



## OMNIBUS LAW METHOD IN FORMATION LOCAL REGULATION

### *METODE OMNIBUS LAW DALAM PEMBENTUKAN PERATURAN DAERAH*

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#### **ABSTRACT**

Based on the provisions of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Legislation that the omnibus law method is carried out in the planning process contained in the Regional Regulation Formation Program. The functions of regional regulations are: first, to carry out regional autonomy and co-administration, and secondly to accommodate special regional conditions and thirdly as an instrument for elaborating higher laws and regulations. Then the authority to form Regional Regulations is in the hands of Regional Governments, Regional Governments include Regional Governments. Research problems discuss the omnibus law method in forming regional regulations and the inhibiting factors of the omnibus law method in forming regional regulations. The research method uses a normative and empirical juridical approach. The results of the research on drafting laws and regulations using the omnibus law method use the process of forming laws and regulations which include the stages of planning, drafting, discussing, validating/stipulating, enacting and disseminating. And the inhibiting factor for the omnibus law method in the formation of the first regional regulations was the lack of competent drafters of laws and regulations in drafting regional laws and regulations. Second, there are no implementing regulations governing the procedures for establishing regional regulations using the omnibus law method. And third, there is no obligation for regions to use the omnibus law method in forming regional regulations.

**Keyword : Omnibus Law Method, Local Government of Lampung**

**ABSTRAK**

Berdasarkan ketentuan Undang-Undang Nompur 13 Tahun 2022 tentang Perubahan Kedua atas Undang-Undang Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-Undangan bahwa metode omnibus law dilaksanakan dalam proses perencanaan yang dimuat dalam Program Pembentukan Peraturan Daerah. Fungsi Peraturan Daerah yaitu: pertama, menyelenggarakan otonomi daerah dan tugas pembantuan, dan kedua manampung kondisi khusus daerah serta ketiga instrumen penjabaran peraturan perundang-undangan yang lebih tinggi. Maka kewenangan pembentukan Peraturan Daerah berada di tangan Pemerintahan Daerah, Pemerintahan Daerah meliputi Pemerintah Daerah. Permasalahan Penelitian membahas tentang metode omnibus law dalam Pembentukan Peraturan Daerah serta faktor penghambat metode omnibus law dalam pembentukan Peraturan Daerah. Metode penelitian menggunakan pendekatan yuridis normatif dan empiris. Hasil penelitian penyusunan peraturan perundang-undangan dengan metode omnibus law dengan menggunakan proses pembentukan peraturan perundang-undangan yang meliputi tahapan perencanaan, penyusunan, pembahasan, pengesahan/penetapan, pengundangan dan penyebarluasan. Dan faktor penghambat metode omnibus law dalam pembentukan Peraturan Daerah pertama, kurangnya tenaga perancang peraturan perundang-undangan yang kompeten dalam penyusunan peraturan perundang-undangan di daerah. Kedua, belum adanya peraturan pelaksana yang mengatur mengenai tata cara pembentukan Peraturan Daerah dengan menggunakan metode omnibus law. Dan ketiga, tidak ada keharusan bagi daerah untuk menggunakan metode omnibus law dalam pembentukan Peraturan Daerah.

**Kata Kunci** : **Metode Omnibus Law, Pemerintah Daerah Provinsi Lampung, Program Pembentukan Peraturan Daerah, Proses Perencanaan.**

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**I. INTRODUCTION**

The State of Indonesia is a constitutional state as mandated in Article 1 paragraph (3) in conjunction with Article 27 paragraph (1) in conjunction with Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia. In Article 1 paragraph (2) that the State Indonesia is a people- sovereign country which reflects that Indonesia is a democratic country because it involves its people in making policies.

The formation of laws and regulations is part of the whole process of forming new laws in carrying out state duties and public services to the community in accordance with the general principles of good governance.<sup>1</sup>

Government administration in a country is not only in the center of government. However, the Central Government gives authority to Regional

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<sup>1</sup> Andi Bau Inggit AR. 2019. *Asas-Asas Pembentukan Peraturan Perundang-Undnagan Penyusunan Rancangan Peraturan Daerah*. Jurnal Restorative Justice, 3 (1), 2-3.

Governments to organize their own government. With the enactment of Law Number 23 of 2014 concerning Regional Government it is explained that the Regions are given the freedom to form regional autonomy in an effort to realize community welfare through improving services, empowerment and community participation. The regions are expected to be able to increase competitiveness by taking into account the principles of democracy, equity, justice, privileges and specificities as well as the potential and diversity of regions within the system of the Unitary State of the Republic of Indonesia.

In accordance with the mandate of Article 18 paragraph (6) of the 1945 Constitution of the Republic of Indonesia and Law Number 23 of 2014 concerning Regional Government, there is authority given to Regional Governments who have the right to stipulate Regional Regulations and other regulations to implement autonomy and co-administration in accordance with the aspirations of the community and the needs of the region as long as it does not conflict with the public interest and higher regulations. Then the authority to form Regional Regulations is in the hands of Regional Governments, Regional Governments include Regional Governments.

The functions of regional regulations are: first, to carry out regional autonomy and co-administration, and secondly to accommodate special regional conditions and thirdly as an instrument for elaborating higher laws and regulations.

To realize the rule of law through the establishment of laws and regulations, it is necessary to pay attention to the principles of legal certainty, justice and expediency. The formation of laws and regulations in support of achieving the direction and objectives of national law development is carried out in a planned, integrated and sustainable manner by taking into account the principles of forming good laws and regulations.<sup>2</sup>

After the promulgation of Law Number 11 of 2020 concerning Job Creation, there have been several debates based on the lack of clarity in the format for drafting laws and the methods used that have not been clearly and systematically regulated in the law on the formation of laws and regulations. Therefore, it is necessary to arrange and improve the mechanism for forming laws and regulations from planning, drafting, discussing, ratifying or enacting to promulgation. Apart from being a follow-up to the Constitutional Court Decision Number 91/PUU-XVII/2020, this arrangement and improvement is also a refinement of several provisions in Law Number 12 of 2011 concerning Formation of Legislation jo. Law Number 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning Formation of Legislation.

Based on the description above, the problem in this study is the omnibus law method in the formation of regional regulations and the inhibiting factors for the omnibus law method in the formation of regional regulations after Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning Formation of Legislation.

## **II. METHOD**

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<sup>2</sup>Ahmad Redi, 2018, *Hukum Pembentukan Peraturan Perundang-Undangan*, Jakarta: Sinar Grafika. hlm. 22-24.

The research method uses a normative and empirical juridical approach, namely by looking at legal issues as a rule that is in accordance with research, while the empirical approach is carried out by collecting primary data as a comparison which is obtained directly from the object of research through interviews with sources related to the problems discussed in the research..

### **III. ANALYSIS AND DISCUSSION**

#### **a. The Omnibus Law Method in Forming Regional Regulations**

The formation of laws and regulations is a requirement in the context of developing national law which can only be realized if it is supported by good methods, which are binding on all institutions authorized to make laws and regulations. Indonesia is a constitutional state that has the obligation to carry out good national legal development, which is carried out in a planned, integrated and sustainable manner within the national legal system.<sup>3</sup>

The concept of forming laws and regulations in Indonesia includes several concepts, namely the concept of forming laws and regulations must be in accordance with the concept of a Pancasila legal state. In addition, the concept of forming good laws and regulations must prioritize the protection of human rights. The concept of forming good laws and regulations must be in accordance with the principles of forming laws and regulations that have been previously determined by law..<sup>4</sup>

The concept of forming statutory regulations is applied as a guideline in forming good statutory regulations, in this case the guidelines are presented in the form of laws governing the formation of statutory regulations. And in its implementation, the law has undergone several changes in its regulatory provisions.

In Law Number 12 of 2011 concerning Formation of Legislation, it systematically contains the main material consisting of:

- a. The principle of forming statutory regulations.
- b. Types, hierarchies, and contents of laws and regulations.
- c. Planning of legislation.
- d. Preparation of legislation.
- e. Techniques for drafting legislation.
- f. Discussion and approval of draft laws.
- g. Discussion and stipulation of draft Provincial Regulations and draft Regency/Municipal Regulations.
- h. Promulgation of laws and regulations.
- i. Dissemination of laws and regulations.
- j. Community participation in the formation of laws and regulations.
- k. Other provisions that contain regarding the establishment of a Presidential Decree and other state institutions and government.

As a refinement of the previous Law, a new Law was formed related to the systematic formation of laws and regulations, namely Law Number 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning Formation of Legislation. In these changes there is new content added,

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<sup>3</sup>Febriansyah, F. I., 2016, *Konsep Pembentukan Peraturan Perundang-Undangan Di Indonesia*. Perspektif, 21(3), 220.

<sup>4</sup>*Ibid.*

namely, among other things regarding the mechanism for discussing draft laws that have been discussed by the People's Representative Council together with the President in one period to be discussed again in the next period to ensure continuity in the formation of laws and regulations regarding monitoring. and review of laws and regulations as an integral part in the process of forming laws and regulations.

Then in order to realize the Formation of Legislation that is planned, integrated and sustainable, it is necessary to organize and improve the mechanism for Forming Legislation from planning, drafting, discussing, validating or stipulating to promulgation. The arrangement and improvement in this Law is not only a follow-up to the Constitutional Court Decision Number 91/PUU-XVII/2020, it is also a refinement of several provisions in Law Number 12 of 2011 concerning Formation of Legislation as amended by Law -Law Number 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning Formation of Legislation.

As stated in the dissenting opinion in the Constitutional Court Decision Number 91/PUU-XVII/2020 that there were different opinions expressed by 4 (four) Constitutional Justices.

The first different opinion was conveyed by Constitutional Justice AriefHidayat and Constitutional Justice Anwar Usman regarding the formal review of Law Number 11 of 2020 concerning Job Creation (State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573) against the Law The 1945 Constitution of the Republic of Indonesia.

And the second different opinion was conveyed by Constitutional Justice Manahan M.P. Sitompul and Constitutional Justice Daniel Yusmic P. Foekh, the Court should have declared the a quo law constitutional because the Law on Formation of Legislation does not regulate the omnibus method at all, even though in practice law formation has been used and on the other hand the Court should not turn a blind eye to the existence of regulatory obesity where one law overlaps with another, creating sectoral egos which result in legal uncertainty in its application. To anticipate the emergence of various other omnibus draft laws, both clusters (clusters) of the same kind or multiple (multi-clusters), legislators must immediately make changes to the Law on Formation of Legislation by including the omnibus method in a period of no later than 2 (two) years from the reading of this decision. After that, legislators can follow up with changes to the a quo law using the omnibus method.

Improved in Law Number 13 of 2022 concerning Amendments to Law Number 13 of 2022 concerning Formation of Legislation where the addition of the omnibus method in forming statutory regulations is included from the planning stage in the planning document for the establishment of statutory regulations. Furthermore, the omnibus method is used in the preparation of laws and regulations. Things that need to be perfected, among others:

- a. Added the omnibus method.
- b. Correcting technical errors after mutual approval between the DPR and the President at a plenary meeting and prior to ratification and promulgation.
- c. Strengthen meaningful community involvement and participation.

- d. Forming legislation electronically.
- e. Changing the support system from researchers to other functional officials whose scope of work is related to the formation of laws and regulations.
- f. Changing the technique of preparing academic texts.
- g. Changing the technique of drafting laws and regulations.

The concept of Omnibus Law is practiced and developed in countries that adhere to the Common Law system. As is well known, in the Common Law system, the main source of law is court decisions and relatively few regulations when compared to countries that adhere to the Civil Law system. Meanwhile, in the Civil Law system, the main source of law is statutory regulations. So that countries that adhere to the Civil Law system usually have relatively more and more complex laws and regulations.<sup>5</sup>

Changes to the technique for drafting laws and regulations are carried out by adding the omnibus method to provide definite guidelines, standards and standards that bind all institutions authorized to form laws and regulations.

As a method of choice in forming laws and regulations, Omnibus Law is believed to shorten the implementation of the legislation process, prevent deadlock in the process of discussing draft laws in parliament, can streamline legislation budgets, and can build harmonization at the level of legislation.<sup>6</sup>

Regulatory reforms are changes intended to improve the quality of regulations, both individually and integrally (integrated in a comprehensive and intact regulatory system). There are 2 (two) objectives of regulatory reform, namely increasing efficiency by encouraging changes towards the realization of a simple and orderly National Regulatory System and encouraging efforts to increase the effectiveness of regulations as instruments of state administration and development as well as instruments of social order.<sup>7</sup>

The omnibus law method in terms of proper use can provide advantages in terms of a more efficient time because it can solve many needs for new policies through regulation in a single process of forming statutory regulations. Through the omnibus law method, discussion of objects of different legislation can be carried out simultaneously because they are outlined in 1 (one) subject.<sup>8</sup>

The implementation of regulatory simplification through the omnibus law method is a new breakthrough to suppress hyper regulation. The use of the omnibus law method as a draft for the formation of statutory regulations which are prepared to simultaneously change the provisions of several new statutory regulations.

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<sup>5</sup> Muhammad Insa Ansari, *Omnibus Law Untuk Menata Regulasi Penanaman Modal*, Jurnal Rechtsvinding, Volume 9 Nomor 1, April 2020, 2020, hlm. 24.

<sup>6</sup> Idul Rishan, *Inkompabilitas Metode Omnibus Law sebagai Upaya Penyederhanaan Regulasi*, Proposal Penelitian Kolaborasi Dosen-Mahasiswa, Yogyakarta, 2021, hlm.10.

<sup>7</sup> Bappenas, *Strategi Nasional Reformasi Regulasi; Mewujudkan Regulasi yang Sederhana dan Tertib*, Kementerian PPN/Bappenas, Jakarta, 2015, hlm 13-14.

<sup>8</sup> Jimly Asshiddiqie, 2006, *Perihal Undang-Undang*, Jakarta: Konstitusi Press. hlm. 6.

In the framework of carrying out broad autonomy in the regions, the Regional Government has the right to stipulate regional regulations and other regulations to carry out the autonomy and co-administration tasks. Regional Regulations are Provincial Regulations and/or Regency/City Regional Regulations.

As the provisions in Article 18A paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that "The relationship of authority between the Central Government and Provincial, Regency and City Regional Governments is regulated by law taking into account the specificity and diversity of the Regions.

The implementation of regional government is directed at accelerating the realization of community welfare through improving services, empowerment and community participation, as well as increasing regional competitiveness by taking into account the principles of democracy, equity, justice and the uniqueness of a region within the system of the Unitary State of the Republic of Indonesia.<sup>9</sup>

In Article 9 paragraph (1) of Law Number 23 of 2014 concerning Regional Government jo. Law Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government, regional government affairs can be divided into 3 (three) namely absolute government affairs, concurrent government affairs and general government affairs.

Mandate of Law Number 23 of 2014 concerning Regional Government jo. Law Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 regarding Regional Government explains that the Regional Head has the duty and authority to submit Draft Regional Regulations and stipulate Regional Regulations that have been jointly approved by the Regional People's Representative Council. In this case the Regional People's Legislative Council apart from being a representative body for the people, is also an executive working partner who is authorized to formulate policies in running the government.<sup>10</sup>

The planning stage is the initial key to the success of achieving the desired goals. Planning is basically a way, technique or method to achieve the desired goals in an appropriate, directed and efficient manner according to the available resources.

With regard to the mechanism for forming Regional Regulations, it was explained in an interview with the Head of the Sub-Coordinator for Drafting Legislation of the Secretariat of the Regional People's Representative Council of Lampung Province, Mr. Windra Yulidon Usman, S.E., M.M. It was explained that at the planning stage a Regional Regulation Formation Program was formed which contained a program containing the title of the draft Regional Regulation, regulated material (stated in academic texts), and linkages with other laws and regulations (stated in academic texts). In addition, the preparation of the list of priorities in the Regional Regulation Formation Program is based on orders from higher laws and regulations,

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<sup>9</sup>Ani Sri Rahayu, 2017, *Pengantar Pemerintahan Daerah Kajian Teori, Hukum, dan Aplikasinya*, Malang: Sinar Grafika, hlm.1.

<sup>10</sup> Miriam Budiardjo, 2006, *Demokrasi di Indonesia, Demokrasi Parlementer dan Demokrasi Pancasila*, Jakarta: Gramedia, hlm. 127.

regional development plans, implementation of regional autonomy and co- administration tasks, and community aspirations.

Based on an interview with Mrs. EndangPurnama, it was explained that in determining the title of the draft Regional Regulation using the omnibus law method, it is necessary to have an in-depth study and evaluation carried out by the Regional Government and the Regional People's Representative Council to determine the level of priority or urgency for the formation of Regional Regulations.

As mandated in Article 96 of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning Formation of Legislation that:

- (1) The public has the right to provide input verbally and/or in writing in each stage of the Formation of Legislation.
- (2) Providing public input as referred to in paragraph (1) is carried out online and/or offline.
- (3) The public as referred to in paragraph (1) are individuals or groups of people who are directly affected and/or have an interest in the material content of the Draft Legislation.
- (4) To make it easier for the public to provide input as referred to in paragraph (1), every Academic Paper and/or Draft Legislation, can be accessed easily by the public.
- (5) In exercising the rights referred to in paragraph (1), the legislators inform the public about the formation of laws and regulations.
- (6) In order to fulfill the rights referred to in paragraph (1), the legislators can carry out public consultation activities through:
  - a. Hearing meeting;
  - b. Work visit;
  - c. Seminars, workshops, discussions; and/or
  - d. Other public consultation activities.
- (7) The results of the public consultation activities as referred to in paragraph (6) become material for consideration in the planning, preparation and discussion of the Draft Legislation.
- (8) The formation of laws and regulations can explain to the public regarding the results of discussions on public input as referred to in paragraph (1).
- (9) Further provisions regarding public participation as referred to in paragraph (1) to paragraph (8) are regulated in the Regulations of the People's Representative Council, Regional Representatives Council Regulations, and Presidential Regulations.

Then further explained by Mrs. EndangPurnama, S.H. that in terms of the planning stages in the form of drafting the Program for Formation of Regional Regulations the process for forming Regional Regulations includes the stages of planning, drafting, discussing or enacting, enacting, and disseminating.

Further explanation was conveyed by Mr. Muhammad Ali Badari as the Drafter of Legislation for the Lampung Regional Office of the Ministry of Law and Human Rights, normatively as stipulated in Article 42A of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 regarding the formation of laws and regulations, planning is carried out in a



regional legislation program/regional regulation formation program. Prepared by the Regional People's Legislative Council and the Regional Head for a period of 1 (one) year based on the priority scale for the formation of draft Regional Regulations.

Planning for the preparation of Provincial Regulations is carried out in the Program for Forming Provincial Regulations. and the planning for drafting Regency/City Regional Regulations is carried out in the Regency/City Regional Regulation Formation Program.

Based on the results of an interview with Mr. Muhammad Ali Badari that the program for Forming Regional Regulations includes a program for forming regional regulations with the title of draft Regional Regulations, the material regulated and its relation to other laws and regulations.

After the planning stage, followed by the discussion stage. The discussion is carried out by the Regional People's Representative Council together with the Regional Head to obtain mutual approval. The joint discussion was carried out through the discussion level, namely the level I discussion and the level II discussion.

Next is the stipulation stage, the draft Regional Regulation which has been jointly approved by the Regional People's Legislative Council and the Regional Head is submitted by the leadership of the Regional People's Representative Council to the Regional Head to be enacted as a Regional Regulation. Submission of draft Regional Regulations is carried out within a maximum period of 3 (three) days from the date of mutual agreement. The Regional Head is obliged to submit to the Governor as the Representative of the Central Government no later than 3 (three) days from receiving the draft Regional Regulation from the leadership of the Regional People's Representative Council to obtain the Regional Regulation register number.<sup>11</sup>

The Governor as the Representative of the Central Government provides the register number of the draft Regional Regulation no later than 7 (seven) days after the draft Regional Regulation is received. Draft Regional Regulations that have received a register number are determined by the Regional Head by affixing signatures no later than 30 (thirty) days after the draft Regional Regulations are jointly approved by the Regional People's Legislative Council and the Regional Head.<sup>12</sup>

In the event that the Regional Head does not sign the draft Regional Regulation which has received a register number, it will be valid as a Regional Regulation and must be promulgated in the Regional Gazette. The draft Regional Regulation which is not signed by the Regional Head is declared valid with the ratification sentence reading "This Regional Regulation is declared valid". The ratification must be affixed to the last page of the Regional Regulation prior to promulgation of the Regional Regulation text into the Regional Gazette. Draft Regional Regulations that have not yet received a register number cannot be assigned a Regional Head and cannot be promulgated in the Regional Gazette. The Governor as the Representative of the Central Government periodically submits reports on Regional Regulations that have received a register number to the Minister.<sup>13</sup>

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<sup>11</sup>*ibid.*

<sup>12</sup>*ibid.*

<sup>13</sup>*ibid.*

Next is the promulgation stage, Regional Regulations are promulgated in Regional Gazette. Promulgation of Regional Regulations in the Regional Gazette is carried out by the Regional Secretary. Regional Regulations come into effect and have binding force on the date of promulgation, unless otherwise specified in the relevant Regional Regulations.<sup>14</sup>

Finally, the dissemination of the Program for Formation of Regional Regulations and Draft Regional Regulations in which the Regional House of Representatives and Regional Heads are required to carry out dissemination since the preparation of the Program for Formation of Regional Regulations, preparation of draft Regional Regulations, and discussion of draft Regional Regulations.<sup>15</sup>

The dissemination of the Regional Regulation Formation Program is carried out jointly by the Regional People's Legislative Council and the Regional Head which is coordinated by the Regional People's Legislative Assembly which specifically handles the formation of Regional Regulations. The dissemination of draft Regional Regulations originating from the Regional People's Legislative Assembly is carried out by the apparatus of the Regional People's Representative Council. Meanwhile, the dissemination of draft Regional Regulations originating from the Regional Head is carried out by the Regional Secretary. Dissemination is carried out to be able to provide information and/or obtain input from the community and stakeholders.<sup>16</sup>

#### **b. Factors Inhibiting the Omnibus Law Method in Forming Regional Regulations**

As the provisions in Article 64 paragraph (1a) of Law Number 13 of 2022 concerning the Second Amendment to Law number 12 of 2011 concerning the Formation of Legislation, it is explained that "The preparation of the Draft Legislation as referred to in paragraph (1) can be using the omnibus method.

The omnibus method as referred to in paragraph (1a) is a method for preparing Legislation with:

- a. Loading new payload material;
- b. Changing content material that has legal relevance and/or requirements regulated in various Laws and Regulations of the same type and hierarchy; and/or
- c. Revoking Legislation of the same type and hierarchy.

By combining them into one Legislation to achieve certain goals.

In an interview with Mr. Muhammad Ali Badari, that the formation of regional regulations using the omnibus method is not needed because the level of need or urgency for the formation of legal regulations at the regional level does not exist. In principle, the formation of regional regulations is a legal umbrella that is used as a guideline for improving the performance of existing regional apparatuses.

It was continued by Mr. Muhammad Ali Badari that the use of the omnibus method aims to simplify legal regulations, but inversely proportional to the stipulation of implementing regulations after the

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<sup>14</sup>*ibid.*

<sup>15</sup>*ibid.*

<sup>16</sup>*ibid.*

promulgation of Regional Regulations, the Regional Government needs to make implementing work regulations as guidelines for Regional Apparatuses in carrying out their duties and obligations in administering business affairs. local government.

Then Mr. Muhammad Ali Badari said that it would be less effective if the omnibus method was applied in forming regulations at the regional level. In this case it is more focused on the process of drafting quality regional regulations based on the priority level of rules needed by the community.

A different opinion was conveyed by Mrs. Endang Purnama as the Young Expert for Drafting Legislation of the Legal Bureau of the Regional Secretariat of Lampung Province, she said that the formation of Regional Regulations using the omnibus method could be carried out by the regions as also mandated in the law. The main thing that needs to be implemented in the formation of Regional Regulations using the omnibus method is to make careful preparations at the planning stage. Where in the planning stages it is necessary to carry out a long and comprehensive study by a special team from the Regional Government and the Regional People's Representative Council as the institution that has the task and authority in establishing a regional regulation. So that the special team focuses on conducting studies on regional regulations in the region by taking an inventory into a catalog containing regional regulations that are still valid, regional regulations that are not valid and regional regulations that need to be reviewed or revised..

Furthermore, the explanation given by Mrs. Sri Endang Purnama namely, in addition to the existence of a special team, it is necessary to have community participation in terms of planning which will later be included in the study formed by the special team. In this case, community participation includes regional apparatuses, communities, communities, non-governmental organizations and vertical agencies.

Regarding the preparation of this plan, competent drafters of laws and regulations are needed in terms of drafting legal regulations which are formed in a special team that focuses on inventorying Regional Regulations and studies related to the need or urgency for the formation of Regional Regulations which will then be proposed to become the title of Regional Regulation based on the initiative proposal. Regional Government or the proposed initiative of the Regional People's Legislative Assembly.

Another thing was conveyed by Mr. Windra Yulidon Usman, S.E., M.M. as the Head of the Sub-Coordinator for Drafting Legislation of the Secretariat of the Regional People's Representative Council of Lampung Province, where he conveyed in an interview regarding the formation of the omnibus method in the formation of Regional Regulations, it is necessary to harmonize the regulations to be made considering the many changes to the provisions which are then regulated in one regulation.

Then in the process of its formation it can be seen that each Regional Regulation formed by the region has its own philosophical basis. So it is necessary to harmonize the existing philosophical basis if a Regional Regulation is to be formed using the omnibus method.

Furthermore, there is no legal regulation that clearly mandates the drafting of Regional Regulations using the omnibus method. As in the

provisions of Article 64 paragraph (1a) it is not clear to use the omnibus method that the phrase used is the word "can" which in the provisions of the article shows the choice of using the omnibus method is in the formation of laws and regulations, which means there is no obligation for area to establish a Regional Regulation using the omnibus method.

#### IV. CONCLUSION

The omnibus law method in the formation of Regional Regulations after Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Legislations can normatively be applied in the regions but has not been implementatively implemented due to several obstacles in implementation. The inhibiting factors for the omnibus law method in the formation of Regional Regulations Post Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 are first, the lack of competent drafters of laws and regulations in drafting regional laws and regulations. Second, there are no implementing regulations governing the procedures for establishing regional regulations using the omnibus law method. And third, there is no obligation for regions to use the omnibus law method in forming regional regulations.

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- Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah jo. Undang-Undang Nomor 9 Tahun 2015 tentang Perubahan Kedua Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah.

Undang-Undang Nomor 11 Tahun 2020 tentang Cipta Kerja.

Peraturan Menteri Dalam Negeri Nomor 80 Tahun 2015 tentang Pembentukan Produk Hukum Daerah jo. Peraturan Menteri Dalam Negeri Nomor 120 Tahun 2018 tentang Perubahan atas Peraturan Menteri Dalam Negeri Nomor 80 Tahun 2015 tentang Pembentukan Produk Hukum Daerah.

Putusan Mahkamah Konstitusi Nomor 91/PUU-XVIII/2020.