

The Implementation of the Omnibus Law in Law Number 13 of 2022 Impact on Democracy in Indonesia

Tofik Yanuar Chandra¹

¹ Universitas Jayabaya, Jakarta, Indonesia

Abstract

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This study examines the application of the omnibus law method within the framework of Law Number 13 of 2022 on the Formation of Legislative Regulations and its implications for effectiveness, transparency, public participation, as well as the principles of democracy and checks and balances in Indonesia. Using a normative juridical method, the research analyzes legal norms and the technocratic practices that shape contemporary lawmaking. The findings indicate that the omnibus law method succeeds in improving regulatory efficiency and synchronization by simplifying fragmented norms into a unified framework. However, this efficiency comes with significant drawbacks, particularly the reduction of transparency and the narrowing of meaningful public participation. The legislative process becomes increasingly dominated by the government and parliament, while civil society faces limited space for deliberation. Furthermore, the imbalance between legislative speed and democratic legitimacy raises concerns regarding legal accountability and the quality of policymaking. Therefore, strengthening oversight mechanisms, improving information transparency, and ensuring substantial public participation are essential to safeguarding the integrity of the national legal system.



1. Introduction

A fundamental change in the national legal formation system of Indonesia occurred when the government enacted Law Number 13 of 2022 concerning the Formation of Legislative Regulations, which officially introduced the use of the omnibus law method in the legislation process. This approach allows for the drafting and amendment of various laws within a single, comprehensive legal instrument. This step is expected to increase efficiency, simplify overlapping regulations, and accelerate legal reform in Indonesia.¹ Conceptually, the omnibus law method was adopted to overcome classic legislative problems, such as legal fragmentation, long bureaucracy, and regulatory overlap. According to Sulistina et al.² the implementation of this method opens opportunities for the modernization of national legal governance, but its success heavily depends on the commitment to maintaining the principles of transparency, accountability, and public participation. This reform is not merely a technical change but a political-legal transformation that demands a balance between regulatory efficiency and democratic legitimacy.

In practice, the implementation of Law Number 13 of 2022 concerning the Formation of Legislative Regulations is inseparable from complex political dynamics. Aryani et al.³ indicates that the legislative process using the omnibus law

¹ Bayu Dwi Anggono. "Omnibus Law Sebagai Teknik Pembentukan Undang-Undang: Peluang Adopsi Dan Tantangannya Dalam Sistem Perundang-Undangan Indonesia." *Jurnal RechtsVinding* 9, no. 1 (2020): 17-37.

² Sulistina Sulistina, Bayu Dwi Anggono, Al Khanif, and Tran Ngoc Dinh. "The Pathway of Adopting Omnibus Law in Indonesia's Legislation: Challenges and Opportunities in Legal Reform." *Jurnal Kajian Pembaruan Hukum* 2, no. 2 (2022): 155-182.

³ Nyoman Mas Aryani, Ayu Putu Laksmi Danyathi, and Bagus Hermanto. "Quo Vadis Protection of The Basic Rights of Indonesian Workers: Highlighting The Omnibus Legislation and Job Creation Law." *Pandecta Research Law Journal* 17, no. 1 (2022): 104-120.

method is often driven by institutional interests and executive dominance, thereby reducing the supervisory function of parliament. This condition was clearly seen in the formation of the Job Creation Law, where the space for public deliberation was limited and community consultations often served as mere formalities.⁴

The principle of meaningful public participation is a crucial element in a democratic legislative system. However, according to Pratama,⁵ its implementation in the context of the omnibus law is often not substantive. The public is indeed invited to public consultations, but their views are rarely considered in the final policy formulation. From a democratic perspective, several studies assess that the omnibus law method can narrow the deliberative space and weaken the function of public control. Arifin et al.⁶ assesses that the enactment of the omnibus law signals a de-consolidation of democracy because the legislative process becomes more closed and technocratic. In line with this, Sabarudin,⁷ found that political decision-making in the formation of the omnibus law tends to be elitist and centered on the government, thus weakening the principles of representation and citizen participation.

⁴ Saru Arifin. "Illiberal tendencies in Indonesian legislation: the case of the omnibus law on job creation." *The Theory and Practice of Legislation* 9, no. 3 (2021): 386-403.

⁵ Nur Aji Pratama. "Meaningful Participation sebagai Upaya Kompromi Idee Des Recht Pasca Putusan Mk No. 91/PUU-XVIII/2020." *Crepidio* 4, no. 2 (2022): 137-147.

⁶ Muchamad Zaenal Arifin, Wahyu Budi Nugroho, Ana María Naranjo Cortés, and Pricia Purnama. "The Ratification of Omnibus Law: A Sign of Democratic Deconsolidation in Indonesia." *JSW (Jurnal Sosiologi Walisongo)* 6, no. 1 (2022): 13-28.

⁷ Didin Sabarudin. "Omnibus Law Cipta Kerja in Political Discourse and Public Opinion." *Jurnal Komunikasi dan Bisnis* 10, no. 2 (2022): 125-140.

Other criticisms point to the weakness of the checks and balances principle in the implementation of the omnibus law. Putra,⁸ highlights that executive dominance in regulatory drafting potentially blurs the boundaries of power between institutions, while accountability mechanisms are inadequate. In the same context, Priambudi et al.⁹ emphasizes the importance of strengthening the system of public supervision and the legislative body so that the omnibus law does not become an instrument that actually weakens constitutional democracy. Furthermore, the omnibus law approach shows a tendency toward the technocratization of law, where administrative efficiency is prioritized over public involvement.¹⁰ This paradigm creates a shift from a participatory legal system towards a more pragmatic and top-down system. Consequently, the deliberative values that should be the foundation of legal democracy are potentially marginalized.

Therefore, the implementation of Law Number 13 of 2022 concerning the Formation of Legislative Regulations needs to be critically examined. Legal reform through the omnibus law method promises efficiency, but its effectiveness depends on the legal system's ability to maintain transparency, public participation, and accountability. Undemocratic legislative reform can result in policies that are formally legal but socially illegitimate. Starting from this debate, this research is directed to answer two main questions: How does the application of the omnibus

⁸ Renaldy Eka Putra. "The Omnibus Law in the Perspective of Responsive Law and its Impact on Indonesia's Economy." *Constitutionale* 2, no. 1 (2021): 13-26.

⁹ Zaki Priambudi, Namira Hilda Papuani, and Ramdhan Prawira Mulya Iskandar. "Optimizing omnibus law in Indonesia: A legal enquiry on the use of artificial intelligence for legislative drafting." *Indon. JLS* 2 (2021): 79.

¹⁰ Aria Yudisatria. "The Influence Of Political Institutions On Job Creation Law In Indonesia." *Scientium Law Review (SLR)* 2, no. 3 (2023): 1-8.

law method within the framework of Law Number 13 of 2022 concerning the Formation of Legislative Regulations affect effectiveness, transparency, and public participation in the process of forming legislative regulations in Indonesia, and what are the main challenges in the implementation of Law Number 13 of 2022 concerning the Formation of Legislative Regulations against the principles of democracy and checks and balances, and why does strengthening legislative accountability become an urgency in Indonesian legal governance. Through these two questions, this research is expected to contribute academically to the understanding of the relationship between legal efficiency and democratic legitimacy in the context of national legislative reform based on the omnibus law method.

2. Methods

This research uses the normative juridical method, which is an approach that focuses on the study of written legal norms, legal principles, and principles that govern a specific legal issue. This approach is used to analyze how the application of Law Number 13 of 2022 concerning the Formation of Legislative Regulations affects effectiveness, transparency, and public participation in the legislative process, as well as to examine the challenges that arise to the principles of democracy and checks and balances in the context of implementing the omnibus law method in Indonesia. Thus, this research is not oriented towards empirical data or social behavior, but rather on a systematic study of doctrinal and normative legal materials.

The normative juridical method was chosen because the problem under study is directly related to the formal legal structure and mechanism regulated in legislative regulations. In this research, law is viewed as a norm that regulates behavior and state governance, not merely a social phenomenon. Therefore, the analysis is focused on how legal norms are formed, applied, and interact with the basic principles of the rule of law and constitutional democracy. This approach is relevant for understanding the extent to which Law Number 13 of 2022 concerning the Formation of Legislative Regulations has accommodated the principles of transparency and public participation as mandated in the constitution.

The types of legal materials used in this research consist of three main categories. First, primary legal materials which include legislative regulations, among others, the 1945 Constitution of the Republic of Indonesia, Law Number 13 of 2022 concerning the Formation of Legislative Regulations, as well as various implementing regulations related to the legislative process and public participation mechanisms. Second, secondary legal materials in the form of scientific literature such as books, legal journals, research results, and academic articles discussing the theory of law formation, the concept of omnibus law, and the relationship between legal efficiency and democratic legitimacy. Third, tertiary legal materials consisting of law dictionaries, encyclopedias, and other supporting sources that help clarify the terminology and concepts used in the research.

Data collection techniques were carried out through library research, namely by searching, reading, and analyzing legal materials from various credible sources, both print and digital. Data analysis was carried out qualitatively by interpreting the

content of legislative regulations and legal doctrine to find the relationship between normative provisions and democratic principles in the formation of law. This analysis is descriptive-analytical, where the researcher describes the applicable legal provisions, and then evaluates them based on legal principles and the theory of constitutional democracy.

With this method, the research is expected to produce a comprehensive and objective analysis regarding the application of the omnibus law method in Law Number 13 of 2022 concerning the Formation of Legislative Regulations, while also providing recommendations to strengthen the principles of transparency, public participation, and accountability in the national legislative process.

3. Results and Discussion

3.1. Omnibus Law Application in Law No. 13/2022 to Strengthen Effective, Transparent, and Participatory Legislation

The application of the omnibus law method within the framework of Law Number 13 of 2022 concerning the Formation of Legislative Regulations marks an important shift in Indonesia's national legislative system. This approach introduces a new way of simultaneously formulating and amending regulations through one comprehensive legal instrument. The main goal of this change is to increase the efficiency and synchronization between legislative regulations, so that the legal overlap that has been a hindrance in the national regulatory system can be

minimized.¹¹ With this model, the government seeks to create a simpler, faster, and more capable legal structure to address global economic challenges. However, behind the increase in efficiency, fundamental problems arise regarding the decline in the quality of procedural democracy, especially in the aspects of transparency and public participation.

In practical terms, the omnibus law method makes the government and the House of Representatives the dominant actors in the law formation process. This dominance strengthens the position of the executive and legislative branches in determining the direction of policy, while the space for civil society deliberation becomes increasingly limited.¹² Public involvement, which should be a key pillar in a democratic legislative system, in reality, shrinks due to a legislative drafting process that is closed and technocratic. In the case of the formation of the Job Creation Law, for example, public participation was only carried out in the form of a formality without substantive mechanisms to ensure that the aspirations of the community were considered in policy formulation.¹³

This phenomenon shows that legislative effectiveness achieved through the omnibus law method is not always in line with the principles of transparency and participation. According to Pratama,¹⁴ although Law Number 13 of 2022 concerning

¹¹ Bayu Dwi Anggono. "Omnibus Law Sebagai Teknik Pembentukan Undang-Undang: Peluang Adopsi Dan Tantangannya Dalam Sistem Perundang-Undangan Indonesia." *Jurnal RechtsVinding* 9, no. 1 (2020): 17-37.

¹² Nyoman Mas Aryani, Ayu Putu Laksmi Danyathi, and Bagus Hermanto. "Quo Vadis Protection of The Basic Rights of Indonesian Workers: Highlighting The Omnibus Legislation and Job Creation Law." *Pandecta Research Law Journal* 17, no. 1 (2022): 104-120.

¹³ Saru Arifin. "Illiberal tendencies in Indonesian legislation: the case of the omnibus law on job creation." *The Theory and Practice of Legislation* 9, no. 3 (2021): 386-403.

¹⁴ Nur Aji Pratama. "Meaningful Participation sebagai Upaya Kompromi Idee Des Recht Pasca Putusan Mk No. 91/PUU-XVIII/2020." *Crepidio* 4, no. 2 (2022): 137-147.

the Formation of Legislative Regulations has affirmed the importance of meaningful participation, its implementation is often limited to fulfilling administrative procedures. Public hearings, public consultations, and the publication of draft laws are carried out to meet formal requirements, not as a means for genuine deliberation. This has implications for the decline in social legitimacy of the resulting legal products.

The application of the omnibus law method also changes the character of the Indonesian legal system from being previously participatory to more technocratic. A fast and centralized legislative process is considered more efficient, but on the other hand, it narrows the space for public involvement in determining the direction of national policy. Yudisatria,¹⁵ refers to this tendency as a form of “legal technocratization,” where speed and efficiency are made the main priorities, while deliberative and representative values are marginalized. Consequently, although the legislative system becomes more synchronous and coordinated, the quality of substantive democracy actually declines.

In addition to the issue of participation, the aspect of transparency is also an important issue in the implementation of Law Number 13 of 2022 concerning the Formation of Legislative Regulations. Sabarudin,¹⁶ explains that the public often has difficulty accessing draft law documents or the results of discussions between institutions. Information regarding the legislative process tends to be conveyed

¹⁵ Aria Yudisatria. “The Influence Of Political Institutions On Job Creation Law In Indonesia.” *Scientium Law Review (SLR)* 2, no. 3 (2023): 1-8.

¹⁶ Didin Sabarudin. “Omnibus Law Cipta Kerja in Political Discourse and Public Opinion.” *Jurnal Komunikasi dan Bisnis* 10, no. 2 (2022): 125-140.

limitedly, so the public does not have sufficient opportunity to oversee the course of law formation. This lack of transparency reinforces the perception that the law formation process favors the interests of the political and economic elite over the broader public interest.

From a democratic point of view, Arifin et al.¹⁷ asserts that the application of the omnibus law marks a setback in the practice of public deliberation. The legislative process, which was originally designed to involve the community in decision-making, has now shifted to a procedure that is elitist and centralistic. In fact, civil society participation is often limited to the socialization stage after the law is passed, not at the stage of formulating legal substance. This indicates a change in orientation from “participatory democracy” towards “procedural democracy,” where the aspect of efficiency is prioritized over substantive legitimacy.

Another implication of the application of the omnibus law method is the weakening of oversight mechanisms and the principle of checks and balances. According to Putra,¹⁸ government dominance in the legislative process causes the control function of parliament and other oversight institutions to become limited. Consequently, although the resulting regulations are comprehensive and unite many laws, there is a risk of abuse of authority in legislative practice. This condition is reinforced by Priambudi et al.¹⁹ who emphasizes the importance of strengthening

¹⁷ Muchamad Zaenal Arifin, Wahyu Budi Nugroho, Ana María Naranjo Cortés, and Pricia Purnama. “The Ratification of Omnibus Law: A Sign of Democratic Deconsolidation in Indonesia.” *JSW (Jurnal Sosiologi Walisongo)* 6, no. 1 (2022): 13-28.

¹⁸ Renaldy Eka Putra. “The Omnibus Law in the Perspective of Responsive Law and its Impact on Indonesia's Economy.” *Constitutionale* 2, no. 1 (2021): 13-26.

¹⁹ Zaki Priambudi, Namira Hilda Papuani, and Ramdhani Prawira Mulya Iskandar. “Optimizing omnibus law in Indonesia: A legal enquiry on the use of artificial intelligence for legislative drafting.” *Indon. JLS* 2 (2021): 79.

accountability mechanisms and public oversight so that the omnibus law system does not become a means of consolidating executive power.

Sulistina et al.²⁰ states that the success of implementing the omnibus law method should not only be measured by the aspect of speed or uniformity of regulations, but also by the extent to which the principles of democracy, transparency, and public participation are accommodated in every stage of law formation. Regulatory efficiency without meaningful participation will lead to a deficit in legal legitimacy. Therefore, although the omnibus law method brings benefits in accelerating policy synchronization, its application must be accompanied by guarantees of information openness and substantial public involvement.

Thus, the results of this study indicate that the application of the omnibus law method through Law Number 13 of 2022 concerning the Formation of Legislative Regulations indeed succeeds in increasing the efficiency and synchronization of the national legal system, but it impacts the decline in transparency and public participation. The dominance of the government and the DPR in the legislative process leads to a reduced role for civil society and oversight institutions in determining the direction of legal policy. Consequently, although the legislative system is faster and more coordinated, the quality of procedural democracy decreases because the law formation process tends to be technocratic and top-down. To maintain the balance between efficiency and democratic legitimacy, there is a need to reformulate public participation mechanisms that are more open,

²⁰ Sulistina Sulistina, Bayu Dwi Anggono, Al Khanif, and Tran Ngoc Dinh. "The Pathway of Adopting Omnibus Law in Indonesia's Legislation: Challenges and Opportunities in Legal Reform." *Jurnal Kajian Pembaruan Hukum* 2, no. 2 (2022): 155-182.

accountable, and inclusive in every stage of the formation of legislative regulations in Indonesia.

3.2. Challenges and Urgency of Implementing Law Number 13 of 2022 against the Principles of Democracy and Checks and Balances

The implementation of Law Number 13 of 2022 concerning the Formation of Legislative Regulations presents a number of significant challenges to the principles of democracy and the system of checks and balances in Indonesia. Although the omnibus law method regulated in the law is designed to increase efficiency and consistency in legislation, in practice a dilemma arises between the speed of law formation and public involvement in the legislative process. On one hand, this method accelerates the harmonization and codification of laws that have been fragmented; but on the other hand, high efficiency is often achieved by sacrificing democratic values such as transparency, public participation, and political accountability.²¹

One of the main challenges in the implementation of Law Number 13 of 2022 concerning the Formation of Legislative Regulations is the tendency toward centralization of power in the legislative process. The omnibus law method gives great authority to the government and the House of Representatives (DPR) in

²¹ Sulistina Sulistina, Bayu Dwi Anggono, Al Khanif, and Tran Ngoc Dinh. "The Pathway of Adopting Omnibus Law in Indonesia's Legislation: Challenges and Opportunities in Legal Reform." *Jurnal Kajian Pembaruan Hukum* 2, no. 2 (2022): 155-182.

determining the direction and substance of legal policy. According to Aryani,²² executive dominance in the legislative process potentially weakens the oversight function of parliament and the judicial body, leading to an imbalance in the separation of powers between state institutions. In this context, the checks and balances mechanism, which should be the hallmark of a democratic state, is actually weakened, while the space for public deliberation becomes increasingly narrow.

Another challenge that arises is the reduction of meaningful participation in every stage of law formation. The legislative process through the omnibus law method tends to emphasize procedural efficiency rather than substantive involvement. Pratama,²³ notes that in many cases, the public is only given the opportunity to attend socialization or public consultations that are mere formalities, not to influence the substance of the policy. Consequently, civil society loses its critical role in ensuring that the drafted laws truly reflect public aspirations and the principle of social justice.

A concrete example of this challenge can be seen in the formation of the Job Creation Law (Law Number 6 of 2023) which used the omnibus law mechanism as regulated in Law Number 13 of 2022 concerning the Formation of Legislative Regulations. In the process, the draft law underwent rapid revision without adequate public consultation. The Constitutional Court later declared that the previous version, namely Law Number 11 of 2020 concerning Job Creation, was conditionally

²² Nyoman Mas Aryani, Ayu Putu Laksmi Danyathi, and Bagus Hermanto. "Quo Vadis Protection of The Basic Rights of Indonesian Workers: Highlighting The Omnibus Legislation and Job Creation Law." *Pandecta Research Law Journal* 17, no. 1 (2022): 104-120.

²³ Nur Aji Pratama. "Meaningful Participation sebagai Upaya Kompromi Idee Des Recht Pasca Putusan Mk No. 91/PUU-XVIII/2020." *Crepidio* 4, no. 2 (2022): 137-147.

unconstitutional because it did not meet the principles of meaningful public participation and transparency in policy formulation.²⁴ This case shows that legislative efficiency cannot be used as justification for ignoring democratic and constitutional principles.

A similar phenomenon also occurred in the drafting of the State Capital Law (IKN) during the 2022–2023 period. The rapidly conducted legislative process showed the same pattern: the draft law was prepared and passed in a short time with very limited community involvement. Sabarudin,²⁵ explains that the discussion of the IKN Law was more elitist and closed, where strategic decisions were made by the government and the DPR without adequate public deliberation space. In fact, the law regulates long-term policies that have a major impact on governance, the environment, and the socio-economics of the Indonesian people.

In addition to the problem of public participation, another prominent challenge is the weakness of transparency and legislative accountability. The quick process of drafting laws often ignores the principle of information openness. The public finds it difficult to access the academic manuscript, draft changes, or the results of discussions between institutions.²⁶ This situation reinforces the perception that the legislative process favors certain political and economic interests compared to the broader public interest. Under these conditions, public trust in the legal system

²⁴ Saru Arifin. "Illiberal tendencies in Indonesian legislation: the case of the omnibus law on job creation." *The Theory and Practice of Legislation* 9, no. 3 (2021): 386-403.

²⁵ Didin Sabarudin. "Omnibus Law Cipta Kerja in Political Discourse and Public Opinion." *Jurnal Komunikasi dan Bisnis* 10, no. 2 (2022): 125-140.

²⁶ Muchamad Zaenal Arifin, Wahyu Budi Nugroho, Ana María Naranjo Cortés, and Pricia Purnama. "The Ratification of Omnibus Law: A Sign of Democratic Deconsolidation in Indonesia." *JSW (Jurnal Sosiologi Walisongo)* 6, no. 1 (2022): 13-28.

and legislative institutions declines, while the democratic legitimacy of the resulting legal products weakens.

The urgency of strengthening accountability in this context becomes very important. Putra,²⁷ asserts that legislative and public oversight must be enhanced so that the omnibus law method does not become an instrument for the consolidation of executive power. Without a strong accountability mechanism, the potential for abuse of authority will be even greater, especially in a legislative process that is fast and closed. Therefore, it is necessary to develop an oversight system that actively involves civil society through digital channels, public forums, and transparent participatory mechanisms.

In addition to formal accountability, another urgency lies in the reconstruction of legislative governance oriented towards deliberative democracy. Priambudi et al.²⁸ argues that the success of the omnibus law method is not only measured by the aspect of efficiency, but also by the legal system's ability to maintain the principles of procedural justice and public openness. Sulistina et al.²⁹ adds that the ideal legislative system should combine speed with legitimacy, so that every law produced is not only formally legal but also has moral and social validity in the eyes of the public.

²⁷ Renaldy Eka Putra. "The Omnibus Law in the Perspective of Responsive Law and its Impact on Indonesia's Economy." *Constitutionale* 2, no. 1 (2021): 13-26.

²⁸ Zaki Priambudi, Namira Hilda Papuani, and Ramdhan Prawira Mulya Iskandar. "Optimizing omnibus law in Indonesia: A legal enquiry on the use of artificial intelligence for legislative drafting." *Indon. JLS* 2 (2021): 79.

²⁹ Sulistina Sulistina, Bayu Dwi Anggono, Al Khanif, and Tran Ngoc Dinh. "The Pathway of Adopting Omnibus Law in Indonesia's Legislation: Challenges and Opportunities in Legal Reform." *Jurnal Kajian Pembaruan Hukum* 2, no. 2 (2022): 155-182.

By considering these various challenges, the strengthening of legislative accountability becomes an urgency that cannot be postponed. Tighter supervision over the legislative process, increased substantial public participation, and transparency in every stage of regulation drafting are important steps to ensure that legal efficiency does not sacrifice democratic legitimacy. Without reform in legislative governance, the implementation of Law Number 13 of 2022 concerning the Formation of Legislative Regulations risks giving birth to a legal system that is fast but non-participatory, and deepening the chasm of public distrust towards law-making institutions in Indonesia.

4. Conclusion

The application of the omnibus law method in Law Number 13 of 2022 concerning the Formation of Legislative Regulations brings a dual impact on the national legal system. On one hand, this method increases the efficiency, synchronization, and uniformity of regulations, thereby accelerating the process of law formation. However, on the other hand, this efficiency is often achieved by sacrificing transparency and meaningful public participation. The dominance of the government and the DPR in the legislative process has narrowed the role of civil society, weakened the oversight function, and created an imbalance in the principle of checks and balances. This condition shows that procedural democracy has not been accompanied by adequate deliberative quality.

The main urgency of this research is the need to strengthen accountability mechanisms in the legislative process. Public oversight must be increased through

information openness, substantive consultation, and active citizen participation. Legal governance reform must ensure that the speed of law formation does not compromise democratic legitimacy. Thus, the Indonesian legal system can become more effective while being based on the true principles of openness, justice, and public participation.

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