

Legal certainty and clarity of formulation in the omnibus law technique in indonesia: from conditional unconstitutionality toward formal validity

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Citation: Rahmathoni, L. Y., Karim, A., Herlina, S., & Rahman, Y. S. **2026**. Legal certainty and clarity of formulation in the omnibus law technique in indonesia: from conditional unconstitutionality toward formal validity. *INJURLENS*, 6 (2), 133-146, <https://doi.org/10.51749/injurlens.v6i2.164>

Academic Editor: Hadiyanto, A.

Data:

Received: 7 September 2026

Accepted: 9 October 2026

Publish: 12 October 2026

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Abstract: The application of the Omnibus Law technique in the formation of Law Number 11 of 2020 on Job Creation has raised problems of legal certainty within Indonesia's civil law system, particularly with regard to the principle of clarity of formulation. Previous research has tended to discuss Constitutional Court Decision Number 91/PUU-XVIII/2020 and the regulation of the omnibus technique through Law Number 13 of 2022 separately, and therefore has not linked those developments to a continuing assessment of legal certainty. This study analyzes the implications of the change in the status of the Omnibus Law technique, as well as its legal certainty, based on the principle of clarity of formulation. The study employs a normative legal method using statute, conceptual, and case approaches. The results show that Decision Number 91/PUU-XVIII/2020 located the problem in the procedural aspects of lawmaking and did not remove the requirement of meaningful participation, whereas the regulation of the omnibus technique through Law Number 13 of 2022 provides formal legitimacy without necessarily resolving the constitutional problems of the Job Creation Law. Substantively, the omnibus technique still faces problems of accessibility, predictability, and coherence due to its cross-sectoral scope and the complexity of its regulation. This study offers an indicator-based analytical framework for distinguishing formal legitimacy, constitutional validity, and substantive legal certainty in the formation of laws and regulations.

Keywords: Omnibus Law; Legal Certainty; Clarity of Formulation; Formation of Laws and Regulations

INTRODUCTION

The formation of Law Number 11 of 2020 on Job Creation through the Omnibus Law technique a method of combining various cross-sectoral subject matters into a single legislative instrument raised a normative legal problem from the outset, rather than merely a historical one. This technique is most closely associated with legislative

practice in common law countries, which have long used flexible consolidating instruments to respond quickly to changing policy needs; however, this association does not mean that the technique is inherently foreign to, or incompatible with, codified legal systems. The specific challenge that arises in Indonesia lies not merely in the technique's association with the common law, but in the absence, at the time Law Number 11 of 2020 was drafted, of a procedural basis for the technique in Law Number 12 of 2011 on the Formation of Laws and Regulations (the UU P3), combined with the strong demands of the civil law system as reflected in the principle of clarity of formulation in Article 5 of the UU P3 that legislative norms must be drafted in a structured manner, be easily accessible, and be free from multiple interpretations (Indrati, 2007). It is this absence of a firm procedural basis that has caused the legitimacy of the Job Creation Law to be questioned not because the omnibus method originates from the common law while Indonesia adheres to the civil law, but because a positive-law vehicle for aligning the technique with Indonesia's own principles of lawmaking was not yet available.

This problem reached a critical point when the Constitutional Court, in Decision Number 91/PUU-XVIII/2020, declared the formation of the Job Creation Law formally defective and conditionally unconstitutional because it did not satisfy the standard procedures for the formation of laws, including the lack of meaningful public participation (Hirma & Syamsir, 2023). The Court gave the lawmakers two years to remedy these defects, with a warning that if they were not remedied, the unconstitutional status would become permanent (Constitutional Court Decision Number 91/PUU-XVIII/2020). In response, the Government and the House of Representatives (DPR) did not immediately revise the substance of the Job Creation Law; they first enacted Law Number 13 of 2022 on the Second Amendment to Law Number 12 of 2011, which for the first time provided an explicit legal basis for the omnibus method through Article 42A, Article 64 paragraphs (1a) and (1b), and Article 97A (Rahman, 2023).

This transformation of legal status leaves two issues to be analyzed. First, whether the formal legitimacy conferred by Law Number 13 of 2022 eliminates the legal consequences of the conditionally unconstitutional status previously attached to the Job Creation Law, or whether the two lie in separate legal domains. Second, assuming that a formal legal basis is now available, whether the omnibus technique, which combines thousands of articles from various clusters into a single, very large instrument, is still capable of satisfying the principle of clarity of formulation, so that substantive legal certainty for the public is maintained within Indonesia's civil law system.

Several previous studies have touched on this issue, although each differs from the present study in terms of object, legal issue, approach, and findings. Hirma and Syamsir (2023), taking Decision Number 91/PUU-XVIII/2020 as their object and using a normative case approach, found that the Job Creation Law was formally defective because it violated the standard procedures for the formation of laws; their analysis stops at the decision itself and does not trace that object further into the post-2022 legal landscape shaped by Law Number 13 of 2022. Rahman (2023) took Article 97A of Law Number 13 of 2022 as the object, using a technical-procedural approach, and discussed whether a sectoral law amended through the omnibus method must be amended in its entirety or only in part; this issue is doctrinal-procedural in nature and does not touch on the clarity of formulation or the legal certainty that constitutes the

second research question of this article. Pratama (2022), who examined meaningful participation as the object through a conceptual approach, concluded that meaningful participation must be positioned as a fundamental principle of legislative policy; this finding is consistent with, but analytically separate from, the concern of this article, which links participation with accessibility and predictability as components of legal certainty. Fitryantica (2019), whose object was the potential of the omnibus concept for the harmonization of laws and regulations, was written before Decision Number 91/PUU-XVIII/2020 and Law Number 13 of 2022 came into being, and therefore could not incorporate either development. Chandranegara (2020), who examined the compatibility of the omnibus method with Indonesia's lawmaking system through a comparative-conceptual approach, identified a tension between common law-style flexibility and civil law procedural caution, but likewise preceded the formalization achieved through Law Number 13 of 2022. Mahy (2022), who focused on the labor cluster of the Job Creation Law and its position in the hierarchy of Indonesian laws and regulations, found that the omnibus technique produced a significant shift in labor norms and mixed evidence regarding democratic regression; her analysis is sectoral in nature and does not address clarity of formulation as a general principle of lawmaking. None of these studies links the transformation of the constitutional status of the Omnibus Law following Decision Number 91/PUU-XVIII/2020 and Law Number 13 of 2022 with a systematic, indicator-based assessment of clarity of formulation and legal certainty this is the specific gap that this article addresses.

This article does not claim to be the first study of the Job Creation Law or the Omnibus Law technique. Its analytical contribution lies, first, in affirming through a chronological-normative reading of the Constitutional Court decision, Law Number 13 of 2022, Government Regulation in Lieu of Law Number 2 of 2022, and Law Number 6 of 2023 that the formal legalization of the omnibus method and the constitutional validity of the Job Creation Law are two distinct legal tracks that must not be conflated, a distinction that the existing literature touches on only in passing. Second, this article formulates and applies explicit literature-based indicators of clarity of formulation and legal certainty to the omnibus technique, rather than treating the two principles merely as background values; this indicator-based method identifies specifically which features of the omnibus technique the scale of cross-sectoral consolidation, the breadth of delegation to implementing regulations, and the sequence in which public participation is carried out burden legal certainty, and to what extent. The novelty of this study therefore lies in an analytical framework that connects the two issues, and not merely in the absence of previous research on the same topic.

Based on this background, this study aims to analyze the legal implications of the transformation of the status of the Omnibus Law technique following Decision Number 91/PUU-XVIII/2020 and Law Number 13 of 2022, and to analyze the extent to which the technique continues to guarantee legal certainty when assessed against the principle of clarity of formulation. Accordingly, this study is formulated into two research questions:

1. What are the legal implications of the transformation of the Omnibus Law technique from a conditionally unconstitutional status under Decision Number 91/PUU-XVIII/2020 into a formally valid legislative method following Law Number 13 of 2022?

2. To what extent does the Omnibus method continue to guarantee legal certainty when assessed against the principle of clarity of formulation in Indonesia's civil law system?

METHODS

This study employs a normative legal research method, namely research that examines law as written norms through library materials. Three categories of legal materials are used. The primary legal materials consist of the 1945 Constitution, Law Number 12 of 2011 as amended by Law Number 13 of 2022, Law Number 11 of 2020, Government Regulation in Lieu of Law Number 2 of 2022, Law Number 6 of 2023, and Constitutional Court Decision Number 91/PUU-XVIII/2020, together with the Court's subsequent decisions rejecting the petitions for formal review of Law Number 6 of 2023 (Decisions Number 40, 41, 46, 50, and 54/PUU-XXI/2023). The secondary legal materials consist of peer-reviewed scientific journal articles, academic books, and legal commentaries relevant to the Omnibus Law technique, legal certainty, clarity of formulation, meaningful participation, and the theory of legal transplants, selected on the basis of the following criteria: (i) direct relevance to both research questions, (ii) verifiability of the author, publisher/journal, and year of publication, and (iii) priority given to publications from 2020 to 2026 in order to capture developments following Decision Number 91/PUU-XVIII/2020. The tertiary legal materials, used on a limited basis, consist of legal dictionaries and glossaries to clarify technical terms.

Three approaches are used in this study. The statute approach is used to trace the textual development of the relevant provisions in Law Number 12 of 2011, Law Number 13 of 2022, Law Number 11 of 2020, the Perppu, and Law Number 6 of 2023. The conceptual approach is used to formulate the analytical indicators of clarity of formulation and legal certainty applied in Section 3.2. The case approach is applied to Decision Number 91/PUU-XVIII/2020 and the Court's subsequent decisions concerning the formal review of Law Number 6 of 2023, which were read directly from the legal considerations and the operative parts of the decisions, rather than solely through secondary summaries. The analysis was carried out in two stages corresponding to the two research questions: first, a chronological-normative reconstruction of the transformation of the constitutional status of the Omnibus Law technique; second, an indicator-based assessment of the technique against the established parameters of clarity of formulation and legal certainty. The legal materials were analyzed qualitatively and descriptively-analytically to answer both research questions.

RESULTS AND DISCUSSION

The Legal Position of the Omnibus Law Technique in the Indonesian Legal System

The Constitutional Status of the Omnibus Law Method Following Constitutional Court Decision No. 91/PUU-XVIII/2020

Two distinct legal questions need to be separated from the outset: whether the Omnibus Law technique lacked a firm legal basis at the time Law Number 11 of 2020 was formed, and whether the technique is, more broadly, invalid or entirely impermissible. Decision Number 91/PUU-XVIII/2020 answers only the first question,

and its reasoning must be read directly rather than inferred from secondary commentary. In its legal considerations, the Court stated that Law Number 12 of 2011 does not recognize the omnibus method as a drafting technique, so that its use in the formation of the Job Creation Law deviated from the standard procedures for the formation of laws, encompassing institutional authority, drafting techniques and style, the principles of lawmaking, and public participation. On that basis, the operative part of the Court's decision declared that the formation of Law Number 11 of 2020 was contrary to the 1945 Constitution and declared that the law was conditionally without binding legal force that is, insofar as no improvements were made within two years of the pronouncement of the decision; if the improvements were not completed within that period, the law would become permanently unconstitutional and the provisions it had repealed would come back into force (Constitutional Court Decision Number 91/PUU-XVIII/2020; Hirma & Syamsir, 2023).

The operative part of the Court's decision, in this respect, is narrower in scope than is often assumed. The decision did not declare the omnibus method unconstitutional in principle; it held that the specific procedure by which Law Number 11 of 2020 was formed, which lacked any normative accommodation for the method, violated the UU P3. This distinction determines what the lawmakers actually had to remedy: not the substance of combining cross-sectoral subject matters into a single instrument, but the absence of a positive procedural basis and of meaningful public participation in the process. The two-year period set in the operative part of the Court's decision was therefore intended to remedy both defects simultaneously: to fill the procedural vacuum and to ensure that the remedial process met the standard of meaningful participation described by the Court in other parts of its considerations. (Rishan, 2022; Simabura & Fajri, 2022).

Distinguishing the Formalization of the Omnibus Technique, the Corrective Mechanism, and the Subsequent Status of the Job Creation Law

To answer the first research question, three distinct legal developments that are often, and mistakenly, treated as a single event must be clearly separated. (Firdaus, 2023; Syafriadi, 2023; Satresna, 2023).

- a) The formalization of the omnibus technique through Law Number 13 of 2022. Following up on the mandate of the Constitutional Court, the lawmakers did not directly amend the substance of the Job Creation Law; they first amended the parent law governing the procedure for forming laws and regulations. Law Number 13 of 2022, as the second amendment to Law Number 12 of 2011, inserted Article 42A (requiring that the use of the omnibus method be stated in the planning document for draft regulations), Article 64 paragraph (1a) (permitting the use of the omnibus method in drafting draft laws and regulations) and paragraph (1b) (defining the omnibus method as a drafting method that contains new subject matter, amends interrelated subject matter across various laws of the same type and hierarchy, and/or repeals such laws by combining them into a single instrument), and Article 97A (providing that subject matter that has been regulated through an omnibus law may be amended or repealed only by amending or repealing that omnibus law) (Law Number 13 of 2022). These provisions are procedural, general, and forward-looking (prospective) in nature: they provide the

rechtsgrond for the use of the omnibus method in the future in general; they do not, in and of themselves, determine the constitutional status of any particular law, including the Job Creation Law.

- b) The corrective mechanism mandated by Decision Number 91/PUU-XVIII/2020. The Court's mandate was directed specifically at the Job Creation Law, requiring the correction of the procedure by which it was formed not merely the enactment of general procedural rules within two years. Law Number 13 of 2022 addresses the systemic absence of a procedural basis for the omnibus method in general, but it is not itself the case-specific correction that the Court ordered for the Job Creation Law. That correction required another, specific legal action. (Taupiqqurrahman & Hutabarat, 2024; Widayati et al., 2025).
- c) The subsequent legal status of the Job Creation Law following Perppu Number 2 of 2022 and Law Number 6 of 2023. That specific corrective action took the form of Government Regulation in Lieu of Law (Perppu) Number 2 of 2022 on Job Creation, which was subsequently enacted by the DPR as Law Number 6 of 2023. It is this instrument, rather than Law Number 13 of 2022, that constitutes the direct legal response to the Court's case-specific mandate. Law Number 6 of 2023 was itself subjected to formal review before the Constitutional Court through several petitions (Decisions Number 40, 41, 46, 50, and 54/PUU-XXI/2023); the Court rejected all of those petitions in their entirety on 2 October 2023, stating that the formation of Law Number 6 of 2023 was not contrary to the 1945 Constitution, so that the formal validity of the Job Creation Law as reconstituted through the Perppu and Law Number 6 of 2023 is now final.

Reading (a), (b), and (c) together corrects the hasty conclusion that Law Number 13 of 2022 alone has "ended the debate" over the validity of the omnibus method. Law Number 13 of 2022 legitimizes the technique generally and prospectively; the constitutional status of the Job Creation Law specifically was resolved only through the separate series of actions described in point (c). The two tracks are parallel, not identical: general procedural legitimacy does not by itself retroactively cure a case-specific constitutional defect; that case-specific defect was cured through the additional corrective legislative action that the Court's own mandate ordered. This formalization carries structural implications for the hierarchy of laws and regulations: with the entry into force of Article 97A, the Government now has an established legal basis to repeal, amend, or re-enact several laws at once in a single instrument, although as a matter of legal doctrine this status is properly categorized as an open legal policy (open legal policy) that is required to remain subject to the harmonization and synchronization obligations of the prevailing UU P3, obligations which apply with greater intensity to the omnibus method precisely because of its scale (Anggono, 2020).

The Application of the Principle of Meaningful Participation in the Formation of Omnibus Laws

The relevance of meaningful participation to this article's primary concern with legal certainty is direct, not incidental. A law formed without adequate consultation tends to contain internal inconsistencies that are not visible to the affected parties during the drafting process, and its post-enactment legitimacy and therefore its predictability for

those who must comply with it remains contested as long as that participation deficit has not been resolved. Meaningful participation must therefore be understood as a reinforcement of accessibility and predictability, two of the indicators of legal certainty developed in Section 3.2.3, rather than as a procedural value that stands alone and is detached from the substantive legitimacy of the technique. (Prastyo, 2022; Rizqi, 2022; Nasution & Sapii, 2022; Mochtar et al., 2024).

This principle emerged in response to practices, in both conventional and Omnibus-based lawmaking, that reduce public participation to mere formal consultation, one-way information sessions, or the fulfillment of attendance lists (Pratama, 2022). Following Decision Number 91/PUU-XVIII/2020, the right to be heard, the right to have one's opinion considered (right to be considered), and the right to receive an explanation (right to be explained) became constitutional requirements inherent in the formation of the Job Creation Law (Pratama, 2022). The Constitutional Court's subsequent decisions rejecting the petitions for formal review of Law Number 6 of 2023 stated, however, that the participatory mechanisms inherent in ordinary draft laws do not apply in the same form to a Perppu, given that the procedure for forming a Perppu is constitutionally different and driven by compelling urgency, although the DPR is still required to provide the public with access to information on the content of the Perppu in order to obtain input. This qualification shows that meaningful participation cannot be treated as a uniform checklist for every instrument: its content depends on the constitutional instrument used in a particular corrective step, although its basic function of guaranteeing accessibility and predictability for the public remains constant across instruments.

Testing the Omnibus Technique Against Clarity of Formulation and Legal Certainty

The Omnibus Technique as a Selective Legal Transplant, Not a Wholesale Transfer of a System

Characterizing the omnibus technique as a transplant "from the common law system" risks overstating what actually moves between legal systems. Drawing on Watson's (1974) classic theory, a legal transplant may occur at several different levels as a particular legislative technique, as an institutional practice, as a drafting methodology, or as an underlying legal doctrine and these levels do not necessarily move together. What Indonesia adopted in Law Number 11 of 2020, and later formalized in Law Number 13 of 2022, is more precisely categorized as a legislative technique (the combining of various subject matters into a single instrument) that is associated with, but not exclusive to, common law legislative practice; it is neither the adoption of common law doctrine nor of the interpretive methodology of common law courts. Reducing the analysis to a binary opposition of common law versus civil law therefore obscures more than it reveals, because the specific object of the transplant a legislative technique can in principle be received into the procedural framework of the civil law system itself, as Indonesia has done through Articles 42A, 64, and 97A of the UU P3, without importing common law doctrine itself (Schauer, 2000; Chandranegara, 2020). (Rishan, 2022; Firdaus, 2023; Kishan et al., 2024).

The real point of friction lies not in the common law origin of the technique, but in whether the structural commitments of the receiving system codification, the principle

that one law governs one particular subject matter, and clarity of formulation can accommodate an instrument of the scale of the omnibus technique. Mahy's (2022) analysis of the labor cluster of the Job Creation Law illustrates this empirically: the difficulty she identifies is not that the labor provisions became "common law-like," but that the shift in their position within Indonesia's existing hierarchy of laws and regulations created interpretive and hierarchical complications specific to a codified system that absorbs a consolidating technique on an unusual scale. The analysis that follows therefore proceeds from the legislative technique, not from legal-family doctrine, as the relevant unit of transplantation. (Fauzia et al., 2023; Hermanto et al., 2024).

Clarity of Formulation: Establishing and Applying Normative Parameters

Article 5 of Law Number 12 of 2011, as amended by Law Number 13 of 2022, lists clarity of formulation as one of the seven principles of good lawmaking (*algemene beginselen van behoorlijke wetgeving*), together with clarity of purpose, the appropriate institution or forming organ, conformity between type, hierarchy, and subject matter, enforceability, usefulness and effectiveness, and openness (Law Number 12 of 2011; Indrati, 2007). Rather than treating clarity of formulation as a general aspiration, this article operationalizes it through three normative parameters: (i) terminological consistency the use of a single, consistent meaning for a legal term throughout the instrument and across the laws it amends; (ii) structural traceability the ability of the reader to determine, from the instrument itself or its official annexes, which specific provisions of earlier laws are added to, amended, or repealed; and (iii) linguistic accessibility the drafting of norms in language that is free from multiple interpretations and appropriate for the parties to whom the instrument is addressed (Indrati, 2007). (Fauzia et al., 2023).

Tested against these parameters, the Job Creation Law shows uneven compliance. On terminological consistency, the simultaneous amendment of licensing-related terms in the environmental, spatial planning, and labor clusters produces a condition in which one and the same term has different operational meanings depending on the sectoral chapter in which it appears, a difficulty that has been documented in the study by the Indonesian Center for Law and Policy Studies on the draft law (Fitryantica, 2019). On structural traceability, the large number of provisions amended across dozens of laws in a single instrument makes it difficult for lay readers, without a dedicated comparison table, to identify the cumulative effect of those amendments on each sectoral law, a difficulty that persists even after the Perppu and Law Number 6 of 2023 reissued the consolidated text, because the underlying method of simultaneous cross-sectoral amendment has not changed. On linguistic accessibility, the broad delegation of substance to implementing Government Regulations, issued in the hundreds within a short time after enactment, means that the operational meaning of many provisions of the law cannot be fully determined without reference to instruments outside the law itself, potentially contradicting the principle of conformity between type, hierarchy, and subject matter (Fitryantica, 2019). Read together, these three findings indicate that the constraints on clarity of formulation are structural, resulting from the scale of the technique, rather than merely incidental to particular drafting choices.

Legal Certainty: Indicators, Convergence, and the Position of Judicial Review

Before assessing the omnibus technique against legal certainty (*rechtszekerheid*), this article establishes five indicators drawn from the literature on legal certainty as a component of the state based on law (*rechtsstaat*): clarity (the meaning of the norm can be determined with certainty), consistency (the norm does not conflict with other norms in the same or related instruments), predictability (legal subjects can anticipate the legal consequences of their actions), accessibility (legal subjects can find and understand the applicable norms without disproportionate effort), and coherence between parent regulations and implementing regulations (the operational content of a law is not substantially redefined by lower-level instruments) (Mertokusumo, 2002).

Applying these indicators systematically: clarity has been satisfied formally, because Article 97A now establishes a mechanism for amending omnibus subject matter; consistency remains partially at risk, given the terminological inconsistencies identified in Section 3.2.2; predictability is constrained in the short to medium term because the scale of simultaneous amendment across dozens of laws increases the cost, for lay legal subjects, of determining which provisions apply to a particular situation; accessibility is likewise constrained by the same structural complexity, even though a consolidated text is formally available; and coherence between parent regulations and implementing regulations remains the weakest indicator, given the volume and speed of issuance of implementing regulations after enactment (Fitryantica, 2019; Chandranegara, 2020). The overall picture is therefore that the formal legal certainty of the technique now operates within an established procedural framework that coexists with continuing pressure on substantive legal certainty, particularly on the indicators of predictability, accessibility, and coherence. This finding directly answers the second research question: formal validity under Law Number 13 of 2022 does not by itself resolve the deficit in substantive legal certainty that the principle of clarity of formulation is intended to prevent.

This does not mean that the application of a consolidating legislative technique must be read as a threat to the civil law tradition itself. The comparative legal literature documents legal convergence the gradual narrowing of practical differences between common law and civil law systems as a recognized and, in many contexts, stabilizing feature of legal renewal, provided that the receiving system retains control over which elements are absorbed and on what terms (Watson, 1974; Schauer, 2000). The relevant scholarly qualification is that convergence does not legitimize the wholesale substitution of the structural commitments of the civil law system; convergence is compatible with the civil law tradition only where the imported technique is subject to the receiving system's own constitutional and procedural safeguards, rather than operating alongside or displacing them. Applied to this context, this means that the compatibility of the omnibus technique with the civil law tradition depends on the consistent application, and where necessary the strengthening, of the harmonization obligations of the UU P3, the clarity-of-formulation parameters outlined in Section 3.2.2, and the standard of meaningful participation established by Decision Number 91/PUU-XVIII/2020 and not merely on the formal accommodation of the technique in Law Number 13 of 2022. On this reading, convergence is a condition that must be actively and continuously maintained, not a status achieved once and for all upon the enactment of the accommodating amendment.

The relationship between judicial review and the quality of legislative drafting also needs to be clarified. Judicial review before the Constitutional Court is properly understood as an ex post corrective mechanism, a last-resort mechanism, and should not be positioned as the primary safeguard of the quality of legislative drafting. Preventive mechanisms inherent in the lawmaking process itself bear primary responsibility for clarity of formulation and legal certainty: harmonization and synchronization review under the UU P3, structured public participation as mandated by Decision Number 91/PUU-XVIII/2020, and review of draft regulations by the competent legal bureau before enactment. Ex post judicial review addresses defects only after those defects have produced legal effects, at which point correction becomes more costly both for legal certainty during the period of uncertainty and for the institutions that must remedy the defect than if the defect had been prevented from the outset. The Constitutional Court decisions rejecting the petitions for formal review of Law Number 6 of 2023 illustrate the limits of relying on judicial review as a safeguard of drafting quality: those decisions resolved the formal validity of the Job Creation Law, but did not, and cannot, retroactively supply the clarity of formulation that a stronger preventive process should have guaranteed from the beginning (Asshiddiqie, 2020).

CONCLUSIONS

Based on the first research question, this study finds that the transformation of the *Omnibus Law* technique from a conditionally unconstitutional status following Constitutional Court Decision Number 91/PUU-XVIII/2020 into a formally valid legislative method through Law Number 13 of 2022 is a legal development that is procedural and prospective in nature. Law Number 13 of 2022 provides a legal basis for the use of the omnibus method through Article 42A, Article 64 paragraphs (1a) and (1b), and Article 97A of Law Number 12 of 2011, but does not by itself resolve the constitutional status of the Job Creation Law that was the object of Decision Number 91/PUU-XVIII/2020. The resolution of that case-specific problem took place through Government Regulation in Lieu of Law Number 2 of 2022, which was subsequently enacted as Law Number 6 of 2023 and thereafter declared not contrary to the 1945 Constitution through a Constitutional Court decision on its formal review. Accordingly, the formal legalization of the omnibus technique and the resolution of the constitutional status of the Job Creation Law are two distinct legal tracks. The implication is that the existence of a formal legal basis for the omnibus technique cannot be understood as an automatic elimination of the legal consequences of Decision Number 91/PUU-XVIII/2020, but rather as the establishment of a new procedural basis that must still be implemented together with the obligations of harmonization, synchronization, and meaningful participation in the formation of laws and regulations.

Based on the second research question, this study finds that the formal validity of the *Omnibus Law* technique does not yet fully guarantee substantive legal certainty when tested against the principle of clarity of formulation. The application of the indicators of clarity of formulation and legal certainty shows that the omnibus technique faces problems primarily in the aspects of predictability, accessibility, and coherence between parent regulations and implementing regulations, which relate to the scale of cross-sectoral consolidation, the complexity of amendments to various laws, and the breadth of delegation of regulation to implementing regulations. This condition shows that legal

certainty is determined not solely by the availability of a formal legal basis for the omnibus technique, but also by the technique's capacity to produce norms that are clear, consistent, traceable, easily accessible, and predictable for legal subjects. Therefore, the use of the omnibus technique in Indonesia's *civil law* system needs to be accompanied by consistent application of the obligations of harmonization and synchronization, fulfillment of the principle of clarity of formulation, and implementation of meaningful participation adapted to the instrument of formation used. With such fulfillment, the omnibus technique can be used as a legislative instrument in the civil law system without setting aside the demands of substantive legal certainty.

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