



Omnibus Law Method Establishment of Post Legislation Regulations Number 13 of 2022

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Abstract

This study aims to answer how the Omnibus Law Method is in the Legal System in Indonesia in the Future and What are the Legal Implications of the Omnibus Law Method in the Job Creation Law After Law 13 of 2022 was enacted. The research method used is a type of normative research with a statutory approach. -Invitation (statute approach) and conceptual approach (conceptual approach) and Historical Approach (Historical Approach). The method for collecting legal materials in this research was carried out through literature studies, as well as from the internet. Legal Material Analysis Techniques are interpretation according to language/grammatical, extensive interpretation and hermeneutical interpretation. The results of this research are the enactment of law number 13 of 2022 which is the second amendment to Law Number 12 of 2011 concerning the Formation of Legislation (UUP3). The Law on the Formation of Legislation is revised through Law Number 13 of 2022, one of which is to accommodate the form of the use of the Omnibus method in the Formation of Legislation in Indonesia. Various kinds of urgency are the main cause of the Omnibus Law method being applied in Indonesia. Overlapping and too many regulations are one of the factors driving the Omnibus Law method to be adopted in Indonesia.

Keywords: *Undang-Undang Nomor 13 Tahun 2022; Omnibus Law*

Introduction

The concept of a rule of law state has become an ideology adhered to in Indonesia in administering its government. The concept of a rule of law cannot be separated from the concept of rechtsstaat which leads to the civil law system and the rule of law which leads to the Anglo Saxons. As a rule of law which is the legal culture of the civil law system, this is the legal culture adopted in continental European countries which is characterized by the fact that law in written form is formalized by law with legal certainty as the main essence. Laws and regulations are formed through standard procedures and this is also regulated in the Law on the Preparation of Legislation. The process of forming laws and regulations consists of the stages of planning, drafting, discussing, ratifying, stipulating and enacting. In the stages of the Indonesian legislation system as referred to in Law number 12 of 2011

concerning the Establishment of Legislation. Although not all types of laws and regulations are the same in every stage. However, each law and regulation has different content material with certain functions.¹

Indonesia is a constitutional state, which upholds the rule of law. The development of law is very decisive for the realization of the ideals of the nation, especially for advancing the general welfare.² There are 2 (two) main foundations that must become pillars in the implementation of national law development, namely the basic foundation and the principal foundation.³

This basic foundation is the basis for the implementation of national legal politics, because legal politics determines the direction of the overall national development policy which will be implemented within a certain period of time. Legal politics is basically a thought that becomes state intervention through state apparatus (government, DPR, and so on). State intervention with its legal instruments, in terms of: Formation of Legislation in the development of law for the sake of law enforcement.⁴

In Laws and Regulations it becomes the main door in the implementation of a legal policy. In the constitutional system, Legislation becomes the legal umbrella for the implementation of state activities. With the existence of regulations in a country so that it has a strategic and important position, both in terms of the conception of a rule of law, the hierarchy of legal norms, and from the function of law in general.⁵

According to Bagir Manan, the existence of a statutory regulation in which the activities of forming laws have a very important and strategic role as the main support in the administration of government. This is based on several reasons, viz:⁶ Laws and regulations are legal rules that are easily identifiable, easy to find and easy to trace. As a rule of written law, the form, type and location are clear, as well as the manufacture; Legislation offers more real legal certainty because the rules are easily recognized and retrieved; The structure and system of laws and regulations are clearer, so that they can be studied and tested both formally and substantively; Formation and development can be planned. This factor is very important for developing countries, including building a new justice system that suits the needs and developments of society.

In Indonesia, legislation or the process of establishing laws and regulations during the leadership of President Joko Widodo's first period until now has left some homework (PR). Starting from the increasing number of regulations/regulations, overlapping contents, decreasing levels of community participation, to promises of institutional reforms to overcome regulatory arrangements that have not been realized.⁷

Based on data from the Indonesian Center for Law and Policy Studies (PSHK), 10,180 regulations have been issued during Jokowi's administration until November 2019. The details are 131 laws, 526 government regulations, 839 presidential regulations, and 8,684 ministerial regulations. Other data shows that from 2000 to 2017 there were 35,901 regulations, the highest number being Regional Regulations (Perda) with 14,225 Perda, followed by Ministerial Regulations (Permen) with 11,873 Candy, and the third place was occupied by Non Ministries. Institutional Regulations of not less than 3,163 regulations. The quantity is not in line with the quality of regulation. This can be seen from the

¹ Muhammad Fadli. "Pembentukan Undang Undang yang Mengikuti Perkembangan Masyarakat". Jurnal Legislasi Indonesia. Vol. 15 No. 01 - Maret 2018. Hlm. 49.

² Lihat Pembukaan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.

³ Pusat Perencanaan Pembangunan Hukum Nasional, Perencanaan Pembangunan Hukum Nasional 2015-2019, (Jakarta: Badan Pembinaan Hukum Nasional, 2012), hlm. 56.

⁴ *Ibid*, hlm. 67

⁵ A.Rosyid Al Atok, Konsep Pembentukan Peraturan Perundang-Undangan, (Malang: Setara Press, ,2015), hlm.3.

⁶ Bagir Manan, Dasar-Dasar Perundang-Undangan Indonesia, (Jakarta: Ind-Hill, 1992), hlm.8.

⁷ Aida Mardatila, "Lima Langkah Penataan Regulasi Untuk Pemerintahan Jokowi Jilid II", 30 Oktober 2019 dalam <https://www.hukumonline.com/berita/a/lima-langkah-penataan-regulasi-untuk-pemerintahan-jokowi-jilid-ii-lt5db95c405cce2> ,diakses pada tanggal 04 Oktober 2022

many legal regulations that emerged from the standard review process in the judiciary.⁸ The situation is even more complicated when legal and regulatory data are often not the same from one regulation to another.⁹

Apart from that, the messy laws and regulations in the regions have also resulted in slow acceleration of development and consequently ineffective and inefficient investments. In 2016, the central government withdrew approximately 3,143 central regulations and regional regulations, both provincial and district/city, because they hindered investment.¹⁰

In a country, laws and regulations are an integral part or part of the system of a legal system in a country.¹¹ If there is no linkage and harmony between laws and regulations then there is overlap and there is a conflict between laws and regulations and other laws and regulations, then the purpose of legislation will not be achieved.¹² To overcome these problems, the idea of the Omnibus Law was assessed by President Joko Widodo as an alternative solution because of the chaotic and overlapping regulatory conflicts that have an impact on disharmony and dissonance between regulations and hinder program planning to accelerate development and improve people's welfare. Welfare, one of which impedes access to investment. Foreigners to Indonesia.¹³

The presence of the omnibus law concept which is a new legal paradigm in Indonesia has been put forward by President Joko Widodo as a development program in the field of law during his period. President Joko Widodo's reason for wanting the omnibus law concept is because there are thousands of rules spread across various institutions that impede development. To make it effective, it is necessary to create a legal umbrella with a law that is characterized by an omnibus law. The concept of the Omnibus law in the world of law in Indonesia is still new and in the form of a law what will be made. In Indonesia, the process of forming legislation or forming legal products using the omnibus law method has raised pros and cons in society, as well as differences of opinion among legal experts.¹⁴

With the implementation of the Omnibus Law in Indonesia, it becomes a question whether it will be in line or compatible with the legal system in Indonesia which adheres to the Civil Law System in the formation of a legal product, considering that the idea of the Omnibus Law is better known for its application in countries that adhere to the Common Law System. Based on the criteria and brief description above, it can be seen that the concept of the Omnibus Law is an idea for the formation of a completely new law in Indonesia.

⁸ Ibnu Sina Chandranegara, *Bentuk-Bentuk Perampangan dan Harmonisasi Regulasi*, Jurnal Hukum Ius Quia Iustum, Vol. 26 No. 3, 2019, hlm. 435

⁹ Wicipto Setiadi, *Simplifikasi Regulasi Melalui Pendekatan Omnibus Law: Suatu Keniscayaan*, (Orasi Ilmiah dalam rangka Dies Natalis Universitas Pembangunan Nasional "Veteran" Jakarta ke-57, 04 Oktober 2022), hlm. 2

¹⁰ Atang Irawan, "Omnibus Law dan Obesitas Peraturan Perundang-Undangan", 19 November 2019, dalam <https://mediaindonesia.com/read/detail/272650-omnibus-law-dan-obesitas-peraturan-perundangan> diakses pada tanggal 04 Oktober 2022.

¹¹ M. Ilham F. Putuhena, "Politik Hukum Perundang-Undangan Dalam Upaya Meningkatkan Kualitas Produk Legislasi", Jurnal RechtsVinding Vol 1 No. 3, Desember 2012, hlm. 346-347.

¹² Setio Sapto Nugroho, "Harmonisasi Pembentukan Peraturan Perundang-Undangan", (Jakarta: Dokumentasi dan Informasi Hukum, Bagian Hukum, Biro Hukum dan Humas, 2009), hlm.3.

¹³ Pilihan ini merupakan salah satu pilihan dari berbagai macam motivasi pemerintah dalam upayanya untuk mereformasi regulasi ditengah tengah persoalan akut yang dihadapi oleh Indonesia. Sekurang-kurangnya ada tiga bentuk motivasi dan tindakan reformasi regulasi. Pertama, pembentuk undang-undang memiliki motivasi untuk menghapuskan sistem saat ini dan ingin memulai membentuk sistem yang baru. Kedua, pembentuk undang-undang memiliki motivasi untuk mereformasi sistem pembentukan undang-undang secara komprehensif bahkan melakukan transplantasi. Ketiga, pembentuk undang-undang memiliki motivasi untuk mereformasi sistem pembentukan undang-undang namun tanpa melakukan tindakan radikal. Dari ketiga bentuk motivasi diatas, Pemerintah yang ditunjukkan dengan Kebijakan Presiden dalam pidatonya menyatakan memilih menggunakan transplantasi metode omnibus untuk mereformasi regulasi. Lihat: Ibnu Sina Chandranegara, *Kompabilitas Penggunaan Metode Omnibus Dalam Pembentukan Undang-Undang*, Jurnal Hukum Ius Quia Iustum, Vol. 27 No. 2, 2020, hlm. 242-243.

¹⁴ Sodikin, *Paradigma Undang-Undang Dengan Konsep Omnibus Law Berkaitan Dengan Norma Hukum Yang Berlaku Di Indonesia*, Jurnal Rechts Vinding, Vol. 9 No. 1, April 2020 hlm. 145.

Discussion

1. Legal implications of the Omnibus Law Method in the Job Creation Law after the enactment of Law 13 of 2022

A. Hamid S. Attamimi argues that quoting Juridish woordenboek, the word legislation has two meanings, namely: First, the process of forming state regulations of the highest type, namely laws (*wet*) to the lowest resulting by attribution or delegation from legal power (legislative power). Second, all products are state regulations. Therefore, statutory regulations are all regulations relating to laws and originating from the legislature.¹⁵ legally, according to Article 1 point 2 of Law Number 12 of 2011, statutory regulations are written regulations, generally contain legally binding standards, and are stipulated by government agencies or authorized officials through the procedures stipulated in regulations legislation.¹⁶

In the Dutch legal literature, law or law can be interpreted in both a substantive and formal sense. Law in the substantive sense (*wet in materieel zin*) is all forms of statutory regulations, while laws in the formal sense (*wet formele zin*) are commonly referred to as laws only.¹⁷ According to Bagir Manan, in a substantive sense, law is any written decision from an official or an authorized official's environment which contains generally binding rules of conduct or is called a legal rule. Meanwhile, in a formal sense, laws are laws made by the president with the approval of the DPR.¹⁸

As a kind of legal regulation, law has a strategic position in the Indonesian legal system. This is because the law has a very broad material scope.¹⁹ Furthermore, Article 1 point 3 of Law Number 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning Formation of Laws and Regulations which stipulates that laws and regulations are statutory provisions stipulated by the House of Representatives with the approval of the President. Law is the legal basis that forms the basis for the implementation of all government policies. "legal policy" as stated in the law, becomes a means of social engineering, where the policies that the government wants to achieve encourage people to accept new values.²⁰

Law is seen as one of the three main functions of government which derives from the doctrine of separation of powers. Groups that have the formal power to make legislation are known as legislators. Meanwhile, the government's judicial body has the formal power to interpret legislation and the government's executive body can only act within the limits of power established by statutory law.

Legal theory has a cognitive nature and is an interdisciplinary field related to political science and sociology. Legislation is the field of constitutional law.

In the following, legislative theories will be discussed, including the theory of the formation of legal products and the theory of statutory hierarchy:

¹⁵ Zaka Firma Aditya dan M. Reza Winata, "Rekonstruksi Hirarki Peraturan Perundang Undangan Di Indonesia", *Jurnal Negara Hukum* Vol. 9 No. 1, Juni 2018, hlm 88-89.

¹⁶ Peter Mahmud Marzuki, *Penelitian Hukum Edisi Revisi*, Cetakan ke-12 (Jakarta: Prenadamedia Group, 2016), hlm. 137

¹⁷ A.Rosyid Al Atok, *Konsep Pembentukan Peraturan Perundang-Undangan*, (Malang: Setara Press, 2015), hlm. 13.

¹⁸ *Ibid.*

¹⁹ Lihat Pasal 10 ayat (1) UU Nomor 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-Undangan sebagaimana telah diubah dengan UU Nomor 15 Tahun 2019 Tentang Perubahan atas UU Nomor 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-Undangan, disebutkan materi muatan Undang-Undang meliputi : (a) pengaturan lebih lanjut mengenai ketentuan Undang-Undang Dasar Negara RI Tahun 1945; (b) perintah suatu Undang-Undang untuk diatur dengan Undang-Undang; (c) pengesahan perjanjian internasional tertentu; (d) tindak lanjut atas Putusan Mahkamah Konstitusi; dan/atau (e) pemenuhan kebutuhan hukum dalam masyarakat.

²⁰ Yuliandri, *Asas-Asas Pembentukan Peraturan Perundang-Undangan Yang Baik*, (Jakarta: PT Raja Grafindo Persada, 2010), hlm.1

a. The Theory of the Formation of Legislation

1) Teori Momentum (*Momentum Theory*)

The author captures this theory from Meuwissen's ideas in Prof.'s book. B. Arief Sidaharta, S.H. The Law Formation Strategy which explains the process of linking the four moments, namely:

- Ideal philosophical moment. in the form of views on life, culture, religious beliefs, legal philosophy, legal awareness, national insight. This ideal moment is contextually colored by the natural reality of the state, the history of society and the sense of justice.
- A political-aspirational moment. Political interests and goals are determined in relation to aspirations regarding the real needs of society. The actual aspirations and needs of the people require political clarity in political interests and goals. In this context, politicians, the role of legislators as political parties, the critical views of academics, and the media as drivers of public opinion are dialectical processes.
- Normative moments. Its component is the ideal of law. Values, constitution, principles, norms, legal system. Legally, this is a central moment to allow law to reflect its goals: justice, legal certainty and expediency. Normative moments are thus the work of legal scholars to determine legal principles as jurisprudence or legal nutrition, which form the basis of the legal validity of state law.
- Technical moments. is legal expertise and skills in terms of legal drafting (legislation techniques), in short, expertise and skills in compiling systematics and norms in the structure of norms and the formulation of each norm.

2) Teori Segitiga (*Three Angle Theory*)

In the book Law and Development: A General Model, the core of the theory is:

- Political interaction in the process of forming laws (laws), indicating a process of mutual influence and intervention of relevant exponents in legislative power between law makers, law enforcement bureaucrats, and role holders (role occupants);
- Law is recognized as a product of politics in the process of making it, political design is recognized as an independent variable, and the form of law resulting from a legislative process is recognized as a dependent variable;
- Indicators of policy formation are determined by the roles of the legislature, executive, and the press (mass media), while indicators of the legislative process (laws), issuance of laws, public participation, and public complaints are determined by the role holders and exponents of the law enforcement bureaucracy;
- The formation process in a democratic political configuration directs the mechanism to always lead to the formation of laws that are in accordance with the aspirations, desires, needs and interests of the people that are relevant to the application of the law;
- Within the framework of forming laws the linkages between legislators (legislators) are reflected in the ability to design rules of conduct that determine sanctions, as well as other powers and influences. The method used is called ROCCUPI namely Rule (Regulation), Opportunity (Opportunity); Capacity (Ability), Communication (Communication), Interest (Interests), Process (Process), and Ideology (Ideology = values and attitudes). The model of this method is grouped into two factors, namely subjective factors consisting of interests, and political ideology which has a very broad scope of personal choice. Objective factors, consisting of: regulation, opportunity, ability to legislate, communication, and process.

b. Theory of Hierarchy of Legislation

1) The Level of Legal Norms

Hans Kelsen argues that norms are tiered and layered in a hierarchical order, where lower norms apply and are based on even higher norms, and stop at a highest norm which is called the basic norm (Grundnorm)²¹

Basic norms (Grundnorm) are the highest norms that are applied without basis, not derived from higher norms, but have been previously set by society with the aim of being implemented.²² Hans Kelsen, in his book *General Theory of Law and State*, suggests that there are 2 (two) systems of norms, namely the Normative Static System and the Normative Dynamic System. A static norm system is a system that views the norms based on their contents. while the dynamic norm system is a system of norms that looks at the enactment of a norm or from the way it is formed and eliminated.²³

Furthermore, Hans Kelsen said that law is contained in a dynamic system of norms (nomodynamics). because laws are always made and repealed by the agency or authority that has the authority to make them. so that in this case we do not look at it from the perspective of the norm, but from its enactment or establishment.²⁴ Therefore a law can be called valid (valid) if issued by a body or authority authorized to form it on a higher basis so that in this case lower (inferior) norms can be formed by higher (superior) norms and Law is tiered, sourced and based on higher norms.²⁵

A norm transitions from basic norm or origin norm to general norm and then positive. Then it becomes a concrete norm. Real norms are more personal. Positive norms are also called intermediary norms (tussenorm) because they are "intermediaries" from basic norms to individual norms. Hans Kelsen further said that legal norms can be divided into general norms and special norms. Customs and laws are included in the general norms. Laws made by adat are called customary laws, and laws made by legislatures are called statutes. Individual norms include decisions of administrative bodies, which are called administrative acts and legal transactions, or contracts and legal transactions in the form of contracts.²⁶

In this regard, Hans Kelsen's student named Hans Nawiasky said, Staatsfundamentalnorm is the norm that forms the basis for forming a constitution or basic law of a country (Staatsverfassung), including the norm for its amendment.²⁷

Hans Nawiasky divides the hierarchy of legal norms into four main groups, viz :²⁸

Staatsfundamentalnorm (State basic norms), Staatsgrundgesetz (State Basic Rules), Formell Gesetz ("formal" Act), and Verordnung & Autonome Satzung (Implementing Rules & Autonomous Rules)

*Staatsfundamentalnorm Is the highest norm of a country, the foundation (basic norm) which is not formed by higher norms because it is adhered to or determined by society.*²⁹

²¹ Mukhlis Taib, *Dinamika Perundang-Undangan Di Indonesia*, (Bandung: PT. Refika Aditama, 2017), hlm. 76

²² *Ibid.* hlm. 77

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ *Ibid.*, hlm.78

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ A.Rosyid Al Atok, *Konsep Pembentukan Peraturan Perundang-Undangan*, (Malang: Setara Press, ,2015), hlm. 15.

²⁹ *Ibid.*

Staatsgrundgesetz is a single legal norm which contains basic rules and general outlines which are the source and basis for forming statutory regulations (Formell Gesetz) which are directly binding on all people.³⁰ Staatsgrundgesetz can be contained in one state constitution or in several scattered state documents. The state document in question can be in the form of a Constitution in which matters regarding the division of state power, the relationship between state institutions, and the relationship between the state and its citizens are regulated in it.³¹

Formell Gesetz is a more concrete and detailed legal norm that applies directly to the community and whose formation is carried out by the legislature.³²

Verordnung & Autonome Satzung is the last legal norms group tasked with enforcing legal provisions. Implementing rules are formed on the basis of a power of attorney, and self-regulating rules are formed on the basis of attribution authority.³³

This hierarchical grouping of legal norms is generally referred to as the theory of a hierarchical order of legal norms. Judging from the hierarchy of legal norms as stated by Hans Nawiasky above, the Law (Formell Gesetz) occupies a middle position between the basic state law / Basic State Regulations (Staatsgrundgesetz) and Implementing Rules and Autonomy Rules (Verordnung & Autonome Satzung). Thus, the law functions as a bridge between the Constitution and the Implementing Rules.

Regarding the order of legal norms, Hans Kelsen, in his book *General Theory of Law and State*, argues that the law regulates its own emergence, because one legal norm determines the path for the emergence of other legal norms. The contents of other norms, namely lower legal norms, are determined by other higher legal norms, and this series of legal formations (regression) is complemented by the highest basic norms.³⁴ Thus, how the law is formed and what is the content of the law is determined by the law that underlies it, namely the constitution (Staatsgrundgesetz).

References

Book

- A. Hamid S. Attamimi, **Teori Perundang-undangan Indonesia: Suatu Sisi Ilmu Pengetahuan Perundang-undangan Indonesia yang Menjelaskan dan Menjernihkan Pemahaman**, Pidato Pengukuhan Jabatan Guru Besar Tetap pada Fakultas Hukum Universitas Indonesia di Jakarta, Tanggal 25 April 1992.
- A.Rosyid Al Atok, **Konsep Pembentukan Peraturan Perundang-Undangan**, Malang: Setara Press, 2015.
- Abdul Aziz Hakim, **Negara Hukum dan Demokrasi di Indonesia**, Yogyakarta: Pustaka Belajar, 2015.
- Astim Riyanto, **Filsafat Hukum**, Bandung: Yapemdo, 2002.
- Bagir Manan (ed), **Kedaulatan Rakyat, Hak Asasi Manusia dan Negara Hukum**, Kumpulan Essai Guna Menghormati Prof. Dr. Sri Soemantri Martosoewignyo, SH., Jakarta: Gaya Media Pratama, 1996.
- Bagir Manan, **Dasar-Dasar Perundang-Undangannya Indonesia**, Jakarta: Ind-Hill, 1992.

³⁰ *Ibid.* hlm.16

³¹ *Ibid.*

³² *Ibid.*

³³ *Ibid.*

³⁴ *Ibid.*, hlm. 14.

- Bernard Arief Sidharta (2), **Refleksi tentang Struktur Ilmu Hukum**, Bandung: Mandar Maju, Cetakan Ketiga, 2009.
- DHM, Meuwissen, **Meuwissen Tentang Pengembangan Hukum**, Ilmu Hukum, Teori Hukum, dan Filsafat Hukum, (B. Arief Sidharta, Tran), Bandung: Refika Aditama: 2007.
- Dyah Ochtorina Susanti, **Penelitian Hukum (*Legal Research*)**, Jakarta: Sinar Grafika, 2010.
- Encik Muhammad Fauzan, **Hukum Tata Negara Indonesia**, Malang: Setara Press, 2017.
- Franz Magnis Suseno, **Mencari Sosok Demokrasi, Sebuah Telaah Filosofis**, Jakarta: Gramedia, 1997.
- Georg Sorensen, **Demokrasi dan Demokratisasi (Proses dan Prospek dalam Sebuah Dunia yang sedang Berubah)**, Yogyakarta: Pustaka Belajar, 2003.
- H.M Thalbah, **Demokrasi dan Negara Hukum**, Yogyakarta: Kreasi Total Media, 2008.
- Janpatar Simamora, **Mendesain Ulang Model Kewenangan Judicial Review di Indonesia, Cetakan pertama**, Yogyakarta:Capiya Publishing, 2013.
- Jimly Asshiddiqie dan M. Ali Safa'at, **Teori Hans Kelsen tentang Hukum**, Jakarta: Sekretariat Jenderal & Kepaniteraan Mahkamah Konstitusi RI, Cetakan Pertama, 2006.
- Jimly Asshiddiqie, **Hukum Tata Negara dan Pilar-pilar Demokrasi**, Jakarta: Konstitusi Press, 2006.
- Jimly Asshiddiqie, **Konstitusi dan Konstitusionalisme Indonesia**, Jakarta: Sekjen dan Kepaniteraan Mahkamah Konstitusi RI, 2006.
- Johnny Ibrahim, **Teori dan Metodologi Penelitian Hukum**, Malang: Bayumedia Publishing, 2007.
- Jurgen Habermas, ***Recht en Moral***, Kampen: Kok Agora, 1998.
- Moh Mahfud MD, **Demokrasi dan Konstitusi di Indonesia**, Jakarta: Rineka Cipta, 2003.
- Moh. Koesnardi, SH Dan Bintan Saragih, SH., **Ilmu Negara**, Cet. 2. Jakarta: Gaya Medan Pratama, 1988.
- Moh. Koesnardi, SH Dan Harmaily Ibrahim, SH, **Pengantar Hukum Tata Negara Indonesia**, Cet. 2, Jakarta: Pusat Studi HTN, FH UI, 1976.
- Muhammad Tahir Azhary, **Negara Hukum Indonesia**, Jakarta: UI-Press, 1995.
- Muhammad Tahir Azhary, **Negara Hukum: Suatu Studi tentang Prinsip-prinsipnya Dilihat dari Segi Hukum Islam, Implementasinya pada Periode Negara Madinah dan Masa Kini**, Jakarta: Bulan Bintang, 1992.
- Mukhlis Taib, **Dinamika Perundang-Undangan Di Indonesia**, Bandung: PT. Refika Aditama, 2017.
- Ni'matul Huda, **Ilmu Negara**, Jakarta: Rajawali Pers, 2010.
- Padmo Wahjono, **Indonesia Negara Berdasarkan Atas Hukum**, Jakarta: Ghalia Indonesia, Cetakan Kedua, 1986.
- Padmo Wahyono, **Pembangunan Hukum di Indonesia**, Jakarta: In-Hill Co, 1989.
- Peter Mahmud Marzuki, **Penelitian Hukum-edisi revisi**, Jakarta: Kencana, 2016.
- Philipus M. Hadjon, **Perlindungan Hukum bagi Rakyat Indonesia**, Surabaya: Bina Ilmu, 1987.

- Plato, *The Laws, Penguin Classic*, Diterjemahkan dan diberi Kata Pengantar oleh Trevor J. Saunders, Edisi Tahun 1986.
- Pusat Perencanaan Pembangunan Hukum Nasional, **Perencanaan Pembangunan Hukum Nasional 2015-2019**, Jakarta: Badan Pembinaan Hukum Nasional, 2012.
- R. Sri Soemantri Martosoewignyo, **Bunga Rampai Hukum Tata Negara Indonesia**, Bandung: Alumni, 1992.
- Ridwan HR, **Hukum Administrasi Negara**, Jakarta: Rajawali Pers, 2013.
- Saifullah, **Tipologi Penelitian Hukum**, Malang: Intrans, 2015.
- Satjipto Rahardjo, **Membedah Hukum Progresif**, Jakarta: Penerbit Buku Kompas, 2006.
- Setio Sapto Nugroho, **Harmonisasi Pembentukan Peraturan Perundang-Undangan, Jakarta: Dokumentasi dan Informasi Hukum**, Bagian Hukum, Biro Hukum dan Humas, 2009.
- Soerjono Soekanto, **Pengantar Penelitian Hukum**, Jakarta: UI Press, 1986.
- Sudikno Mertokusumo, **Mengenal Hukum: Suatu Pengantar**, Yogyakarta: Liberty, 2007.
- Susu Dwi Harijanti, **Negara Hukum dalam Undang-Undang Dasar 1945, dalam “Negara Hukum Yang Berkeadilan: Kumpulan Pemikiran dalam Rangka Purnabakti Prof. Dr, H. Bagir Manan,SH.,MCL”**. Cetakan Pertama, Bandung: PSKN FH UNPAD, 2011.
- Yuli Andri, **Asas-Asas Pembentukan Peraturan Perundang-Undangan Berkelanjutan**, Jakarta; PT. Raja Grafindo Persada, 2009.
- Yuliandri, **Asas-Asas Pembentukan Peraturan Perundang-Undangan Yang Baik**, Jakarta: PT Raja Grafindo Persada, 2010.
- Zainuddin Ali, **Metode Penelitian Hukum**, Jakarta: Sinar Grafika, 2011.
- Journal**
- Ahmad Zaini, **Negara Hukum, Demokrasi, dan HAM**, Jurnal Hukum dan Politik, Indoprogess, Vol. 11 No. 1 Januari-Juni 2020.
- Dayanto, **Rekonstruksi Paradigma Pembangunan Negara Hukum Indonesia Berbasis Pancasila**. Jurnal Dinamika Hukum, Vol. 13 No. 3, Purwokerto: Fakultas Hukum Universitas Jendral Soedirman, Edisi September 2013.
- Fukuyama, dkk, *Democracy's Past and Future*, Journal of Democracy, Vol. 21 No.1, 2010.
- Hamid S. Attamimi, **Peranan Keputusan Presiden Republik Indonesia dalam Penyelenggaraan Pemerintahan Negara: Suatu Studi Analisa Mengenai Keputusan Presiden yang Berfungsi Pengaturan dalam Kurun Waktu Pelita I-Pelita IV**, Disertasi, Jakarta: Fakultas Pascasarjana Universitas Indonesia, 1990.
- Ibnu Sina Chandranegara, **Bentuk-Bentuk Perampingan dan Harmonisasi Regulasi**, Jurnal Hukum Ius Quia Iustum, Vol. 26 No. 3, 2019.
- Jailani, **Sistem Demokrasi di Indonesia Ditinjau Dari Sudut Hukum Ketatanegaraan**, Jurnal Inovatif, Vol. 3 No. 1, 2015.

- M. Ilham F. Putuhena, **Politik Hukum Perundang-Undangan Dalam Upaya Meningkatkan Kualitas Produk Legislasi**, Jurnal RechtsVinding Vol 1 No. 3, Desember 2012.
- Muhammad Fadli, **Pembentukan Undang Undang yang Mengikuti Perkembangan Masyarakat**. Jurnal Legislasi Indonesia. Vol. 15 No. 01 - Maret 2018.
- Fauzi Iswari, **Aplikasi Konsep Negara Hukum dan Demokrasi dalam Pembentukan Undnag-Undang di Indonesia**, Jurnal Cendekia Hukum, Vol. 6 No. 1, Edisi September 2020.
- Ni'matul Huda, **Kedudukan Peraturan Daerah dalam Hierarki Peraturan Perundang-Undangan**, Jurnal Hukum Vol. 13 No. 1, Januari 2006.
- Peter Mahmud Marzuki, **Penelitian Hukum Edisi Revisi, Cetakan ke-12, Jakarta: Prenadamedia Group**, 2016.
- Ibnu Sina Chandranegara, **Kompabilitas Penggunaan Metode Omnibus Dalam Pembentukan Undang-Undang**, Jurnal Hukum Ius Quia Iustum, Vol. 27 No. 2, 2020.
- Rosana, **Negara Demokrasi dan Hak Asasi Manusia**, Jurnal Tapis, Vol. 12 No. 1, 2016.
- Sodikin, **Paradigma Undang-Undang Dengan Konsep Omnibus Law Berkaitan Dengan Norma Hukum Yang Berlaku Di Indonesia**, Jurnal Rechts Vinding, Vol. 9 No. 1, April 2020.
- Tengku Erwinsyahbana, **Sistem Hukum Perkawinan pada Negara Hukum Berdasarkan Pancasila**, Jurnal Ilmu Hukum, Vol. 2 No. 2, Pekanbaru: Fakultas Hukum Universitas Riau, 2012.
- Titon Slamet Kurnia, **Konsep Ngera Berbasis Hak Argumen Justifikasi Pengujian Konstitusional Undang-undang**, Jurnal Konstitusi, Vol. 9 No. 3, Jakarta: Mahkamah Konstitusi Republik Indonesia, Edisi September 2012.
- Urbanus Ura Weruin, **Hermeneutika Hukum: Prinsip dan Kaidah Interpretasi Hukum**, Jurnal Konstitusi, Volume 13, Nomor 1, Maret 2016.
- Zaka Firma Aditya dan M. Reza Winata, **Rekonstruksi Hirarki Peraturan Perundang Undangan Di Indonesia**, Jurnal Negara Hukum Vol. 9 No. 1, Juni 2018.

Website

- Aida Mardatila, **Lima Langkah Penataan Regulasi Untuk Pemerintahan Jokowi Jilid II**, 30 Oktober 2019 dalam <https://www.hukumonline.com/berita/a/lima-langkah-penataan-regulasi-untuk-pemerintahan-jokowi-jilid-ii-1t5db95c405cce2>, diakses pada tanggal 04 Oktober 2022.
- Antoni Putra, **Ihwal Pembentukan Omnibus Law**, 24 Desember 2019 dalam <https://kolom.tempo.co/read/1287292/ihwal-pembentukan-omnibus-law> diakses pada tanggal 04 Oktober 2022.
- Arif Hidayat, **Kepastian Hukum Harus Sejalan dengan Rasa Keadilan, dalam Antara News**, <https://www.antaraneews.com>, diakses tanggal 04 Oktober 2022.
- Atang Irawan, **Omnibus Law dan Obesitas Peraturan Perundang-Undangan, 19 November 2019**, <https://mediaindonesia.com/read/detail/272650-omnibus-law-dan-obesitas-peraturan-perundangan>, diakses pada tanggal 04 Oktober 2022.
- Jimly Asshiddiqie, **Gagasan Negara Hukum Indonesia**, https://pngunungsitoli.go.id/assets/image/files/Konsep_Negara_Hukum_Indonesia.pdf, diakses pada tanggal 04 Oktober 2022.

Legislation

Undang-Undang Nomor 12 Tahun 2011 Tentang **Pembentukan Peraturan Perundang-Undangan**.

Scientific Oration

Wicipto Setiadi, **Simplifikasi Regulasi Melalui Pendekatan Omnibus Law: Suatu Keniscayaan**, (Orasi Ilmiah dalam rangka Dies Natalis Universitas Pembangunan Nasional “Veteran” Jakarta ke-57), 04 Oktober 2022.

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