

**FORMULATION AND REFORMULATION OF PUBLIC POLICY
(CASE STUDY OF LAW NUMBER 11 OF 2020)**

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ABSTRACT

The stage of formulating policy problems (problem structuring) is important in public policy. To produce new and more effective policies, expanding existing policies is very important. The evaluation must answer the contribution of a series of existing policies to improve the fulfilment of citizens' rights and obligations. This research uses normative research with a statute approach. The formulation of public policies in Law Number 11 of 2020 concerning Job Creation is carried out by the omnibus law method with the characteristics of reformulating, negating, and revoking part or all the other regulations. Public policy in Law Number 11 of 2020 concerning Job Creation must be reformulated because it conflicts with the techniques of drafting applicable laws and regulations as stipulated in various laws and regulations, especially Law Number 12 of 2011 concerning the Establishment of Laws and Regulations. Along with the development of science, the use of new methods in formulating public policies is a necessity and even a necessity. However, the use of the new method needs to be initiated by socialization and regulation in laws and regulations related to public policy formulation. Further research needs to be carried out on the formulation and reformulation of public policies in the regions because regional needs are not necessarily with national needs.

Keywords: Formulation, reformulation, public policy

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INTRODUCTION

The stage of formulating policy problems (problem structuring) is important in public policy. There is a need for alignment of opinions between the government,

regulatory policies in the field, as well as regulatory policy to strengthen policy implementation.¹ Policy analysis of Indonesian bureaucracy reform shows that there is a close relationship between the policy and the "good governance" concept. Good governance underpins as well as the goal of bureaucratic reform policy in Indonesia. Moreover, good governance is the guidance and source of reference for it also is of the conduct and behavior of the bureaucracy. International organizations influence policymaking by proposing and advocating for the adoption and incorporation of good governance in policies as justification for a well-managed government.²

To produce new and more effective policies, it is very important to do so. The evaluation should answer what the contribution of the existing set of policies is to the improvement of the fulfillment of the rights and obligations of citizens. Is the policy capable of making the needs and wants of citizens fulfilled? Is the policy capable of getting citizens involved in solving the public problems it faces? Has their spirit of citizenship increased and become more concerned about efforts to solve the problem?³

This research wants to reveal the formulation and reformulation of public policy. The research focus is on public policy formulation through Law Number 11 of 2020 concerning Job Creation. The argument formulated in this study is, "The formulation of public policy in Law Number 11 of 2020 concerning Job Creation is still not correct."

Based on the research conducted, Agus Suntoro concluded: (a) the establishment of the Job Creation Law in the perspective of human rights still indicates regression and contradictory with the progressive realization mechanism towards the full fulfilment of economic rights as the mandate of ICESR compared to previous sectorial laws that were changed, abolished and formed new norms; (b) that the material contained in the Omnibus Law on Job Creation, especially relating to aspects of human rights, especially regarding the right to work, shows a delay due to a weakening in efforts to protect workers against decent and fair working conditions, as well as to protect the right to a decent environment due to the establishment of rules that relax restrictive regulations and the imposition of environmental criminal sanctions.⁴

The choice of the formulation of public policy through Law Number 11 of 2020 concerning Job Creation because the formation of this Law invited a broad polemic since

¹ S. M, Sari, & Damanik, J. Tourism Policy Making During An Emergency: The Case Of Yogyakarta City During The Covid-19 Pandemic. *JKAP (Jurnal Kebijakan Dan Administrasi Publik)*, Vol.25, No. 2, (2021), p 131–147. <https://doi.org/10.22146/JKAP.67344>

² A. Arwanto, & Anggraini, W. (2022). Good Governance, International Organization, and Policy Transfer: A Case of Indonesian Bureaucratic Reform Policy. *JKAP (Jurnal Kebijakan Dan Administrasi Publik)*, 26(1), 33–46. <https://doi.org/10.22146/JKAP.68703>

³ A, Dwiyanto, *Teori Administrasi Publik dan Penerapannya di Indonesia (II)*, (Gadjah Mada University Press, 2021). p.91

⁴ A.Suntoro, Implementasi Pencapaian Secara Progresif dalam Omnibus Law Cipta Kerja. *Jurnal HAM*, Vol.12 No, 1, (2021). p 15. <https://doi.org/10.30641/HAM.2021.12.1-18>

the Draft Law. The Omnibus Law on Job Creation Bill has several deeper corrections, especially in the aspects of paradigm and substance of regulations regarding layoffs, permits, and regional autonomy (decentralization) this bill intends to reduce the existence of hyper regulation (the number of laws and regulations), but in the bill, it creates derivative rules that make more and more new rules appear.⁵

In the Job Creation Law, women workers are numbered two. In terms of female reproduction such as during menstruation. The Job Creation Law does not strengthen the reproductive health rights of female workers, which were not previously fulfilled in the old law. In fact, in terms of law updates, the Job Creation Law should strengthen small rights like this. However, this law also has nothing to be a solution to that problem. Even immediately this law was enacted directly tested at the Constitutional Court of the Republic of Indonesia (MK). The Law on Job Creation has been completed in the Constitutional Court. The Constitutional Court's ruling ordered the improvement of the Law on Job Creation within two years.

Immediately after the decision until now the President of the Republic of Indonesia (President) and the House of Representatives of the Republic of Indonesia (DPR RI) immediately tried to implement the Constitutional Court Decision. A period of two years can be said to be not a long time for the establishment of a statute. Especially for the formation of laws and regulations with the omnibus method.

Research in the field of public affairs is generally devoted to the development of the concept of publicity. The concept of publication has three important dimensions, namely the institutional dimension, arena, and value. The first dimension tries to explain the level of publicity based on the character of the institution, such as made of control, sources of financing, and ownership. The second dimension measures the level of publication based on the arena in which the institution operates, the public arena or the private arena. The public arena is an arena where public affairs and interests become a common discourse and consensus and become the basis for decision-making. The value dimension measures the values used as the basis for decision-making and management of institutions. Based on the description that has been submitted, we are interested in conducting research with the title "Formulation and Reformulation of public policies (a case study of Law Number 11 of 2020 concerning Job Creation)".

METHOD

This research uses a normative research method with a statute approach. The normative method is a method carried out based on primary legal materials by examining

⁵ B. Kurniawan, Redesain Rancangan Undang Undang Omnibus Law Cipta Lapangan Kerja. *JURNAL AKTA YUDISIA*, Vol 6, No, 1, (2021), p 31 <https://doi.org/10.35334/ay.v6i1.2202>

theories, concepts, legal principles, norms, and rules from statutory regulations.⁶ Furthermore, qualitative research aims to obtain a complete picture of something from the perspective of the person being studied. Qualitative research discusses the ideas, perceptions, opinions, or beliefs of the person being studied, and all of these cannot be measured numerically.

Two things are discussed about the focus of the research, namely the selection of cases and the unit of analysis. The chosen case is about the formulation of public policy through Law Number 11 of 2020 concerning Job Creation. The reason for the choice in this public policy formulation is that the researcher wants to reveal whether the factors that cause public policy formulated through Law Number 11 of 2020 concerning Job Creation cause polemics.

To obtain data on this study, researchers conducted research and data collection through literature studies in Medan. The data that will be used to explain this study is secondary data. Secondary data is obtained from documents, books, the results of previous research, articles in journals, print media, online media, and websites.

One thing that is often debated in qualitative research is related to validity, reliability, and generalization. In qualitative research, the issue of validity and reliability of data is also a concern and can be proven. It's just that validity in qualitative research does not have the same connotation as validity in quantitative research. The same is true in measuring reliability. Thus, to maintain the validity and reliability of qualitative research, in this study the researcher uses procedures, namely, "processing data, reading data, describing, classifying, interpreting data and presenting data." Furthermore, to find out that this research is consistent and reliable, it can be done by documenting the procedures for the research carried out. Specifically, in Public Policy, five analytical methods are known, namely: Problem structuring, forecasting, recommendations, monitoring, and evaluation.⁷

DISCUSSION

Overview Of The Meaning Of Public Policy

The definition of policy (policy) is a principle or way of acting chosen to direct decision-making.⁸ Carl Friedrich⁹ says that "Policy is a direction of action proposed by a person, group or government in a particular environment, which provides obstacles and

⁶ Eka N.A.M. Sihombing, "Perkembangan Kewenangan Pembatalan Peraturan Daerah dan Peraturan Kepala Daerah; Kajian Putusan Mahkamah Konstitusi Nomor 137/PUU-XIII/2015 dan Nomor 56/PUU-XIV/2016", *Jurnal Yudisial* 10, no. 2 (Agustus 2017), hlm. 226.

⁷ M. Hutahaean, *Pengantar Studi Kebijakan Publik (I)*. (Pustaka Sutra, 2008), p 27.

⁸ Mustari, N., Ip, S., Si, M., Kebijakan, P., Formulasi, P., Dan, I., Kebijakan, E., & Mustari, N. PEMAHAMAN KEBIJAKAN PUBLIK Formulasi, Implementasi dan Evaluasi Kebijakan Publik (1st ed.). Leutikaprio. (2015),p. 2

⁹ Ibid

opportunities for the proposed policy to use and overcome to achieve a goal, or realize a certain goal or intention".

James Anderson said in general the term "policy" or "policy" is used to designate the behavior of an actor (e.g. an official, a group, or a government agency) or several actors in a particular field of activity.¹⁰ Furthermore, Eyestone said that public policy can be defined as "the relationship of a unit of government to its environment."¹¹ Meanwhile, public policy is the authority of the government to carry out its duties and functions in the community and the business world.¹²

The process of policy formulation mechanism is the most crucial stage because implementation and evaluation can be carried out when the policy formulation stage has been completed, besides that the failure of a policy or program in achieving a goal largely stems from the imperfection of management at the formulation stage.¹³ Public policy formulation is the earliest step in the public policy process as a whole.¹⁴

Public values in a democratic country are the result of a public policy process. Rights, obligations, and principles in the management of policies and government are generally regulated in the constitution and/or laws and regulations. But these values in turn determine how the state and government should make policies and programs to produce outputs and outcomes to accelerate the realization of a democratic welfare state, which is the essence of public values themselves. This relationship is dynamic, and symmetrical, and follows changes in its internal and external environment.¹⁵

Formulation And Reformulation Of Public Policy (Case Study Of Law Number 11 Of 2020)

Omnibus law is a method used to replace and/or repeal provisions in the Law or reorganize several provisions in the Law into one Law (Thematic). A statutory regulation including the Act usually regulates a specific thing or matter. Meanwhile, Omnibus Law is a technique for forming new laws that were initially associated with the need to make changes to several existing laws at once.¹⁶ The technique of forming laws and regulations has been known for a long time but is rarely used, including in Indonesia.

The process of making regulations needs to be regulated based on the principles of good regulation-making. The principle requires that the creation of hiatus regulations is based on adequate empirical facts, and the involvement of stakeholders, and is managed based on values and principles that have been proven to be able to produce good

¹⁰ Ibid

¹¹ Ibid

¹² Ibid

¹³ Ibid

¹⁴ Ibid

¹⁵ Dwiyanto, *Op.Cit.*, p.81

¹⁶ J. Asshiddiqie, *Omnibus Law dan Penerapannya di Indonesia (I)*. (Konstitusi Press, 2020), p 5.

regulatory quality. Its values and principles are clear policy objectives and implementation frameworks, the proportionality of subsidiarity transparency, competitive and technologically neutral, accessibility, and simplicity.¹⁷

In its implementation according to Jimly Asshiddiqie¹⁸ there can be several possibilities as follows: There is one main law that is to be changed, namely about A, but the draft amendment is prepared by planning to also change one or two articles contained in the Law on B, and one or two articles of provisions in the Law on C without repealing the applicability of Law B and Law C, except for only composing a few articles with the new law. This bill belongs to the category of Omnibus Bill which I classify as Omnibus Pattern 1.

There is one new Law to regulate a completely new policy but that new policy if done without a separate Law will bump or violate several laws at once, and then all laws that are not following the new policy need to be changed as appropriate with the new law by the need for new rules norms. This new bill also belongs to the category of Omnibus Bill which I classify as Omnibus Pattern 2.

There are two or more laws that are simultaneously to be changed with one new law, and with the new law later, two or three of the old laws will be repealed and become invalidated. Can this also be called the Omnibus Bill? The answer is yes; this also belongs to the category of Omnibus Bill which I call Omnibus Pattern 3. However, certainly, in its implementation, the 3rd Pattern Bill is more complicated, more difficult, and even has the potential to cause more legal complications on the ground with a wider social impact.

The norms of national life, moreover legal norms, can play a positive role. The law, for example, not only functions cohesively in the sense of simply recording and compiling the norms of life that are in force and putting them in the books of the law systematically but also and especially must function meditatively in the sense of composing the norms of a less good life in a better direction. Only with awareness, discipline, and a little 'compulsion' can improvements be achieved.¹⁹

The Omnibus law method has been widely applied in various countries to improve regulations in these countries, especially in the context of job creation and improving the climate and investment competitiveness. In Indonesia, this method is not yet popular, but in fact, there are already several laws that apply this method, such as Law Number 9 of 2017 concerning the Establishment of Government Regulations instead of Law Number

¹⁷ Dwiyanto, *Loc.Cit*, p.338

¹⁸ Asshiddiqie, *Op.Cit*, p.7

¹⁹ M. F. Indrati, (Ed.). *Kumpulan Tulisan A. Hamid S. Attamimi: "Gesetzgebungswissenschaft sebagai salah satu upaya menanggulangi hutan belantara peraturan perundang-undangan."* (Badan Penerbit Fakultas Hukum Universitas Indonesia., 2021), p 143.

1 of 2017 concerning Access to Financial Information for Taxation Purposes into An Act that repeals several articles in several related laws.

Since before and after being invited by Law Number 11 of 2020 on Job Creation (Statute Book of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573) has given rise to polemics. It can even be said that the polemics that occur are broader compared to other Acts.

The Job Creation Law has been partially repealed by Law Number 1 of 2022 concerning Financial Relations between the Central Government and Regional Governments, namely Article 114 and Article 176 number 4 paragraph (4) in Article 252 and number 7. In addition, this law has also been amended by Law Number 2 of 2022 concerning the Second Amendment to Law Number 38 of 2004 concerning Roads, namely Article 103 of Law Number 11 of 2020 adding one article between Article 53 and Article 54 of Law Number 38 of 2004 concerning Roads.

The Job Creation Law repealed several Laws Number 3 of 1982 concerning mandatory registration of Staatsblad Companies of 1926 Number 226 juncto Staatsblad of 1940 Number 450 concerning the Nuisance Law (Hinder ordonnantie).

The Job Creation Law amends several laws, namely: Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining. Law Number 8 of 2019 concerning the Implementation of Hajj and Umrah. Law Number 22 of 2019 concerning sustainable agricultural cultivation systems. Law Number 17 of 2019 concerning Water Resources. Law Number 11 of 2019 concerning the National System of Science and Technology. Law Number 6 of 2017 concerning Architects. Law Number 2 of 2017 concerning Construction Services. Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers. Law Number 7 of 2016 concerning the Protection and Empowerment of Fishermen, Fish Farmers, and Salt Farmers. Law Number 20 of 2016 concerning Brands and Geographical Indications. Law Number 13 of 2016 concerning Patents. Law Number 7 of 2014 concerning Trade. Law Number 6 of 2014 concerning Villages. Law Number 41 of 2014 concerning Amendments to Law Number 18 of 2009 concerning Animal Husbandry and Animal Health. Law Number 39 of 2014 concerning Plantations. Law Number 33 of 2014 concerning the Halal Product Guarantee. Law Number 32 of 2014 concerning Marine. Law Number 30 of 2014 concerning Government Administration. Law Number 3 of 2014 Concerning Industry. Law Number 23 of 2014 concerning Regional Government. Law Number 21 of 2014 concerning Geothermal. Law Number 1 of 2014 concerning Amendments to Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands. Law Number 19 of 2013 concerning The Protection and Empowerment of Farmers. Law Number 2 of 2012 concerning Land Acquisition for Development for Public Interest. Law Number 18 of 2012 concerning Food. Law Number 16 of 2012 concerning the Defense Industry. Law Number 6 of 2011 concerning Immigration. Law

Number 4 of 2011 concerning Geospatial Information. Law Number 24 of 2011 concerning the Social Security Organizing Agency. Law Number 20 of 2011 concerning Flats. Law Number 1 of 2011 concerning Housing and Settlement Areas Law Number 13 of 2010 concerning Horticulture. Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries Law Number 44 of 2009 concerning Hospitals. Law Number 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land. Law Number 4 of 2009 concerning Mineral and Coal Mining. Law Number 39 of 2009 concerning Special Economic Zones. Law Number 38 of 2009 concerning POS. Law Number 36 of 2009 concerning Health. Law Number 35 of 2009 concerning Narcotics. Law Number 33 of 2009 concerning Film

Law Number 32 of 2009 concerning Environmental Protection and Management. Law Number 30 of 2009 concerning Electricity. Law Number 28 of 2009 concerning Regional Taxes and Regional Levies. Law Number 22 of 2009 concerning Road Traffic and Transportation. Law Number 18 of 2009 concerning Animal Husbandry and Animal Health. Law Number 10 of 2009 concerning Tourism. Law Number 1 of 2009 concerning Aviation. Law Number 21 of 2008 concerning Sharia Banking. Law Number 20 of 2008 concerning Micro Enterprises, Small, and Medium. Law Number 17 of 2008 concerning Shipping. Law Number 40 of 2007 concerning Limited Liability Companies. Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands. Law Number 26 of 2007 concerning Spatial Planning. Law Number 25 of 2007 concerning Investment. Law Number 23 of 2007 concerning Railways. Law Number 40 of 2004 concerning the National Social Security System. Law Number 38 of 2004 concerning Roads. Law Number 31 of 2004 concerning Fisheries. Law Number 19 of 2004 concerning the Establishment of Government Regulations instead of Law Number 1 of 2004 concerning Amendments to Law Number 41 of 1999 concerning Forestry into Law Number 19 of 2003 concerning Owned Enterprises Country. Law Number 13 of 2003 concerning Manpower. Law Number 32 of 2002 concerning Broadcasting. Law Number 28 of 2002 concerning Building Buildings. Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia. Law Number 22 of 2001 concerning Oil and Gas. Law Number 37 of 2000 concerning the Establishment of Government Regulations instead of Law Number 2 of 2000 concerning The Free Trade Area and Free Port of Sabang into Law Number 36 of 2000 concerning The Establishment of Regulations Government instead of Law Number 1 of 2000 concerning Free Trade Areas and Free Ports into Law. Law Number 29 of 2000 concerning the Protection of Plant Varieties

Law Number 5 of 1999 concerning the Prohibition of Monopoly Practices and Unfair Business Competition. Law Number 41 of 1999 concerning Forestry. Law Number 36 of 1999 concerning Telecommunications. Law Number 10 of 1998 concerning Amendments to Law Number 7 of 1992 concerning Banking. Law Number 5 of 1997 concerning

Psychotropics. Law Number 10 of 1997 concerning the Power of Law Number 7 of 1992 concerning Banking. Law Number 25 of 1992 concerning Cooperative. Law Number 8 of 1983 concerning Value Added Tax on Goods and Services and Sales Tax on Luxury Goods. Law Number 7 of 1983 concerning Income Tax. Law Number 6 of 1983 concerning General Provisions and Procedures for Taxation. Law Number 2 of 1981 concerning Legal Metrology.

The Job Creation Law has been tested in the Constitutional Court several times. However, there is one decision that is most attention-grabbing and influential, namely DECISION Number 91/PUU-XVIII/2020. In that regard, this study will be subject to this Judgment. DECISION No. 91/PUU-XVIII/2020, which adjudicates constitutional cases in the first and last instance, handed down a judgment in the case of Formal Testing of Law Number 11 of 2020 concerning Job Creation against the Constitution of the Republic of Indonesia of 1945, which was filed by:

- Name: Hakiimi Irawan Bangkid Pamungkas; Occupation: Private Employee/Former PKWT Worker; Address: Sriguwak, RT.002/RW.006, Neighborhoods Selopuro, District Pitu, Regency Ngawi, East Java Province; As Applicant I;
- Name: Ali Sujito; Occupation: Student; Address: Rejuno, RT.006/RW.001, Neighborhoods Rejuno, District Karangjati, Regency Ngawi, Province Jawa Timur; As Applicant II;
- Name: Muhtar Said, S.H., M.H. Occupation: Lecturer; Address: Griya Bukit Cipayung, RT.003/RW.009, Neighborhoods Bojong Pondok Terong, District Cipayung, Depok, West Java; As Applicant III;
- Name: Migrant CARE, which in this case is represented by Wahyu Susilo as Chairman, and Anis Hidayah as Secretary; Address: Jalan Jati Padang I Nomor 5A, RT.05/RW.03, Jati Padang, Pasar Minggu, Jakarta Selatan, DKI Jakarta; As Applicant IV;
- Name: The Nagari Customary Density Coordinating Board of West Sumatra, which in this case is represented by Yuzirwan Rasyid Datuak PGP Gajah Tongga, as chairman, and Yulizal Yunus Datuak Rajo Bagindo, as General Secretary; Address: Jalan Pramuka Raya Number 13, Lolong Belanti, Kecamatan Padang Utara, Kota Padang, Sumatera Barat. As Applicant V;
- Name: Mahkamah Adat Alam Minangkabau, which in this case is represented by Irwansyah Datuak Katumanggungan, as the Chairman (Imam); Address: Jalan Hidayah RT. 04/RW.03 Number 9 Tanjung Sabar Village, Lubuk Begalung District, Padang City, West Sumatra; As Applicant VI;

In this case, based on the Special Power of Attorney dated November 6, 2020, authorizing Viktor Santoso Tandiasa, S.H., M.H., Dr. Wendra Yunaldi, S.H., M.H., Mohammad Anwar, S.H., M.H., Hifdzil Alim, S.H., M.H., Muhamad Hasan Muaziz, S.H., M.H., Muhamad Saleh, S.H., M.H., Galang Brilliant Putra, S.H., Febry Indra

Gunawan Sitorus, S.H. Siti Badriyah, S.H., Happy Hayati Helmi, S.H., Zico Leonard Djangardo, S.H., Yasin Hasan, S.H., Irwan, S.H.I., M.H., and Safari Budiarko, S.H., all of whom are advocates and consultants who are members of the Legal Team of the Constitutional Rights Fighters Community Movement, located at the Tanah Abang 1 Shophouse Complex Number 12 T.U. Second Floor, Jalan Tanah Abang 1 Number 12, Central Jakarta, acts jointly or individually, for and on behalf of the authorizer. Furthermore, Petitioners I to Petitioners VI are referred to as the Petitioners.

Based on the judgment of the facts and the law above, the Court concluded: The Court has the authority to adjudicate a quo application; The petitioners' application is still within the deadline for applying for formal testing; Petitioner I and Petitioner II have no legal standing to apply for a quo; Applicant III, Applicant IV, Applicant V, and Petitioner VI have the legal standing to apply for a quo; The application for provision is unwarranted under the law; The subject matter of the Petitioners' pleadings is well founded in law in part.

Furthermore, the Court in the decision Judgment adjudicated: In the Provision: Declared Petitioner I and Petitioner II's Provisional Application inadmissible; Rejecting The Provisional Application of Applicant III, Applicant IV, Applicant V, and Petitioner VI.

In the Subject Matter of the Petition: Declare the applications of Applicant I and Petitioner II inadmissible; Granting the application of Applicant III, Applicant IV, Applicant V, and Petitioner VI in part.

Stating that the establishment of Law Number 11 of 2020 concerning Job Creation (Statute Book of the Republic of Indonesia of 2020 Number 245, Supplement to the Statute Book of the Republic of Indonesia Number 6573) is contrary to the Constitution of the Republic of Indonesia of 1945 and does not have conditionally binding legal force as long as it is not interpreted to be "no improvement has been made within 2 (two) years since this decision was pronounced";

States that Law Number 11 of 2020 concerning Job Creation (Statute Book of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573) is still valid until improvements are made to the formation by the grace period as specified in this decision.

Order the framers of the law to make improvements within no more than 2 (two) years since this decision is pronounced and if within that grace period no improvement is made, Law Number 11 of 2020 concerning Job Creation (Statute Book of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573) becomes permanently unconstitutional;

Stating that if within a grace period of 2 (two) years, the framer of the law cannot complete the improvement of Law Number 11 of 2020 concerning Job Creation (Statute Book of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette

of the Republic of Indonesia Number 6573) then the law or articles or material content of the law that has been repealed or amended by Law Number 11 of 2020 concerning Job Creation (Statute Book of the Republic of Indonesia of 2020 Number 245, Supplement to the Statute Book of the Republic of Indonesia No. 6573) declared to be in force again;

Stating to suspend all actions/policies that are strategic and have a broad impact, and it is not allowed to also issue new implementing regulations related to Law Number 11 of 2020 concerning Job Creation (Statute Book of the Republic of Indonesia of 2020 Number 245, Supplement to the Statute Book of the Republic of Indonesia Number 6573);

Order the posting of this judgment in the State Gazette of the Republic of Indonesia as appropriate, Rejecting the petitioners' application for other than and for the rest.

The Omnibus Law technique adopted by the Job Creation Law has the characteristics of reformulating, negating, and revoking ass or all other regulations which in the engineering aspect have implications for the preparation technique so that it can conflict with the technique of drafting laws and regulations regulated in Appendix I and II of Law 12/2011.

The process of discussing the Job Creation Bill, which is a government proposal, is carried out jointly between the Work Committee of the Legislature of the House of Representatives of the Republic of Indonesia and the Government. In the process, working committee then made a Problem Inventory List of the Job Creation Bill intending to criticize, discuss, discuss, reject, approve, provide notes, propose formulas, and so on. So, there are Government proposals that are rejected, approved, and reformulated, and some that are finally withdrawn/issued and returned to the existing law.

Laws and regulations formed by state institutions or authorized officials are expected to apply in society so that they become parameters for society. Thus, the norms contained in it are obeyed and implemented by society so that there is no documentation for the institutions that form the laws and regulations.²⁰

Centuries ago, in most countries in Asia social change and development were hampered by the interests of the ruling feudalists and/or colonial powers.²¹

Most developing countries have sought to guide and encourage their development through a development planning process. Even so, this dynamic process of radiance sometimes seems uncontrollable. Wild growth, such as socio-economic imbalances, chastising poverty, and the lack of social justice and security.²² In the end, one of the key factors that influence the performance of regulatory reform in building permit service

²⁰ Andryan, *Landasan dan Teknik Perundang-undangan* (1st ed.). (Setara Press, 2022), p 24

²¹ N. Mulder, *Kepribadian Jawa dan Pembangunan Nasional* (7th ed.). (Gadjah Mada University Press, 1996), p 69.

²² Ibid

provision is the institutionalization process, which is strongly influenced by central government policies.²³

CONCLUSION

The formulation of public policy in Law Number 11 of 2020 concerning Job Creation is carried out using the omnibus law method with the characteristics of reformulating, negating, revoking, or all other regulations. Public policy in Law Number 11 of 2020 concerning Job Creation must be reformulated because it is contrary to the technique of drafting applicable laws and regulations as stipulated in various laws and regulations, especially Law Number 12 of 2011 concerning the Establishment of Regulations for The Laws and Regulations

Along with the development of science, the use of new methods of formulating public policy is a necessity and even a necessity. However, the use of the new method needs to begin with socialization and regulations in laws and regulations related to the formulation of public policy. It is necessary to conduct further research on the formulation and reformulation of public policies in the regions because regional needs are not necessarily with national needs.

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²³ A. Maula, & Prasojo, E. Interactive Governance of Regulatory Reform in the Issuing of Building Construction Permits in DKI Jakarta. *JKAP (Jurnal Kebijakan Dan Administrasi Publik)*, Vol.2, No.1, (2021),p. 55–73. <https://doi.org/10.22146/JKAP.61291>

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