

CONSIDERING THE BASIC BENEFITS OF OMNIBUS LAW CIPTA KERJA FOR PEOPLE

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Abstract: The purpose of this research is to know if omnibus law is needed today in Indonesia, and how it is likely to impact the Omnibus Law on copyright employment. The benefits of this research are theoretically expected to provide a rationale that is cognitively beneficial to develop legal sciences, especially omnibus law from the perspective of human rights related to sustainable development. We know after the inclusion of the Omnibuslaw draft Act, wave demonstration of labor refuse to the bill almost across the country. Some chapters are expected to be increasingly afflicted workers and give advantage to entrepreneurs because the reason of investment is seen as a form of regulation that is not a party to the people, suppress domestic labor, and provide opportunities for foreign workers. The research uses the of approach and Conceptual Approach. This research uses the source of primary legal material that is legislation and the source of secondary legal material in the form of books and texts of legal. The results of this study demonstrate omnibus law is a fundamental step and simplify the various rules into a single large rule that overcomes all matters so that it does not overlap in its settings. Applying the omnibus law is a heavy choice so that the interests of the people must get an adequate place.

Keywords: *Omnibus Law, Labor, constitutional rights*

Abstrak: Tujuan dari penelitian ini adalah untuk mengetahui apakah omnibus law dibutuhkan di Indonesia saat ini, dan bagaimana dampaknya terhadap hak pekerja. Manfaat dari penelitian ini secara teoritis diharapkan dapat memberikan pemahaman rasional berupa manfaat kognitif untuk pengembangan ilmu hukum, khususnya omnibus law dari perspektif HAM dalam hubungannya dengan pembangunan berkelanjutan. Kita semua tahu RUU Omnibus Law menyebabkan gelombang demonstrasi buruh menolak RUU tersebut hampir di seluruh pelosok negeri. Terdapat beberapa bab yang diharapkan menambah penderitaan pekerja dan memberika keuntungan kepada pengusaha sebab investasi menjadi satu alasan yang terlihat dalam regulasi tersebut yang tidak berpihak pada masyarakat, menekan pekerja domestic dan memberikan kesempatan kepada pekerja asing. Penelitian ini menggunakan pendekatan peraturan perundang-undangan dan pendekatan konseptual. Penelitian ini menggunakan sumber bahan hukum primer dan sekunder. Hasil dari kajian ini menunjukkan bahwa omnibus law merupakan langkah yang fundamental dan langkah yang dimaksudkan untuk menyederhanakan kompleksitas peraturan perundang-undangan yang mampu mengatasi segala permasalahan yang timbul mencegah tumpang tindih regulasi. Penerapan omnibus law adalah pilihan berat untuk dapat menjamin kepentingan masyarakat secara adil.

Keywords: *Omnibus Law, Buruh, Hak Konstitusional*

INTRODUCTION

Omnibus law blows as pandemic Covid-19 because it is new to the ears of the Indonesian people presented by the President. Against this term, expert opinion is divided between groups that support because it understands the benefits, while there is a counter group by mentioning that the term is new and not necessarily provide benefits.

A group that is skeptical of the routine of Indonesian legal products that often present its presence poses a new problem or its presence which is often set behind the ' orders ' of certain groups to exploit other groups. This skeptical group is driven to a reality in the field of law that omnibus laws tend to be appropriate and applied in the common law country.

While the experts belonging to the group support Omnibus Law's presence because it expects that the presence of the omnibus law will be the solution to the overlap of regulation in Indonesia in both the hierarchical relationship of horizontal and vertical alignment.

The people of Indonesia will always expect the function of the state to "protect all the nation of Indonesia and spilled the blood of Indonesia" as mentioned in the opening of the state CONSTITUTION RI year 1945. The meaning of protection against the whole nation of Indonesia can be interpreted that all regulations and products in Indonesia must be beneficial for the prosperity of

people. Of course, a regulation that can be estimated to be afflicted by people, then the meaning of protection has been lost in the regulation.

A country based on rule of law, *rechstaat*, which is a democratic state of the country, a legal country based on legal. The assertion that Indonesia is a legal state is contained in article 1 paragraph (3) CONSTITUTION 1945 which reads, "The state of Indonesia is the legal state". The principle translated by JimlyAshiddiqie in the framework of the state law is idealized laws must be made commander in the dynamics of the state of life, not political or economic.

Based on the explanation above, the problems raised in this study are:

1. What is the urgency of the Omnibus Law for labor in Indonesia?
2. How should the Omnibus Law Act in Indonesia?

DISCUSSION

1) Definition of Omnibus Law

Simply Omnibus Law can be interpreted as a law governing various problems. So this law is seen as a simple, concise, and not-belated form.

According to Bryan A Garner, the Ninth Edition's Black Law Dictionary says: "Omnibus: relating to or dealing with numerous objects or items at once; including many things or having various purposes" "The lexical meaning of the omnibus law, the word comes from the Latin, which is omnibus meaning ' for all ' or ' many ' so that when it becomes omnibus law it can be interpreted a set of rules that govern many things.

According to the Constitutional law specialist Refly Aaron said the application of omnibus law can be done immediately because it is very good to form a rule that is lean and harmonized. The issue, it takes a special team to analyze what regulations that need harmonization, removed partially or entirely because relying on the work between ministries can swallow a long time. Based on a variety of experts ' opinions, omnibus law is a fundamental step and simplifies the rules into a large rule that overlaps all matters so that they do not overlap in their settings.

2) Existence of Omnibus Law

Next, the community will be faced with the expected conditions against the presence of the *Cipta Lapangan Kerja*. Whether the result of omnibus law will only give the aspect of legal certainty, aspects of justice, or aspects of its benefits to the people. The final goal of a regulation is to provide benefits for all parties, even the citizenry that should benefit the greatest.

While according to the constitutional legal expert BivitriSavitri, Omnibus Law is defined as a law that is made to target major issues in a country. "In addition to targeting major issues, the goal is also to revoke or amend some LAWS. If you look at the aim of omnibus law, it certainly contains the intention to make easy and simple all the affairs associated with the life of the crowd, and the citizenry that will be the final destination, the people of Indonesia who will taste the benefits. Surely a sublime goal if it can be realized.

Speaking of existence means discussing the position. The omnibus law's position is very strategic to meet a fundamental change through a change of rule in a large carriage whose name is omnibus. According to Jimly suggest that the establishment of omnibus law directed that is wider, thorough, and integrated to set up the legal system and legislation based on *Pancasila* and the CONSTITUTION of the State of INDONESIA year 1945. Because, as long as it is often between LAW and other legal products (below) it regulates similar/identical payload materials (overlapping settings). This leads to a lack of alignment that makes it difficult to apply in the field. "The application of the idea of LAW Omnibus Law should not only be limited to licensing and ease of effort".

Combining the opinions of Bivitri and Jimly can be said that omnibus law is a big job that is at great risk to the future of the nation and the people of Indonesia. Thus the decision to carry out omnibus law must be through a complete and thorough consideration. Applying the omnibus law is a heavy choice so that the interests of the people must get an adequate place. As any regulation is produced it depends also on the good faith of regulatory belief.

3) Harmonization of law

Harmonization comes from the word harmony that in Indonesia Language means the statement of taste, action, ideas, and Interests: alignment, Harmony. The term harmonization of the

law appears in the study of Legal Studies in 1992 in Germany. This legal harmonization study was developed to demonstrate that in the world of government policy laws and the relationship between them there is a diversity that can lead to disharmony. Harmonization of legislation can be interpreted as a process of alignment or invalidation of legislation that is or is being compiled so that the laws are produced by the principles of good laws and legislation. Looking at it, harmonization is needed to release the overlap of legislation by applying the concept of omnibus law that originated in the common law tradition of law to be raised. The concept of a mechanism of omnibus law according to Usfunan needs an emphasis on the need for omnibus law set in the scheme of law formation.

L.M. Gandhi who quoted the book of *Tusseneenheid en Verscheidenheid: Opstellen over HarmonisatieinstaaatenBestuurecht* (1988) says that harmonization in law is to include adjustment of legislation, government decisions, judges' decisions, legal systems, and legal principles to increase legal unity, legal certainty, fairness (justice, *Gerechtigheid*) and Benchmarking (Equity, *Billijkheid*), usability and legal clarity, without obscuring and compromising legal pluralism if needed.

4) Indonesia's employment

Pandemic Covid-19 has crippled the joints of the nation's lives and countries almost all over the world, including Indonesia. Directo-General of Taxation of Ministry of Finance (KEMENKEU) Suryo Utomo revealed three major impacts of the Covid-19 pandemic on the Indonesian economy so that it entered a crisis period. It was submitted by Suryo Utomo in commemoration of Tax Day 2020, which is themed "rising together taxes with the spirit of work together".

The first impact is making household consumption or purchasing power which is a supporter of 60 percent of the economy falls deep enough. This is evidenced by the data from the BPS that records that household consumption fell from 5.02 percent in the quarter I 2019 to 2.84 percent in the I quarter of this year. The second impact has resulted in prolonged uncertainty so that investments are weakening and implicit implications on the stopping of the business. The third impact is the whole world experiencing economic weakening, causing commodity prices to decline and exports of Indonesia to some countries also cease.

Discussing economic weakening is always related to employment problems, which is a direct part of the contemplation. Employment in Indonesia is experiencing fundamental problems due to declining products, declining purchases, and labor costs that should continue to be issued. Against this, the longer will result in losses of the company and there will be a termination of employment (LAYOFFS) everywhere.

Talking about LAYOFFS means we are discussing the Manpower Act (UUK). Basically, since its set, UUK aims to protect the basic rights of workers. So UUK tends to protect workers from entrepreneurs because workers as a party managed by entrepreneurs through the company. It is normative to see the Constitution of UUK on the 'Weigh' section of the UUK, on the letter B: 'That in the implementation of national development, the workforce has a very important role and position as the perpetrator and the purpose of development'.

It aims that the important object of UUK is labor so that the workforce can work calmly, safely, and dignified. UUK condition that is apparently in the field is still not able to be done as a whole. There is still a phenomenon that shows the employment relationship with the entrepreneurs is not in the condition of the series. In fact, between manpower and entrepreneurs is an element of need to produce each other.

In such circumstances, the presence of the State is very important to ensure the welfare of manpower and to ensure their condition in the workplace. The presence of state can be tangible by performing supervision function for the implementation of working relationship guided UUK. But the estuary of all activities in the field of employment is the regulation of government-made regulations. The regulation must give space to the achievement of the State's objectives as found in the opening of the state CONSTITUTION, 1945, "Protecting all the nation of Indonesia and all the blood in Indonesia, advancing the general welfare, educate the life of the nation...".

So it becomes true that the final goal of regulation is the aspect of protection, the aspect of benefits for all Indonesians who are Indonesian people. The condition has been seen with the omnibus law plan in the field of employment? Because the massif has a demonstration across the country, that the workforce feels it will be severely harmed by an Omnibus Law plan in the field of employment. The call of the workers through the respective workers' organizations to jointly fight for the rights of

workers or laborers who were harmed by the draft Omnibus Law. This is strengthened by the indication of 68 chapters that most of the chapters are detrimental to Labor.

Some examples of articles deemed to be detrimental to Labor are the deletion of article 59 UUK governing the company can only contract labor within a certain time limit. This article on the status of PKW and PKWT which is the article of protection of the existence of manpower is a Guardian article of labor status, whether the organic worker or freelance daily worker.

Article 151 relating to termination of employment. If this article is removed then it will eventually arise the absolute right of the company to conduct a LAYOFFS that cannot be sued, the mastery of employers against Labor will be extraordinary especially in conducting LAYOFFS. Employers will arbitrarily conduct LAYOFFS, regardless of the rights of employment.

A labor wave that defies the employment of Omnibus Law on the job because the workforce believes that the new regulation is passed, then the new regulation will afflict the workers. Unrest occurs among the workers; as soon as the new regulations are enforced it is certainly not a party to the workers. At least the reason can be fewer wages in their work because the MSES is possible down if the new regulation has been applied.

The concern of the inclusion of foreign workers in various fields is also quite scary for the current workforce because it is said that a copyright Omnibus Law this job will give a wider door to foreign workers to work in Indonesia in various fields, this reduces the job opportunities for Indonesia's large number of workers and still need a lot of new employment.

The conditions that are still needed in the Indonesian employment world are the strengthening and support of the government. The arrival of the Omnibus Law Copyright Work field which is very disturbing for the workforce is one signal that the workforce as an important element in the regulation should be heard, talk is not ignored merely to put into place a big plan ' investment '.

5) Human rights in the Constitution

God Almighty created man to carry out the task of managing and preserving the universe with full steadiness and full responsibility for the welfare of mankind. The one true God who conferred human rights to ensure the existence of the dignity of himself and his glory and the harmony of his environment. Human rights are fundamental rights that are universally inherent to human beings, are universal and lasting, therefore must be protected, respected, maintained, and should not be ignored, reduced, or deprived by anyone. That in addition to human rights, human beings also have a basic obligation among human beings to the other and the society as a whole in the life of society, nation, and state.

Human rights are a fundamental right to human beings. According to Mansyur, HAM can be interpreted as "a sacred fundamental right to every person/man, the Gift of God forever, when using it does not harm the fundamental rights of other members of the community.

Pancasila is the values of human rights that live in the personality of the nation. Human rights enforcement in Indonesia is in line with the implementation and values of *Pancasila* in the life of nation and state.

According to Heron Joro, the guarantee of CONSTITUTION 1945 against human rights is not there, but in the provisions of the CONSTITUTION 1945 to list it is not systematic. Read more says the following:

The formulation of human rights and human freedoms in CONSTITUTION 1954 has not been arranged systematically. Only four chapters 27, 28,29, and 31. The reason is, it is not a concern, but because the first arrangement of the CONSTITUTION 1945 is the fundamental core of the state, which can be formulated as a result of negotiations between our leaders of the entire community, which was held in the days of the end of the occupation of Japanese troops in Indonesia

Human rights as a fundamental right brought from birth must be assured of its existence with the Constitution. Only with a clear constitution lists human rights, the enforcement will be guaranteed. The country must be present in keeping the presence of human rights for the people.

The development of employment in Indonesia has always been an important record in every government regime. The problem of LAYOFFS, outsourcing, opportunities, and work opportunities has always been the main issue of the struggle of workers in Indonesia because they have realized that ' getting the job ' is the right for every citizen. The ' work ' impulse as part of the fulfillment of human rights, becomes as if the existence of labor has always been problematic and never reaches adequate

conditions. Human rights content in CONSTITUTION of INDONESIA year 1945 in article 28D paragraph (2) states, Everyone has the right to work and get rewarded and fair and appropriate treatment in working relationship.

The phrase gets rewarded and fair and proper treatment in a working relationship can only be realized with the presence of legislation that can provide legal certainty for the guaranteed value of the UMK that is worthy of the region's condition and the establishment of a harmonious working relationship based on *Pancasila*.

Article 28D paragraph (2) is a human rights charge. This means that the matter of work is the human right that is contained in our Constitution. So this employment arrangement is a state task to make it happen. The goals and concepts of employment arrangement by the State must be strictly adequate for the benefit of human rights assurance for the workforce. At least we can make a guide in thinking when Hatta and Yamin, who also agree with the understanding of the family State instead reminded that the human rights material is published in the design of the drafting because they are worried at a time the state organizers will act arbitrarily against its people.

Work is one way for every citizen to fulfill his life's needs. *Pancasila* as the foundation of the nation's ideology listed in the 5th *Sila* of the *Pancasila* that reads "Social justice for the people of Indonesia" is a sublime idea that one of its fulfillment through 'work'.

Then the opportunity to work for everyone must be guaranteed by the State so as not to reduce the slightest to improve the welfare of his life. Being reasonable any regulation that will govern employment will always get a serious response from Labor because it is a right that has been inherent to human beings since birth.

Essentially the human being has the right to life, as of article 9 of the Human Rights Act, which reads:

- (1) Everyone has the right to live, sustain and improve their lives.
- (2) Everyone has the right to live in peace, safe, peaceful, happy, prosperous born, and inner.
- (3) Everyone is entitled to a good and healthy living environment.

To fulfill the right to life, as a form of everyone's endeavor is to work. Obtaining employment is a fundamental right of every person, as the sound of article 38 of the Human Rights Act, which reads:

- (1) Every citizen, by his talents, prowess, and abilities, is entitled to decent work.
- (2) Everyone has the right to freely choose the job he or she has been interested in and is also entitled to fair employment requirements.
- (3) Everyone, both men and women who do the same work, comparable, equal or similar, are entitled to wages and the terms of the same employment agreement.
- (4) Every person, both male, and female, in doing work that commensurates with the dignity of his humanitarian is entitled to a fair wage according to his achievements and can guarantee the survival of his family.

Therefore, it is not a concern that the opportunity to work is absolute to be fulfilled by the State because it is related to the survival of one's family with their families, in line with the ideals to realize social justice for all Indonesian people who are the obligation of the State to implement it as the mandate of state CONSTITUTION RI 1945.

Even to fulfill the right to get the job, the state also guarantees manpower to organize/union to support its activities as a workforce. This is as the sound of article 39 of the Human Rights Act, "Everyone has the right to establish a union and must not be inhibited to be a member to protect and fight for its interests and by the provisions of the legislation.

Working and establishing organizations/unions are two complementary rights, namely complementary rights. The human right to work and obtain a decent job for humanity and establish/become a member of the Union has been governed by the Constitution and legislation in Indonesia.

6). Omnibus Benefits of Law for Labor

In the attendance of the Omnibus Law Copyright Act, one of the objectives is to facilitate this investment will be transformed into an arbitrary state deed against its people if it is later that the people suffer from the affliction.

The presence of the bill Omnibus law with various objectives of elimination of the key articles of guarantee on the protection of labor rights makes this rule has spread the scent of misery for the workforce. New spaces for reasons an investment becomes wide open to investors. On behalf of investors as if ready to mortgage the labor rights due to the freedom of potential investors are vast and easy to be simplified.

The specification of the phenomenon seen in this surveillance issue became very important in the employment issue. The plan was planned for supervision to the central Government, giving an appreciation of the doubt about the existence of the UUK that is still valid to the implementation. This is in mind; Omnibus Law is made to provide protection and facilities to investors from on the protection of workers. It means that many investors come in but the tribulations are increasingly widespread. Is this not a new economic occupation style? When foreign investment will enter Indonesia later, whether the investor will adhere to national legislation. In practice, there are a lot of naughty and unlawful investors. And in fact, the government is made a lot of cannot do maximum because of the various foreign pressures that are accepted, so eventually losses to losses suffered by the Indonesian nation. Is the investment path being designed with omnibus law?

Foreign countries' products, with better quality and cheaper price, will enter Indonesia. Domestic products are similar to imported products, the price is more expensive and lower quality, and not in the flagship product, abandoned people will not be consumed. Domestic products are not featured, thus more absorbing labor. Due to cheaper and more qualified outdoor products, sales of drag domestic products, capital restrained, Mandekinvestment, Then the reason for investment is not we can make the only reason to answer the labor problem with a draft Omnibus Law Cipta Kerja, because the inclusion of the investment also will still leave no less important issues.

The position of supervision from the local government to the center indeed describes a simplification, acceleration of the process especially related to employment. But on the other hand should also be noticed, the target of such process acceleration when the case of violations occur in the area? What kind of concept will guarantee when supervision is in the center? Does it not increase in length also the process? So it still needs to be studied in-depth related to the surveillance plan from the area to the center, to fulfill the assurance of certainty and its benefits.

Another problem that will arise in the Omnibus Law Cipta Kerja & MSMES is the plan to eliminate the form of criminal sanctions imposed in various laws, becoming only administrative sanctions. The reason for criminal sanctions abolished is for the effectiveness of law to business actors.

Often criminal sanctions are considered ineffective in conducting law enforcement to business actors. The imposition of criminal sanctions is usually only imposed on managerial levels and does not cover the highest level of the company. In the future, companies that violate the law of their permission will be revoked, or are subject to a penalty and penalties. Then the idea is to paralyze his business body. The Scream effect will be more pronounced than a criminal sanction. Is there a lower criminal sanction than administrative sanctions? According to Sudarto, the sense of criminal law that criminal law can be viewed as a negative sanctions system, it is applied if other means are not adequate, then criminal laws are said to have a subsidiary function. Criminal as well as actions (Maltregelen) is however also a misery, something that is perceived as not tasty by others that are charged, therefore the nature and purpose of criminal and pipetting, to give the reason for justification (justification) of the criminal.

In the opinion of Sudarto, there is a ' phrase ' if other means are inadequate. This means that criminal sanctions are the last sanction, so it suggests that criminal sanctions are heavier than other sanctions including administrative sanctions. The criminal sanction will always be avoided by everyone because the content is suffering, as Simons convey, "the criminal law is all orders and prohibitions held by the state and which are threatened with a criminal/mourning for whoever does not obey it. And it is also all the rules specified by the country that contains the conditions for executing the criminal.

The reality in the field has proved that all those who are convicted of even convicted criminals will always use various ways to escape the criminal offenders. This means that the criminal aspect is very frightening for all people because it also contains elements of ' honor, haram and dignity '. So the efforts of omnibus law by eliminating criminal sanctions by changing administrative sanctions need to get a very deep study.

7) Weigh Omnibus Law

Regarding the study of a regulatory drafting process, Plato explained that legal is a sensible mind (reason thought, Logismos) formulated in the state's decision. He rejected the notion that the authority of the law merely rests on the will of the ruling power (governing power). This description of Plato's idea gives the idea that the law cannot be merely the will of the ruler. The rest of WynneMarisson expressed the opinion of Plato describing several basic principles:

- A. That there must be absolute moral standards;
- B. That the absolute moral standards must be in the codification of the law, regardless of the codification of it;
- C. That the largest part of a nation's population, because of its unyielding to philosophy, is not allowed to act on its initiative to alter both moral ideas and the legal codification that reflect those moral ideas; They must be total and unconditionally subject to the rules applied to them by lawmakers (the legislator).

It became apparent that the omnibus law was not something as easy as reversing the palms. Thousands of articles scattered in various laws are not a thing arranged in a short time. The law has long been compiled with various implementation dynamics in the field. A wide variety of laws are also compiled from different norms, so it will be very dangerous to charge substance in any law if the text and context differ when through the omnibus process that is imposed with its endorsement.

Usfunan also explains the difficulty of implementing the omnibus method of law as a whole in Indonesia as applied by some countries, can be examined from several laws and regulations used as an approach to the prevailing legal principles, including:

- 1) NRI Year Constitution 1945
- 2) Law No. 12 the Year 2011 On the establishment of legislation
- 3) Basic legal preference

Finally, we can know that the omnibus law is not contained specifically in law No. 12 the Year 2011 On the establishment of legislation, but should act No. 12 the Year 2011 always be the rule of the game in the formation of legislation in Indonesia. Precisely there will be overlap when applying to the legal preference together, at least not easy and not in a short time.

The rolling of omnibus law also caused a view after comparing Indonesia's legal with other countries that may be deemed able to solve a problem, especially foreign investment. It is thought to be an example of the legal establishment process to apply in Indonesia which is considered to have the same case.

However, it should be understood that the approach of comparative law in the general state of the constitutional laws and legislation can be specifically performed but with some important notes. First, the comparison should be based on a strong understanding of the foreign legal system that wants to be emulated, not only understand the general legal system but also understand whether the sub-systems legislation that wants to be imitated and strong with the system legal and its government. The strength of the relationship between the sub-systems and the legal system can determine the possibility of a large possible legal transplant. Secondly, transplantation cannot be done in total, but it must be modified to conform to the context of the recipient's legal, political and governmental system. It is necessary to analyze the analysis of the macroeconomic comparisons.

Again, we realize that omnibus law is not an easy road although it can be pursued, the duration of the time since the spirit of omnibus law by the president of Indonesia until now is not adequate time to be able to meet the absence of Indonesian legal products. It still takes more time as well as gradual and comprehensive handling to realize the standard omnibus law in Indonesia.

No, the concept of omnibus law can be applied in Indonesia in line with the suggestion of Mirza in his laboratory is "... But to be applied omnibus law requires consolidation law that acts as an umbrella ACT. The consolidation ACT is laid as the president's authority to issue the omnibus presidential decree. The omnibus Presidential decree is firmly tied to the consolidation ACT which has clearly and firmly arranged the subject of the norms to be harmonized. Through this tiered mechanism, the harmonization of the legislation will be relatively safe from political interests, because the consolidation ACT itself has undergone legislation between the related institutions so that the omnibus statement cannot be intercepted by the ruler.

If this can be passed it will be able to reduce the wave of resistance and demonstration of labor because of its process that has assured assurance that omnibus law is not a rash action that only relies on investment interests but all interests have been summarized therein. Omnibus law can be a mechanism for the establishment of ordinary legislation, although it must take a spinning road that is to make changes to LAW No. 12 of 2011 because the substance of the Omnibus law is not contained therein, so a necessity to do Omnibus law without revising the path of its constitution.

But the wave pandemic Covid-19 gave a distinctive effect on the people of Indonesia when saw the government as if rushed to accelerate omnibus law for investment amid the atmosphere of grief and suffering of Indonesia. As if the effort to eradicate the Covid-19 pandemic becomes insignificant compared to a legislation process which is precisely the energy to target the labor of the LAYOFFS and Theravada the economic income of the community. Thus the rate of omnibus law is like a bus piloted at an improper timing of the people's eyes.

In discussing the time and process, Usfunan has conveyed that Omnibus law in Indonesia, can be done with the following restrictions:

- 1) Law of Omnibus Law, can only be made based on a particular theme.
- 2) to undertake an in-depth review of the philosophical, sociological, and juridical grounds of the provisions of other legislation or other revoked laws.
- 3) Prioritize the constitutional rights of the people in shaping the omnibus legislation.

The time-scrolling omnibus is not precisely related to the constitutional rights of people, where the isolation of territory and isolation of self-reliance is precisely a large law that will target the manpower and investment as if it is rolled out quickly as there is something extraordinary in the people's eyes. People feel left behind, Labor feels threatened to be afflicted so there is a wave of demonstrations everywhere. Hence the consideration of the people's sense of capacity and legal objectives must be kept in the process to feel in the same processes without any concerns that caused the opposition just before its endorsement. Thus, the substance of the law can be read easily will cause polemic in the future.

The formation of omnibus legislation is expected not to include political interests, which affect the violations of constitutional rights violations of citizens. To realize that purpose, in the formation of Omnibus legislation required the maximum community participation to provide a view, related to the laws of Omnibus, to provide an assessment of whether the revocation of legislation carried out in the provisions of Omnibus legislation is by with the interests of society.

CONCLUSIONS

Pandemic Covid-19 provides color in the process of the Omnibus Law Draft law from the aspect of momentum and the atmosphere of the Indonesian people who are grieving and run territorial isolation and isolation of self-harm to those affected. The economic storm accompanying Pandemic Covid-19 had a great influence on the employee's world in Indonesia. Based on the descriptions that have been submitted, the conclusion can be drawn as follows:

1. Omnibus Law has not been an urgent need for employment in Indonesia for now. There are still many materials that are counterproductive arrangement material for the assurance of labor protection that needs to be discussed with all the employment stakeholders in Indonesia, considering that ' work ' is the human rights of everyone who has been regulated in the Constitution.
2. Omnibus Law in Indonesia is not regulated in LAW No. 12 of 2011, so its implementation must be initiated by making changes to law No. 12 the Year 2011 as a tangible manifestation of the commitment as a legal state and promoting constitutional rights of people to ensure the substance guarantees aspects of protection to the people.

Advice:

1. Establishing an Omnibus working team that comprises experts in their field. The Omnibus work team will synchronize every statutory regulation that is deemed not by the current governance vision and mission by maintaining aspects of protection for the nation of Indonesia and promoting the principle of legal certainty and fundamental benefits for the people.
2. Omnibus's working team initiated the work by exploring the problems in each ministry caused by joining and overlapping the regulations, so it is verified and can classify the problem.

3. The Omnibus work team will conduct a thorough study of the philosophical, sociological, and Juridician foundations so that the Omnibus theme is more focused and create a healthy condition and educate to prioritize the constitutional rights of people in the formation of legislation.

REFERENCES

Book

Pak pahan, Muchtar, 1996, Rakyat Menggugat, Pustaka Forum Adil Sejahtera, Jakarta
Siradjudin & Winardi, 2015, Dasar-dasar Hukum Tata Negara Indonesia, Setara Press, Malang

Journals

- Fitryantica, Agnes, Harmonisasi Peraturan Perundang-Undangan Indonesia melalui Konsep Omnibus Law, Jurnal Gema Keadilan (ISSN: 0852-011) Volume 6, Edisi III, Oktober - November 2019
- Hastuti, Proborini, Restrukturisasi Hierarki Peraturan Perundang-undangan di Indonesia, penataan Ulang Jenis dan Hierarki Peraturan Perundang-Undangan Indonesia, (Badan Pengkajian MPR RI 2017) 269-282
- Satria, Mirza Buana, 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) 347-366
- Usfunan, Jimmy Z., Mengharmoniskan Undang-Undang melalui Omnibus Law Model Indonesia, Strategi Perampingan dan Harmonisasi Regulasi Pusat dan Daerah, (Badan Pengkajian MPR RI 2017) 273-296

Legislation

- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945
Undang-Undang RI No.39 Tahun 1999 tentang Hak Asasi Manusia
Undang-Undang RI No.12 Tahun 2011 tentang Pembentukan Peraturan Perundang-Undangan di Indonesia

Website

- [file:///C:/Users/ASUS/Downloads/6751-20567-2-PB%20\(1\).pdf](file:///C:/Users/ASUS/Downloads/6751-20567-2-PB%20(1).pdf)
<https://kendari.bpk.go.id/wp-content/uploads/2018/04/Sinkronisasi-Harmonisasi.pdf>
<https://republika.co.id/berita/qdgt5p383/tiga-dampak-besar-pandemi-covid19-bagi-ekonomi-ri>
<https://www.hukumonline.com/berita/baca/lt5e2c1e4de971a/menelusuri-asal-usul-konsep-omnibus-law/>
<https://www.online-pajak.com/omnibus-law>
<https://www.silontong.com/2018/05/09/pengertian-hukum-pidana-menurut-para-ahli/>
<https://www.tribunnews.com/nasional/2019/11/22/perusahaan-tidak-bisa-kena-sanksi-pidana-dalam-omnibus-law>