included in the material for the licensing levy certain. This is in line with PP No. 10 of 2021 on Taxes Regions and Regional Retribution in Order to Support Ease Business and Regional Services. It is also important to organize regional regulations in regulations that regulate regional organizations and devices. This is because business implementation must be supported by an organizational system and regional device. With regard to organization and devices regions, Jambi Province currently has three regional regulations: Perda no. 13 2008 concerning the Organization and Working Procedures of the Regional Secretariat and Jambi Provincial DPRD Secretariat, which has been amended four times and finally with the Regional Regulation No. 18 of 2013; Regional Regulation No. 14 years 2008 concerning the Organization and Work Procedures of Jambi Province Regional Offices which has been amended twice and most recently by Perda no. 6

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<sup>58</sup> Peraturan Pemerintah Nomor, "Tahun 2021 Tentang Penyelenggaraan Perizinan Berusaha Berbasis Risiko," Diunduh Dari: [https://jdih.setkab.go.id/PUUdoc/176386/PP\\_Nomor\\_5\\_Tahun\\_2021.Pdf](https://jdih.setkab.go.id/PUUdoc/176386/PP_Nomor_5_Tahun_2021.Pdf), 5AD.

<sup>59</sup> Imam Sujono, "PEMBATALAN AKTA PERJANJIAN IKATAN JUAL BELI TANAH KAVLING TINJAUAN YURIDIS PUTUSAN NOMOR: 535/PDT.G/2015/PN.SBY," *Jurnal Legislasi Indonesia* 17, no. 4 (December 30, 2020): 490, <https://doi.org/10.54629/jli.v17i4.603>.

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years 2014; Regional Regulation No. 15 of 2008 concerning Organization and Work Procedures Inspectorate, Bappeda and Regional Technical Institutions of Jambi Province, which has been amended four times and most recently by Perda no. 7 2014.

These three regional regulations should also be made into one, namely the Regional Regulation on Jambi Province Apparatus, which will integrating arrangements regarding regional secretariats, secretariats DPRD, inspectorate, service, and agency. In the district and cities, in addition to the five regional apparatuses above, there are still more to be added to the district. The content of this regional regulation is not only the organizational structure, it also includes the formation of regional apparatuses, about work procedures, the authority of each device based on government affairs as regulated in the 2014 Regional Government Law.<sup>60</sup>

Total regional apparatus may not be the same, especially among districts, city, because it must be adapted to regional conditions. For example, Bungo Regency in Jambi Province, which does not have a sea then it is not necessary to form a fishery and marine service, but it is sufficient livestock and fisheries. It's different with Tanjung West Jabung and East Tanjung Jabung Regencies, both of which are has a fairly wide sea, then the fishery department is formed marine. With an arrangement like this, forward is no more the separation of regional regulations clumping regulations that have been This is regulated separately, such as a regional regulation of the formation of an organization, organizational structure regulations, and work procedures regulations. There's even a regional regulation of separate regional technical institutions and regional regulations on governance, regional office scripts are also separate.

### **Conclusion**

Omnibus law is a method or technique in the form of statutory regulations, namely forming a single regulation to change, revoke, or pass some rules at a time. This method is worth considering adopting and using in the arrangement of regional regulations in order to overcome the problem of the number of there are many regional regulations and some of them had to be annulled because not in line with higher regulations and hinder regional economic growth. This method also needs to be adopted in structuring regional regulations in response to the Job Creation Law, considering that this law and its implementing regulations, which so far have 45 government regulations and four presidential regulations require improvements to the regional regulations so that they are synchronized and harmonious. On regional regulations, the omnibus law method can be adapted to the mechanism carry out an inventory and analysis of all regulations that are still in effect, then grouped into certain fields based on government affairs that are the authority of the region, each of which will later form a regional regulation new.

Formally, the formation mechanism begins with making Propemperda, preparation of academic manuscripts and regional regulations as well as discussion, mutual agreement, synchronization, and invitation in the regional sheet. The use of the omnibus law technique in the framework of structuring regional regulations should also not only carry out changes to the articles, but unifies all the material content in one regional regulation so that it is integrated. It

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<sup>60</sup> Tim Visi Yustisia, *Undang-Undang No 23 Tahun 2014 Tentang Pemerintahan Daerah Dan Perubahannya* (VisiMedia, 2015).

is meant so that the enactment of the regional regulation with the omnibus law technique does not leave the problem of complexity in its use is due to the applicability of certain content in several regional regulations, because there are applied through the omnibus law regulation and some applies to amended legislation.

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