

Analysis of the Importance of Omnibus Law "Cipta Kerja" In Indonesia

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Abstract

This study attempts to describe the juridical and historical aspects of the implementation of the Manpower Law, and this study aims to analyze the importance of the Omnibus Law "Cipta Kerja" in Indonesia. This research was conducted using descriptive and qualitative methods, through a library research approach. The results of this study indicate that the Omnibus Law "Cipta Kerja" Bill was passed by the Indonesian Parliament. The bill is considered to have the potential to violate the rights of citizens guaranteed by the constitution because for the sake of investment, labor rights are secondary. Therefore, comprehensive and sustainable strategic efforts are needed to improve labor laws in Indonesia with reference to the mandate of Law Number 12 of 2011 in conjunction with Law Number 15 of 2019 concerning the Formation of Laws and Regulations that must contain consideration of aspects philosophical and juridical and sociological. Therefore, the Government and the House of Representative (Dewan Perwakilan Rakyat Republik Indonesia - DPR RI) must have a high commitment and political will in terms of the formation of labor laws and regulations based on the principles of clarity of objectives, the principle of appropriate institutional or forming organs, the principle of clarity of formulation, and the principle of transparency

Keywords: Omnibus Law "Cipta Kerja", Labor Law, Indonesia

1. Introduction

At this time, the existence of labor and labor is a very important and strategic factor in the industrial world and is like two sides of a coin. In this case, if there are no laborers, then the entrepreneur will certainly not be able to run his business in accordance with the stated business goals and objectives. On the other hand, workers will also not be able to act arbitrarily based on their will to demand job satisfaction when carrying out all their obligations as a worker or worker in the workplace. Job satisfaction is the positive feelings and attitudes of employees about their work and depends on many factors related to work, including, the nature of the job (the tasks involved, and the interests and challenges that the job generates), compensation levels, and perceptions of fairness of promotion systems within a company, quality of working conditions, management style, social relations at work, labor regulations and others (Schults and Schults, 2002; and Yang et al., 2011 in Xesha, Iwu, Slabbert & Nduna, 2017: 316).

Then, the work attitude of workers and labor is positively related to a general sense of personal well-being, in the form of job satisfaction which can increase productivity so that it will contribute significantly to the achievement of company goals and objectives. In recent years, experts (for example, Bakker et al., 2011; Schaufeli, Salanova, González-Roma, & Bakker, 2002; Warr & Inceoglu, 2014) in Warr & Nielsen (2018: 4) states that the intense attention that employers must focus and implement on workers and labor work is an effort to construct work engagement and create a motivated state characterized by passion, dedication, and absorption in one's work. Thus, the relationship between employers and workers can be interpreted as a strategic issue because business owners need to pay attention to this relationship if they want their business to develop and be successful (Bhattacharya et al. 2012). In this case, special rules must be established, laws relating to the relationship between employers and workers.

The State of Indonesia is a constitutional state, according to Article 1 Paragraph (3) of the 1945 Constitution after the third amendment was ratified on November 10, 2001, and the affirmation of the provisions of this

constitution means that all aspects of life in society, state and government must be based on law. Therefore, in order to create a rule of law, one of which requires a legal instrument that is used to regulate balance and justice in all areas of life and people's livelihoods through statutory regulations without overriding the function of jurisprudence. In other words, in fact the laws and regulations have a very important role in the constitutional state of Indonesia so that all laws and regulations that are stipulated concerning the rights and obligations of citizens must always have a clear written law. In this context, the main foundation of labor and employment law in Indonesia is as stipulated in the 1945 Constitution Article 27 paragraph 2 which states that every citizen has the right to a job and a decent living. Thus, labor and employment laws in Indonesia must be obeyed by all citizens. In the contemporary context with regard to specific laws and regulations related to the relationship between employers (employers) and workers in Indonesia, the Omnibus Law on the Omnibus Law “*Cipta Kerja*” Bill (*Rancangan Undang-Undang - RUU*) was submitted by the Government at the end of 2019 by the President of the Republic of Indonesia Joko Widodo. The government has submitted the Presidential Letter, the the Omnibus Law “*Cipta Kerja*” Bill, and the Academic Paper to the the House of Representatives of the Republic of Indonesia (DPR RI) on February 12, 2020.

The Omnibus Law “the Omnibus Law “*Cipta Kerja*” Bill is designed to answer the needs of workers, SMEs, and industry. The government on this occasion was represented by the Coordinating Minister for Economic Affairs Airlangga Hartarto, Minister of Finance Sri Mulyani Indrawati, Minister of Agrarian and Spatial Planning (Agraria dan Tata Ruang - ATR) / Head of the National Land Agency (*Badan Pertanahan Nasional - BPN*) Sofyan Djalil, Minister of Manpower Ida Fauziyah, Minister of Law and Human Rights (*Hukum dan Hak Asasi Manusia - HAM*) Yasonna Laoly, and Minister of Environment and Forestry (*Lingkungan Hidup dan Kehutanan - LHK*) Siti Nurbaya Bakar. The draft was accepted by the Chairman of the DPR, Puan Maharani, Deputy Chairman of the DPR, Rahmat Gobel and Azis Syamsuddin. (Coordinating Ministry for Economy, Finance and Industry or *Kementerian Koordinator Bidang Ekonomi, Keuangan, dan Industri - EKUIN* Republic of Indonesia, Legal Products, <https://ekon.go.id/info-sektoral/15/6/dokumen-ruu-cipta-kerja>).

From the perspective of the Government of the Republic, it is argued that the Omnibus Law of the Omnibus Law “*Cipta Kerja*” Bill (*Rancangan Undang-Undang - RUU*) is aimed at attracting investment and strengthening the national economy and improving the investment climate, which is more conducive so that the Government of The Republic Indonesia submits it to the House of Representatives of the Republic of Indonesia (DPR RI). to be discussed and requested approval according to the constitution. However, the problem that arises at the level of experts related to the Omnibus Law of the the Omnibus Law “*Cipta Kerja*” Bill as follows:: what for and for whom?. From the perspective of various non-government parties, experts state that the Omnibus Law “*Cipta Kerja*” Bill has drawn a lot of criticism. The results of the Discussion Group Forum (FGD) today, Wednesday (26/2/2020) at Andalas University concluded that the Field Creation Law Kerja or the many known Omnibus Law the Omnibus Law “*Cipta Kerja*” Bill is problematic and recommends the DPR RI to discuss it seriously by fighting for the interests of the people (<https://www.wartaekonomi.co.id/read/273934/poin-poin-bermasalah-dalam-ruu-cipta-kerja>). The academic community of the Faculty of Law, Islamic University of Indonesia (FH UII) noted the following, first, on the philosophical, spirit or spirit aspects behind the omnibus law method in the “*Cipta Kerja*” Bill, solely for the sake of investment, not in the framework of harmonizing various laws and regulations. Second, he explained, on the sociological aspect, the biggest question is whether our society needs this law? (<https://mediaindonesia.com/read/detail/296236-ahli-hukum-uui-nilai-ruu-cipta-kerja-banyak-permasalahan>).

Then, the Jakarta Legal Aid Institute (*Lembaga Bantuan Hukum - LBH*), stated that there were several very significant differences from Law No. 13/2003 concerning Manpower .. The Omnibus Law “*Cipta Kerja*” Bill which in fact is passionate about cutting regulations, will in fact create 493 (four hundred ninety-three) Government Regulations, 19 (nineteen) Presidential Regulations, and 4 (four) new Regional Regulations so that they can run. This means that there are 516 (five hundred and sixteen) new implementing regulations that were issued the the Omnibus Law “*Cipta Kerja*” Bill (Omnibus Law Executive Summary of the the Omnibus Law “*Cipta Kerja*” Bill: Development Obsession That Takes Space and Sacrifices Workers, (<https://www.Legal.assistance.or.id/web/executive-summary-omnibus-law-ruu-copyright-work-obsession>

development-robbing-space-and-sacrificingworkers/.). From the various descriptions that have been stated, researchers are interested in conducting a comprehensive study by describing the juridical and historical aspects of the implementation of the Manpower Law and analyzing the importance of the Omnibus Law “*Cipta Kerja*” Bill in Indonesia. Then, this study was developed with the aim of analyzing and its relationship with the proposition of the Government of the Republic of Indonesia regarding the effectiveness of the Omnibus Law “*Cipta Kerja*” Bill in resolving overlapping regulations in Indonesia so that it will contribute to accelerating the flow of investment capital flows. Therefore, this study tries to answer the pros and cons the Omnibus Law “*Cipta Kerja*” Bill, for what and for whom? . This research was conducted using descriptive and qualitative methods, through a library research approach.

The research is divided into several sections. After starting with the introduction, the first part of this article examines the definition of Omnibus Law in the Legal System. The second part discusses the importance of the Omnibus Law “*Cipta Kerja*” Bill. The third part discusses the Juridical Aspects of the Omnibus Law “*Cipta Kerja*”. Part Four Importance of the Omnibus Law “*Cipta Kerja*” : For What and For Whom. The fifth part is Overview of A Brief History the Implementation of the Labor Law in Indonesia: Since the Proclamation of 1945 to the present. The last section is a conclusion and suggestions.

2. Omnibus Law in the Legal System

Etymologically, the word omnibus comes from Latin which means everything or everything. In Indonesia, the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency, Sofyan Djailil, once talked about the concept of the omnibus law. This statement arose because of overlapping regulations, particularly regarding investment. Sofyan gave an example, when there was a proposal to improve regulations in the forestry sector, what had to be revised was Law no. 41/1999 on Forestry. However, there are still obstacles in other regulations, such as Law no. 32/2009 concerning Environmental Protection and Management (*Perlindungan dan Pengelolaan Lingkungan Hidup - PPLH*) or Law No. 5/1960 concerning Basic Agrarian Principles (<https://www.hukumonline.com/news/read/lt58a6fc84b8ec3/considering-the-concept-omnibus-law-if-applied-in-Indonesia/>). In the context of legal science, the concept of omnibus law is also known as the omnibus bill which is often used in countries that adhere to the common law system, such as the United States in making regulations. Regulation in this concept is to make a new law to amend several laws at once. According to. Garner, et.al (Eds.) In Black's Law Dictionary Ninth Edition uses the term omnibus bill which means (2009.:186): (1) A single bill containing various distinct matters, usu. drafted in this way to force the executive either to accept all the unrelated minor provisions or to veto the major provision; and (2) A bill that deals with all proposals relating to a particular subject, such as an "omnibus judgeship bill" covering all proposals for new judgeships or an "omnibus crime bill" dealing with different subjects such as new crimes and grants to states for crime control. When viewed from the use of the omnibus law concept, the omnibus bill seems to be able to answer various problems related to overlapping laws and regulations in Indonesia.

However, the problem arises, whether the concept of the omnibus law can be implemented in Indonesia which adheres to the Continental European legal system, civil law. According to Hartono (1991: 32), Civil Law which originally came from the codification of law prevailing in the Roman empire during the reign of Emperor Justinian in the 6th century BC. According to Soemardi, (1997: 73). The Civil Law system has three characteristics, namely the existence of codification, the judge is not bound to the president so that the law becomes the main source of law, and the judicial system is inquisitorial. The first or main characteristic that forms the basis of the Civil Law system is that the law acquires binding power, because it is manifested in regulations in the form of laws and systematically arranged in codification. This basic characteristic is adopted considering that the main value which is the goal of law is legal certainty. Legal certainty can only be realized if human legal actions in social life are regulated by written legal regulations. With this legal objective and based on the legal system adopted, judges cannot freely create laws that have general binding power. Judges only function to determine and interpret regulations within the limits of their authority. A judge's decision in a case only binds the parties in the case, Doktrins *Res Ajudicata* (Soemardi, 1997: 73). The second characteristic of the Civil Law system cannot be separated from the doctrine of separation of powers that inspired the French Revolution. According to Scholten (2003), that the real intention of organizing the organs of the Dutch state is that there is a separation between the power of lawmaking, judicial power, and the cassation system. It is not possible for one power to interfere with the affairs of

another. Adherents of the Civil Law system provide great flexibility for judges to decide cases without the need to follow previous judges' decisions.

According to Lemek (2007: 45), the judge's guidance is the rules made by the parliament, namely laws; and the third characteristic in the Civil Law legal system as stated by Friedman (1969), the Inquisitorial system is used in the judiciary. In this system, judges have a big role in directing and deciding cases; judges are active in finding facts and careful in assessing evidence. According to Friedman's (1969) observation, judges in the Civil Law legal system try to get a complete picture of the events they have faced from the start. Different justice systems take different approaches regarding how much a decision or judgment (regardless of the actual meaning to "speak the truth") reflects the factual truth of a case and how much it represents the outcome of a fair process; how much justice is a function of material or formal truth (Grunewald, 2014: 1142). This system relies on the professionalism and honesty of judges (Lemek, 2007: 45). According to Wignjodipoero (1983: 27-31), the Civil Law legal system in its development recognizes the division of public law and private law. Public law includes legal regulations governing the power and authority of the ruler / state as well as relations between society and the state (the same as public law in the Anglo-Saxon legal system). Meanwhile, private law includes legal regulations governing the relationship between individuals in fulfilling their life necessities for their life. Then, the Civil Law legal system has positive and negative aspects. The positive side is that almost all aspects of community life as well as disputes that occur have written laws / laws, so that cases that arise can be resolved easily, besides that, the availability of various types of written law will ensure legal certainty in the completion process. Meanwhile, the negative aspect of the Civil Law system is that if a case arises as a result of the progress of the times and human civilization, this legal system cannot justify it because there is no law so that the case cannot be resolved in court.

According to Handoyo (2009: 58), written law will one day be out of date due to its static nature. Therefore, this legal system does not become dynamic and its application tends to be rigid because the judge's duty is only as a legal instrument. Judges are like servants of the law who do not have the authority to make interpretations in order to get the true value of justice. On the other hand, according to Nurhardianto (2015: 43-44), the definition of the anglo saxon legal system or Common Law is a legal system based on jurisprudence, namely the decisions of previous judges which later become the basis for the decisions of subsequent judges. In this case, the Anglo Saxon legal system tends to prioritize customary law, laws that run dynamically in line with the dynamics of society, the source of law in this legal system is the decision of the judge / court, and in this legal system the role given to a judge is very broad (Nurhardianto , 2015: 43-44). Common Law is a law made by judges, and today it is often contrasted with the Statute law or with codified Civil Law. (Burr, 2007: 1).

According to Winterton (1975, 69-118), the Continental European Legal System with the Anglo Saxon Legal System has the following differences::

Table 1: Differences between the Continental European Legal System and the Anglo Saxon Legal System

No	Differences	
	European Continental Legal System or Civil Law	Anglo Saxon Legal System or Common Law
1	Get to know the administrative justice system	Only knows one court for all types of cases
2	Being modern because of the studies conducted by universities	Developed through practicing legal procedures
3	Law is a <i>sollen</i> not <i>sein</i>	Law is a reality that applies and is obeyed by society
4	The discovery of rules is used as a guide in decision making or dispute resolution, so it is conceptual or abstract	Finding concrete rules is immediately used to settle cases.
5	There is no need for an institution to correct rules	An institution is needed to correct it, namely an equity institution - providing the possibility to elaborate on existing principles in order to reduce rigidity.
6	The existence of codification of law	There is no codification of the law

7	Past judges' decisions (jurisprudence) are not considered a rule or source of law	An earlier judge's decision on the same type of case must be followed
8	The judge's view on the law is less technical, not isolated from certain cases	The judge's view is more technical and is focused on certain cases
9	Legal buildings, legal systems, and legal categorization are based on laws regarding obligations and their structures are open to change	Legal building, legal system, and legal categorization as fundamental categorization are unknown but based on very concrete rules

Based on table 1 above, Sukarmi (2020) states that the position of the omnibus law concept can only be applied in other countries that have a Common law system, such as America, Australia and others (<https://www.komnasham.go.id/index.php/news/20204/17/1363/menyoal-omnibus-lawdalam-sistem-hukum-indonesia.html>. Accessed 16 August 2020). Then, the question is whether this concept can be applied in the civil law system adopted by Indonesia, because seeing from other countries it is very difficult to apply because synchronization between related agencies / departments is needed (Sukarni, 2020).

3. The Importance Of Omnibus Law “Cipta Kerja” Bill: What For, And For Whom ?

The draft Omnibus Law on “Cipta Kerja” Bill has been submitted by the government to the DPR, and will then be discussed by the government together with the Legislative Body (Baleg) of the DPR RI. The Omnibus Law “Cipta Kerja” Bill is intended to attract investment and strengthen the national economy but on the other hand, in fact, the work creation Omnibus Law Bill is a reference to the intention of the President of the Republic of Indonesia, Joko Widodo, is a good step to change and simplify regulations and bureaucracy by rearranging several regulations in one law, the omnibus law. Then, the main issue of this bill is the issue of licensing (Tobing, 2020 in the Red Note of Articles of the Omnibus Law on “Cipta Kerja”). According to Tobing (2020), the Government wants no more overlapping and uncertainty of regulations, and the hope is that the investment climate conditions can be more conducive to increasing productivity and new jobs as well. aims to encourage Indonesia to enter the group of developed countries with a per capita income of US \$ 23.2 thousand or Rp 324.9 million in 2045, and this target is the national gross domestic product to reach US \$ 7.4 trillion, the fifth largest in the world (Ministry of Planning National Development - Bappenas, 15 December 2019). Therefore, according to the Ministry of National Development Planning - Bappenas (2019), the government must solve the problem of low productivity factors, through improving the quality of human resources, simplifying regulations and bureaucracy, as well as research and development from the private sector.

Then, in the course of time, the Omnibus Law “Cipta Kerja” Bill, received a lot of criticism from various parties because it was perceived that the drafting of the bill was not participatory. In this case, the omnibus law discussion process should be carried out in a transparent, inclusive and participatory manner. The implication of the absence of participation is that the results of the bill submitted by the Government to the DPR are: there are several differences with Law no. 13/2003 concerning Manpower, causing problems at this time. . Based on the perspective that criticizes the Omnibus Law “Cipta Kerja” Bill, they are of the opinion that the articles in the bill only benefit employers, but on the other hand they do not protect workers as can be analyzed in table 2 below:

Table 2: Analysis of Differences in Law no. 13/2003 concerning Employment with the Omnibus Law “Cipta Kerja” Bill

No	Topics	Law (UU) No. 13/2003 concerning Manpower	Omnibus Law "Cipta Kerja" Bill (RUU)
1	Time off and leave		
	a. Weekly Break	Article 79 paragraph 2 letter b Law No.13 / 2003 (UUK) states: Weekly break for 1 (one) day for 6 (six) working days in 1 (one) week or 2 (two) days for 5 (five) working days in 1 (one) week;	The Draft “Cipta Kerja” Bill, the 5 working day rule was deleted. So it reads: A weekly rest for 1 (one) day for 6 (six) working days in 1 (one) week
	b. Long breaks	Article 79 Paragraph 2.d of the Manpower Law (UUK) states: A long rest period of at least 2 (two) months and is implemented in the	The draft “Cipta Kerja” Bill submits regulations related to long leave rights to companies. The “Cipta Kerja” Bill does not

		seventh and eighth year of 1 (one) month respectively for workers / laborers who have worked for 6 (six) years continuously. Continuously in the same company with the provisions that the worker / laborer is no longer entitled to his annual rest within the current 2 (two) years and thereafter applies to every multiple of the 6 (six) years working period.	include the right to take 2 months of long leave for workers / laborers who have worked for 6 years continuously and submit the rule to the company or the agreed cooperation agreement
	c.Menstruation leave	Article 81 UUK regulates that female workers / laborers can get a holiday during the first menstrual day and the second day of menstruation	The draft “ <i>Cipta Kerja</i> ” Bill does not include menstrual leave rights for women. The “ <i>Cipta Kerja</i> ” Bill does not write down the right to menstrual leave on the first and second day of menstruation which was previously regulated in the Manpower Law
	d.Maternity leave	Article 82 of the UUK regulates the mechanism for maternity leave for female workers. It also includes leave for rest for women workers / laborers who experience a miscarriage	The draft “ <i>Cipta Kerja</i> ” Bill does not include discussion, amendment or deletion status in that article
	e.Right to Breastfeed	Article 83 UUK stipulates that female workers / laborers whose children are still breastfeeding must be given the appropriate opportunity to breastfeed their children if this has to be done during working time.	The draft “ <i>Cipta Kerja</i> ” Bill does not include discussion, amendment or deletion status in that article
	f.Leave for Religious Worship	Article 80 of the UUK states: Entrepreneurs are required to provide adequate opportunities for workers / laborers to carry out the worship required by their religion.	The draft “ <i>Cipta Kerja</i> ” Bill does not include discussion, amendment or deletion status in that article
2	Wage		
	a.Unit wage yield and time	Not regulated in the previous UUK	The existence of unit wages and time. Unit yield wages are wages that are determined based on one time, such as daily, weekly or monthly. Meanwhile, unit yield wages are wages that are determined based on the results of the work that has been agreed upon.
	b.Sectoral Minimum Wages and District / City Minimum Wages	Minimum wages are set at the provincial, district / municipal and sectoral levels. Under Article 89 of the UUK, each region is given the right to set their own minimum Wage policy at both the provincial and district / municipal levels.	Eliminate district / city sectoral minimum wages (UMK), district / city sectoral minimum wages (UMSK), so that the determination of wages is only based on the Provincial Minimum Wage (UMP)
	c.Bonus	Not regulated in the previous UUK	. Provide bonuses, or other rewards for workers according to their tenure. The highest bonus is five times the wage for workers who have worked for 12 years or more
	d.Difference formula calculates the minimum wage	The formula used is $UM_t + \{UM_t, \times (INFLATION + \% \Delta PDB_t)\}$ Note: : UM _n : The minimum wage set UM _t : Minimum wage for the current year Inflasit: Inflation calculated from the period September last year to the period September of the current year Δ GDP _t : Gross Domestic Product (GDP) growth calculated from GDP growth covering the third and fourth quarters of the previous year and the first and second quarters of the current year	The formula used is $UM_t + 1 = UM_t + (UM_t \times \% PE_t)$ Note: : UM _t : Minimum wage for the current year PE _t : Annual economic growth There is no inflation, but it becomes regional economic growth
3	Severance pay		
	a.Replacement	Regulated in article 156 (4) UUK	There is no compensation money

	Rights		
	a.Period of Service Remuneration	Regulated in article 156 (3) UUK	The 24-year service award money is written off. The “ <i>Cipta Kerja</i> ” Bill removes point H in article 156 paragraph 3 regarding reward money for workers / laborers who have worked for 24 years or more where workers / laborers should receive reward money of 10 months of wages.
	b.Severance pay	<p>Article 161 UUK states: (1) In the event that a worker / laborer violates the provisions stipulated in a work agreement, company regulation or collective working agreement, the entrepreneur can terminate the employment relationship, after the worker / laborer concerned has been given the first, second, and third warning letters in succession. participate.</p> <p>Article 163 (1) UUK states: The entrepreneur can terminate the work relationship of the worker / laborer in the event of a change in status, merger, consolidation, or change in company ownership and the worker / laborer is not willing to continue the work relationship, the worker / laborer is entitled to severance pay of 1 (one) time according to the provisions. Article 156 paragraph (2), reward money for working period of 1 (one) time as stipulated in Article 156 paragraph (3) and compensation for rights according to the provisions in Article 156 paragraph (4).</p> <p>Articles 164 and 165 of the UUK stipulate that workers / laborers who are laid off because the company is losing money and goes bankrupt are entitled to severance pay.</p> <p>Article 166 UUK regulates the rights of workers 'or workers' families. If the worker or worker dies, the employer must give money to the heirs.</p> <p>Article 167 UUK regulates severance pay for workers / laborers who are laid off due to entering retirement age.</p>	<p>Abolishing severance pay for workers / laborers who were laid off because of a warning letter. In fact, Article 161 of the Manpower Law (UUK) states that workers / laborers who have been laid off because they have received a warning letter have the right to receive severance pay.</p> <ul style="list-style-type: none"> Abolishing severance pay for workers / laborers who were laid off due to merger, change of company ownership status. Workers / laborers who have been laid off due to a change in company ownership status will no longer be given severance pay by the original company, because this has been deleted in the “<i>Cipta Kerja</i>” Bill. Abolishing severance pay for workers / laborers who were laid off because the company lost 2 years and went bankrupt. The government has removed articles 164 and 165 of the Manpower Act in the Cipta Karya Bill. So later workers / laborers who were laid off because the company suffered losses and went bankrupt would not receive severance pay. Abolishing compensation in the form of severance pay for the heirs or their families if the worker / laborer dies. The Draft “<i>Cipta Kerja</i>” Bill has also eliminated the provision of compensation in the form of severance pay, the right to pay compensation for years of service and compensation for the right of the heirs who are left behind. Abolishing severance pay for workers / laborers who were laid off because they are about to enter retirement age. The government has abolished article 167 of the UUK, which regulates severance pay for workers / laborers who are laid off due to entering retirement age.
4	Social Security		
	a.Pension Guarantee	Article 167 paragraph (5) of the UUK states: In the event that an entrepreneur does not include a worker / laborer who has experienced termination of employment due to retirement age in the pension program, the entrepreneur is obliged to provide the worker / laborer with severance pay of 2 (two) times the provisions of Article 156 paragraph (2).), reward money for working period of 1 (one) time the provisions of Article 156 paragraph (3) and compensation money for rights according to	Removing criminal sanctions for companies that do not include workers / laborers in the pension security program. By removing article 184 of the Manpower Law which states "Whoever violates the provisions referred to in Article 167 paragraph (5), will be subject to imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and / or a fine of at least Rp. 100,000,000.00 (one hundred million rupiah) and a maximum of Rp. 500,000,000.00 (five

		the provisions of Article 156 paragraph (4).	hundred million rupiah) "
	b.Job Loss Guarantee	Not regulated in the previous UUK	Added a new social security program, Job Loss Insurance, which is managed by BPJS Ketenagakerjaan based on social insurance principles
5	Termination of Employment		
	The reason the company is allowed to lay off	Looking at the Manpower Act, there are 9 reasons companies may layoffs such as: <ul style="list-style-type: none"> • The company goes bankrupt • The company closed due to losses • Change in company status • Workers / laborers violate the work agreement • Workers / laborers make serious mistakes • Workers / laborers enter retirement age • The worker / laborer resigns • The worker / laborer dies • Workers / laborers are absent 	The “ <i>Cipta Kerja</i> ” Bill adds 5 more points to the reasons companies may layoffs, including: <ul style="list-style-type: none"> • The company is doing efficiency • The company carries out a merger, consolidation, acquisition or separation of companies • The company is in a state of postponement of debt payment obligations • The company commits an act that is detrimental to the worker / laborer • Workers / laborers experience prolonged illness or disability due to work accidents and cannot carry out their work after exceeding the 12 (twelve) month limit.
6	Employment status	Article 59 of the UUK regulates that the worker is subject to a fixed term working agreement (Perjanjian Kerja Waktu Tertentu - PKWT) for a maximum of 2 years, then it may be extended again within 1 year.	Abolishing article 59 of the UUK which regulates the terms of certain time workers or contract workers. With the elimination of this article, there is no restriction on the rules that a worker can be contracted, as a result the worker could become a contract worker for life.
7	Working hours	The maximum overtime work is only 3 hours per day and 14 hours per week.	The draft “ <i>Cipta Kerja</i> ” Bill plans to extend overtime to a maximum of 4 hours per day and 18 hours per week.
8	Outsourcing	The law on the use of outsourcing is limited and only for workers outside the main business.	The “ <i>Cipta Kerja</i> ” bill will open up the possibility for outsourcing agencies to hire workers for a variety of tasks, including freelancers and full-time workers. This will make the use of outsourced power more free
9	Foreign workers (Tenaga Kerja Asing – TKA)	Article 42 paragraph 1 UUK states: Every employer who employs foreign workers is required to have a written permit from the Minister or an appointed official. Article 43 paragraph 1 An employer who uses foreign workers must have a plan for the use of foreign workers that has been approved by the Minister or an appointed official. Article 44 paragraph 1; Employers of foreign workers are required to comply with the provisions regarding the position and the applicable competency standards.	In the draft “ <i>Cipta Kerja</i> ” Bill, the written permission of the TKA is replaced by the approval of the plan to use the TKA Article 43 regarding the plan to use TKA from an employer as a condition for obtaining a work permit where in the “ <i>Cipta Kerja</i> ” Bill, information regarding the expatriate assignment period, the appointment of workers to become Indonesian citizens as expatriate work partners in the expatriate assignment plan is eliminated Article 44 regarding the obligation to comply with the provisions regarding the position and competence of foreign workers is deleted.

Source: Source: Compiled from various sources on The difference between the Manpower Law and the Omnibus Law on “*Cipta Kerja*” Bill, (<https://gajimu.com/perjaan-yanglayak/omnibus-law/ruu-cipta-kerja-dan-uu-ketenagakerjaan>) .

Based on table 2, it can be analyzed that there are 9 points of difference between Law No.13 of 2003 concerning Manpower and the Draft Law (RUU). According to Yudhistira (2020), the Omnibus Law, or streamlining of rules, actually consists of several Drafts of Law (RUU), or what is also known as 'clusters' related to several sectors, which in total have the potential to change more than 1,000 articles in 79 laws. - The applicable law, including Law no. 13/2003 concerning Manpower. However, this bill has the potential to cause problems with legal protection and workers' rights. According to LBH Jakarta (2020), the Government and DPR should provide maximum protection for workers who are the foundation of the Indonesian economy. This means that workers must be seen as subjects, not just objects, and the policy pyramid used by the Government in the "Cipta Kerja" Bill is reversed: placing employers in the highest protection hierarchy while placing workers at the lowest level (LBH Jakarta, 2020).

In the context of industrial relations in Indonesia, the existence of Law No. 13 of 2003 concerning Manpower is relatively adequate even though improvement is needed so that it is in line with the 1945 Constitution Article 27 paragraph (2), affirming that decent work and life are constitutional rights for all Indonesian people. Therefore, in carrying out industrial relations, the government has the function of determining policies, providing services, carrying out supervision, and taking action against violations of labor laws and regulations (Law No. 13 of 2003 Article 102 paragraph 1). Whereas Article 102 paragraph 2 states that in carrying out industrial relations, workers / laborers and workers / labor unions have the function of carrying out work in accordance with their obligations, maintaining order for the continuity of production, channeling aspirations in a democratic manner, developing skills and expertise and participating in advancing the company and struggling for the welfare of members and their families, and paragraph (3) states that in carrying out industrial relations, entrepreneurs and business organizations have the function of creating partnerships, developing businesses, expanding employment opportunities, and providing workers / laborers' welfare in an open, democratic, and just manner.

Then, in the aspect of protecting workers, the actors (Hadjon, 1983 & Asikin et.al. 1993) in Kahfi (2016: 64) state that there are two basic things as follows: first, protection from the power of employers, is carried out if regulations laws in the field of labor that require or compel employers to act as in laws - these laws are actually implemented by all parties, because the validity of the law cannot be measured juridically, but sociologically and philosophically. In this case, Article 6 of Law Number 13 Year 2003 concerning Manpower requires employers to provide workers / laborers with rights and obligations regardless of gender, ethnicity, race, religion, skin color, and political orientation. Second, protection from government action is expressly regulated under Article 5 which states that every worker has the right and has the same opportunity to obtain a decent job and livelihood regardless of gender, ethnicity, race, religion and political orientation according to their interests and abilities. the workforce concerned, including equal treatment of persons with disabilities.

Furthermore, Law Number 13 of 2003 concerning Manpower regulates in detail the rights of workers. For example: Article 11, contains the right to acquire and develop competencies; Article 12 paragraph (3), contains the right to participate in (get) training; Article 31, jo; Article 88, states the right to choose the type of work and earn income, both at home and abroad; Article 86 paragraph (1), states the right to work health and safety 5. Article 99 paragraph (1), contains the rights of workers and their families to obtain social security for workers (Jamsostek); Article 104 paragraph (1), the right for workers to be involved (to form or become members) in a trade / labor union. Based on the contents of the articles in the Manpower Law, the scope of protection for workers includes the basic rights of workers / laborers to negotiate with employers; occupational Health and Safety; special protection for women workers / laborers, children and people with disabilities; and protection regarding wages, welfare and social security for workers.

4. Juridical Review of the Omnibus Law "Cipta Kerja" Bill

Legislation products are objective things because they are made in a process and technical preparation that is obedient and in accordance with legal principles by people's representative institutions. In general, legislation can be interpreted as written regulations which contain legally binding norms and are established or stipulated in statutory regulations. However, the laws and regulations in Indonesia often provide legal uncertainty, the impact of which is that many regulations overlap either at the same hierarchical level or with the regulations below. The lack of legal clarity in various laws has become an opinion as an issue that has

hindered investment so far. So that the Omnibus Law is considered to be a way out to solve investment problems and later to leverage the National economy. According to Law 12 of 2011 concerning the Formation of Legislative Regulations, it must include an Academic Paper which contains a philosophical, juridical, and sociological basis. The aim is to be able to find out the value, respect, objectives and specifications of a law. The concept of the omnibus law aims to unify almost all laws related to the bias in values, respect, objectives and specifications of a law from a law. Judging from the history, basically laws are similar to the Omnibus law, already in Indonesia, namely Law No. 5 of 1960 concerning Basic Agrarian Regulations. is made in accordance with Article 33 paragraph 3 of Law D of 1945, and the principles of the State Welfare State, for the welfare of the community.

Then, related to the Omnibus Law on “Cipta Karya”, it can be interpreted that the tendency of the regulations made is to prioritize investment and not to think about workers / laborers who are grassroots (Indonesian people) and always have a disadvantageous fate. This is in line with the neoliberal framework that workers are positioned as nothing more than an economic commodity that is ready to be bought and sold and the interests of these investors are the most rational choice for the government (Journal of Social Democracy Vol. 10 > 4 > January - March 2011: 8). According to Marx (1968: 1867) in Hamann and Bertels (2018: 396) states that one of the most influential theories of social inequality is that the capitalist class has the means of production and thus they are able to exploit labor / workers. Then, related to the Omnibus Law on “Cipta Kerja” Bill, it can be interpreted that the tendency of the regulations made is to prioritize investment and not to think about workers / laborers who are grassroots (Indonesian people) and always have a disadvantageous fate. This is in line with the neoliberal framework that workers are positioned as nothing more than an economic commodity that is ready to be bought and sold and the interests of these investors are the most rational choice for the government (Journal of Social Democracy Vol. 10 > 4 > January - March 2011: 8). According to Marx (1968: 1867) in Hamann and Bertels (2018: 396) states that one of the most influential theories of social inequality is that the capitalist class has the means of production and thus they are able to exploit workers / workers. Furthermore, the juridical review of the Omnibus Law according to Indrati (2020) states that this omnibus law is commonly applied in countries that adhere to the common law system. "If the omnibus law is implemented, it will actually cause new problems in the legislative drafting system. I am afraid that this will create legal uncertainty and make it difficult for all of us. Furthermore, the juridical review of Omnibus Law”.

According to the Center for Legal Studies (*Pusat Studi Hukum – PSH*) Faculty of Law (*Fakultas Hukum – FH UII Yogyakarta*) (2020) states that Omnibus Law is a method in the formation of legislation that is not yet known in Indonesia because this concept emphasizes the consolidation of various themes, materials, subjects and laws and regulations in each different sector to become one big and holistic legal product. In addition, according to PSH, Faculty of Law UII Yogyakarta (2020) that the formation of laws and regulations, based on the mandate of Law Number 12 of 2011 in conjunction with Law Number 15 of 2019 concerning the Formation of Laws and Regulations must contain philosophical, juridical and sociological. If we examine the three aspects above, the academic community of FH UII Yogyakarta notes the following:

1. In the philosophical aspect, the spirit or spirit behind the omnibus law method in the Omnibus Law “Cipta Karya” Bill, is solely for the sake of investment, not in the framework of harmonizing various laws and regulations.
2. On the sociological aspect, the biggest question is whether our society needs this law? The academic community of FH UII views it as not, or at least not yet in need (especially if it is related to its content which tends to prioritize investment / investor interests). The Omnibus Law “Cipta Karya” Bill tends to be top-down and not bottom-up from the people who need regulation.

Based on the results of the study of experts, the FH UII Yogyakarta academic community (2020) concluded that: first, the Omnibus Law “Cipta Kerja” Bill has quite serious problems in the formation procedure and substantial. The problem of the formation procedure and its substance has the potential to lead the bill into constitutional contradiction, thus potentially violating the rights of citizens guaranteed by the constitution; second, request and demand from the Government and DPR RI to improve several sectoral laws, rather than drafting laws using the omnibus law method which has not been proven successful in other countries and has the potential to damage the legal system in Indonesia. Then, in the process of drafting it, the government

seemed closed, and the public knew that the businessmen were involved in filtering the regulation, which was led by the Indonesian Chamber of Commerce or the Chamber of Commerce. As a result, many articles appear to prioritize their interests. (Tobing, 2020).

Thus, the Omnibus Law “*Cipta Kerja*” Bill can be interpreted that the Omnibus Law method is not in line with Law No.12 of 2011 in conjunction with Law No.15 of 2019 concerning the Formation of Legislative Regulations (*Pembentukan Peraturan Perundang-Undangan - UUP3*), obscuring its essence as a new bill (not change), on material issues, he said that, the Omnibus Law “*Cipta Kerja*” Bill has the potential to reduce the broadest possible autonomy rights granted to regional governments both provincial and district / city based on Article 18 paragraph (5) of the 1945 Constitution, and reduce the right of everyone to work and get compensation. and fair and proper treatment in working relations based on Article 28D of the 1945 Constitution and others. , The Omnibus Law “*Cipta Kerja*” Bill is more dangerous than the benefits when viewed from a juridical aspect and the process of its preparation.

5. Overview of A Brief History of the Implementation of Labor Law in Indonesia: Since the Proclamation of 1945 to the Current

Economic liberalization produced a new social class called the workers. Technological advances gave birth to social transformation of the people and practically brought new industrial pockets and centers of economic growth. The series of social transformation processes has a big role in creating class consciousness in the economic structure of society. According to Law Number 22 of 1957 concerning the Settlement of Labor Disputes, it defines Labor as anyone who works for an employer and receives wages (article 1 paragraph 1a). In the development of Labor Law in Indonesia, striving to replace the term laborer with the term worker, as proposed by the government, the Department of Manpower (*Departemen Tenaga Kerja Republik Indonesia – Depnaker RI*) at the Second National Congress of the Indonesian Labor Federation (*Federasi Buruh Seluruh Indonesia - FBSI*) in 1985.. The Department of Manpower has now changed its name to the Ministry of Manpower of the Republic of Indonesia..

In this case, the government argues that the term labor is not in accordance with the national personality because workers tend to refer to a group that is always oppressed and is under the other party, namely the employer / employer. The term worker is also in accordance with the explanation of article 2 of the 1945 Constitution which states that groups are bodies such as cooperatives, trade unions and other collective bodies. Then, Law Number 13 of 2003 concerning Manpower article 1 point 4, the definition of a worker / laborer is that everyone works for a wage or remuneration in any form. This definition is relatively general, but the meaning is broader because it can include all people who work for anyone, whether individuals, associations with legal entities or other entities, receiving wages or compensation in any form. According to Husni (2000: 33-35), the affirmation of the word reward in any form is necessary because wages have been identified with money, even though there are workers / workers who receive compensation in the form of goods. Furthermore, a brief overview of the historical implementation of labor laws in Indonesia since the proclamation of independence in 1945 until now is as follows:

Table 3: A Brief Historical Overview of the Implementation of the Manpower Law in Indonesia: Since the Proclamation of Independence in 1945 until now

No	A Brief Historical Overview of the Implementation of the Manpower Law in Indonesia
1	Law Number 33 of 1947 concerning Safety at Work was issued by the provisional government under Prime Minister Sutan Sjahrir. This law shifted to signal a shift in basic labor policies from this new country, which previously were regulated in articles 1601 and 1603 BW which tended to be liberal or influenced by basic developments with the principle of "no work no pay".
2	Law Number 12 Year 1948 concerning Worker Protection, and Law Number 23 Year 1948 concerning Labor Inspection. This Law covers many aspects of protection for workers. Such as the prohibition of discrimination in the workplace, the provision of 40 hours of work and 6 days of work a week, the obligation of companies to provide housing facilities, the prohibition of employing children under the age of 14, including guaranteeing women's rights to take 2 days menstrual leave a month and 3 months leave. This law was arguably the most advanced in the Asian region at that time, which later became the main basis for prospective labor law legislation in Indonesia.
3	Law Number 21 of 1954 concerning Labor Agreements between labor unions and employers which really feels democratic in the provisions of its articles

4	The 1956 Law which ratified ILO Convention No.98 on the Right to Organize while guaranteed further giving trade unions legal status.
5	Law Number 22 Year 1957 concerning Settlement of Labor Disputes
6	The 1964 Law concerning Termination of Employment in Private Companies which provides very strong protection to workers or workers with the obligation to seek permission from the Labor Dispute Settlement Committee (P4) for Termination of Employment.
7	Law Number 21 of 2000 concerning Trade Unions / Labor Unions has changed the union system in Indonesia. With the enactment of this law, the union system in Indonesia has changed from a Single Union System to a Multi Union System. This is because according to Law no. 21/2000, at least 10 workers can form a labor union in a company. Although it deviates slightly from the core ILO convention no. 87 but Law no. 21/2000 encourages the democratization of the workplace through trade unions / labor unions. Workers are given the opportunity to participate in determining working conditions and working conditions. This shows that the development of the Labor Law regulating labor unions has a positive value.
8	Law Number 13 of 2003 concerning Manpower in lieu of Law no. 25/1997 which was enacted but was never effective. UU no. 13/2003 also contains many problems, for example the problem of inconsistencies between one article and another, causing legal uncertainty
9	Law Number 2 of 2004 concerning Settlement of Industrial Relations Disputes
10	Law Number 39 of 2004 concerning the Protection and Funding of Indonesian Workers Abroad

Source: Compiled from various sources

Based on table 3 above, it can be interpreted that there are 10 (ten) laws that have been formed as a legal basis related to manpower in Indonesia: since the Proclamation of Independence in 1945 until now. However, various problems related to employment, especially laborers / workers, have not received protection, and legal certainty that is just and a decent life as regulated in the 1945 Constitution Article 28D. The 1945 Constitution Article 28D paragraph 1, "Everyone has the right to recognition, guarantee, protection and legal certainty that is just and equal treatment before the law"; and paragraph 2, "Every person has the right to work and to receive fair and proper compensation and treatment in an employment relationship".

According to Center for Indonesian Policy Studies (CIPS) researcher, Imelda Freddy (2020), things that often become problems for Indonesian workers include:

1. **Wages Not In Accordance With UMP:** The government sets the Provincial Minimum Wage (*Upah Minimum Provinsi* - UMP), namely the standard wages in accordance with the provisions of each region. Problems arise when employers provide wages below the predetermined eligibility standards. On the other hand, the monitoring and law enforcement mechanisms are not yet effective. The government has not been firm in imposing sanctions and defending the interests of workers.
2. **Unfair and Unfair Outsourcing System:** Outsourcing practice is common in the business reality in Indonesia. For employers or companies, an outsourcing work system can reduce costs, so that the prices of products and services offered can be cheaper. However, what needs to be prioritized from this system is actually justice and transparency. As long as the wages are fair (according to the UMP) and in accordance with the initial agreement, it is also accompanied by information about the implementation of the outsourcing work system in the position proposed to the prospective workers, then neither party should be disadvantaged.
3. **Worker Social Protection has not been maximized:** Work security, health, safety, accidents, old age, and others have not been maximally fulfilled. The socialization of workers' rights has not been maximally carried out in Indonesia, so there are still many workers who do not know. Employers must fulfill their obligations. The government must also supervise and ensure law enforcement for employers or companies that have not registered their employees with Social Security Administrator or *Badan Penyelenggara Jaminan Sosial* (BPJS), BPJS Kesehatan and BPJS Ketenagakerjaan. These two protection schemes are basic needs of workers. The registration system has also been simplified with an inexpensive payment scheme. Supposedly, with the existence of BPJS, there are no entrepreneurs who are absent in providing protection for their employees.

4. Unequal Distribution of Workers: Another problem is the uneven distribution of workers in Indonesia. Currently, the workforce in Indonesia is very concentrated on the island of Java. Meanwhile, other areas outside Java have a shortage of workers. With the minimum number of workers, development in the regions is hampered. This will also affect economic growth in the area. The government is more focused on developing industry or regional leading sectors that can create jobs for local workers.
5. Weak Legal Protection for Migrant Workers: Legal protection for migrant workers by the government is still being questioned because it is not yet optimal. There are many Indonesian migrant workers who stumble in legal cases but have not received legal assistance and protection from the Indonesian government due to bureaucratic problems and diplomacy between countries.

Then, labor problems will get even more troublesome if the Omnibus Law “*Cipta Kerja*” Bill is passed by the Indonesian Parliament, House of Representative (*Dewan Perwakilan Rakyat Republik Indonesia* - DPR RI) . The bill is considered to have the potential to violate the rights of citizens guaranteed by the constitution because for the sake of investment, labor rights are secondary. Therefore, comprehensive and sustainable strategic efforts are needed to improve labor laws in Indonesia with reference to the mandate of Law Number 12 of 2011 in conjunction with Law Number 15 of 2019 concerning the Formation of Laws and Regulations must contain considerations, philosophical and juridical and sociological.

6. Conclusions and Suggestions

The Omnibus Law “*Cipta Kerja*” Bill tends to have the potential to reduce the right of everyone to work and receive fair and proper compensation and treatment in working relationships based on Article 28D of the 1945 Constitution and others. In this case, the “*Cipta Karya*” Omnibus Law Bill has more harmful aspects than the beneficial aspects when viewed from the philosophical, juridical, sociological aspects as well as the drafting process which is not transparent and is not in accordance with the mandate of Law Number 12 of 2011 in conjunction with Law Number 15 2019 concerning the Formation of Legislation. Therefore, the Government and the House of Representative (*Dewan Perwakilan Rakyat Republik Indonesia* - DPR RI) must have a high commitment and political will in terms of the formation of labor laws and regulations based on the principles of clarity of objectives, the principle of appropriate institutional or forming organs. , the principle of clarity of formulation, and the principle of transparency.

References

- [1.] Ahli Hukum UII Nilai RUU Cipta Kerja Banyak Permasalahan. Minggu, 16 Agustus 2020 14:49:54 WIB | E-paper Media Indonesia. <https://mediaindonesia.com/read/detail/296236-ahli-hukum-uii-nilai-ruu-cipta-kerja-banyak-permasalahan>. Diakses 15 Agustus 2020.
- [2.] Bhattacharya CB, and Sen S, Korschun D. (2012). Using corporate social responsibility to win the war for talent. MIT Sloan Management Review, 49: 37-44.
- [3.] Bryan A. Garner et.al. (2009). *Black's Law Dictionary*. Ninth Edition . St.Paul, MN : West Group.
- [4.] Burr, Martin.(2007). THE ANGLO-SAXON JUDICIARY. A paper read to the British Legal History Conference, in Oxford, 2nd - 5th July 2007. http://www.law.harvard.edu/programs/ames_foundation/BLHC07/Burr%20Anglo-saxon%20judiciary.pdf.
- [5.] Freddy, Imelda. (2020). Problematika Buruh: Peta Permasalahan Pekerja Indonesia. <https://reaktor.co.id/problematika-buruh-peta-permasalahan-pekerja-indonesia/>.
- [6.] Friedman, Lawrence M.,(1969), *The Legal System: A Sosial Science Perspective*, Russel Sogge Foundation, New York.
- [7.] Grunewald, Ralph . (2014).COMPARING INJUSTICES: TRUTH, JUSTICE, AND THE SYSTEM .. http://www.albanylawreview.org/Articles/Vol77_3/77.3.1139%20Grunewald.pdf.
- [8.] Hamann, Ralph; and Bertels, Stephanie.(2018). *The Institutional Work of Exploitation*. Journal of Mangement Studies published by John Wiley & Sons Ltd and Society for the Advancement of Mangement. <https://onlinelibrary.wiley.com/doi/epdf/10.1111/joms.12325>.
- [9.] Handoyo, Hestu Cipto,. (2009). *Hukum Tata Negara Indonesia*. Yogyakarta, Universitas Atma Jaya.

- [10.] Hartono, Sunaryati. (1991). Politik Hukum Menuju Satu Sistem Hukum Nasional, Bandung, Penerbit Alumni.
- [11.] Husni,Lalu.(200).Pengantar Hukum Ketenagakerjaan Indonesia, Edisi Revisi, Jakarta, Raja Grafindo Persada.
- [12.] Indrati, Maria Farida. (2020) . Plus-Minus Omnibus Law di Mata Pakar. <https://www.hukumonline.com/berita/baca/lt5e3325327d597/plus-minus-omnibus-law-di-mata-pakar/>
- [13.] Jurnal Sosial Demokrasi Vol. 10 > 4 > Januari - Maret 2011; 8, <https://library.fes.de/pdf-files/bueros/indonesien/07003/2011-10.pdf>. Diakses 15 Agustus 2020.
- [14.] Kahfi, Ashabul . (2016). Perlindungan Hukum Terhadap Tenaga Kerja. Jurisprudentie | Volume 3 Nomor 2 , 59 – 72.
- [15.] Kementerian Koordinator Bidang Ekonomi, Keuangan, dan Industri (EKUIN) Republik Indonesia, *Produk Hukum*, <https://ekon.go.id/info-sektoral/15/6/dokumen-ruu-cipta-kerja>. Diakses 15 Agustus 2020.
- [16.] Kementerian Perencanaan Pembangunan Nasional (Bappenas), 15 Desember 2019 : Proyeksi PDB per Kapita Indonesia.
- [17.] Lemek,Jeremias. (2007) Mencari Keadilan: Pandangan Kritis Terhadap Penegakan Hukum Di Indonesia. Jakarta, Galang Press.
- [18.] Nurhardianto, Fajar.(2015). Sistem Hukum Dan Posisi Hukum Indonesia. Jurnal TAPIS Vol.11 No.1 Januari-Juni.
- [19.] PANDANGAN DAN PERNYATAAN SIKAP SIVITAS AKADEMIKA FH UII ATAS RANCANGAN UNDANG-UNDANG CIPTA KERJA, Yogyakarta, 12 Maret 2020. <https://fh.uui.ac.id/blog/2020/03/12/pandangan-dan-pernyataan-sikap-sivitas-akademika-fh-uui-atas-rancangan-undang-undang-cipta-kerja/>
- [20.] Perbedaan UU Ketenagakerjaan dengan RUU Omnibus Law Cipta Kerja, <https://gajimu.com/pekerjaan-yanglayak/omnibus-law/ruu-cipta-kerja-dan-uu-ketenagakerjaan>
- [21.] Poin-Poin Bermasalah dalam RUU Cipta Kerja. Rabu, 26 Februari 2020 22:13 WIB. <https://www.wartaekonomi.co.id/read273934/poin-poin-bermasalah-dalam-ruu-cipta-kerja>.
- [22.] Rancangan Undang-Undang (RUU) Cipta Kerja (Ringkasan Eksekutif Omnibus Law RUU Cipta Kerja: Obsesi PembangunaYang Merampas Ruang Dan Mengorbankan Pekerja, , <https://www.bantuanhukum.or.id/web/ringkasan-eksekutif-omnibus-law-ruu-cipta-kerja-obsesi-pembangunan-yang-merampas-ruang-dan-mengorbankan-pekerja/>.
- [23.] Soemardi,Dedi. (1997). Pengantar Hukum Indonesia, Jakarta, Indhillco.
- [24.] Sukarni (2020) dalam. Menyoyal *Omnibus Law* dalam Sistem Hukum Indonesia , <https://www.komnasham.go.id/index.php/news/2020/4/17/1363/menyoyal-omnibus-law-dalam-sistem-hukum-indonesia.html>. Diakses 15 Agustus 2020.
- [25.] Tobing, Sorta.(2020)..Catatan Merah Pasal-pasal Omnibus Law Cipta Kerja , <https://katadata.co.id/sortatobing/indepth/5e9a470eb920b/catatan-merah-pasal-pasal-omnibus-law-cipta-kerja>.
- [26.] Undang-Undang Dasar Tahun 1945 Undang – Undang No. 5 Tahun 1960 Tentang PEeraturan Dasar Pokok – Pokok Agraria
- [27.] Undang-Undang Republik Indonesia Nomor 13 Tahun 2003 Tentang Ketenagakerjaan, https://kemenperin.go.id/kompetensi/UU_13_2003.pdf . Diakses 15 Agustus 2020.
- [28.] Undang-Undang Nomor 22 Tahun 1957 tentang Penyelesaian Perselisihan Perburuhan.
- [29.] Undang-Undang Nomor 2 Tahun 2004 tentang Penyelesaian Perselisihan Hubungan Industrial.
- [30.] Undang-Undang Nomor 39 Tahun 2004 tentang Perlindungan dan Pmbinanaan Tenaga Kerja Indonesia di Luar Negeri.
- [31.] Warr, P., & Nielsen, K. (2018). Wellbeing and work performance. In E. Diener, S. Oishi, & L. Tay (Eds.), Handbook of well-being. Salt Lake City, UT: DEF Publishers. DOI:nobascholar.com
- [32.] Wignjodipoero,Soerojo. (1983).Pengantar dan Asas-asas Hukum adat, Jakarta, Gunung Agung.
- [33.] Winterton, George .(1975). Comparative Law Teaching. The American Journal of Comparative Law, Volume 23, Issue 1, Winter 1975, Pages 69–118, <https://doi.org/10.2307/839541>, <https://academic.oup.com/ajcl/article-abstract/23/1/69/2584515?redirectedFrom=fulltext>

- [34.] Yudhistira, Bhima .(2020). Omnibus Law: Hal-hal yang perlu Anda ketahui mengenai perampangan aturan, <https://www.bbc.com/indonesia/indonesia-51542411>.
- [35.] Xesha, Dumisani; Iwu, Chux Gervase; Slabbert, Andre; and Nduna, Joyce. (2017). The Impact of Employer-Employee Relationships on Business Growth. *Journal Economics*, 5(3): 313-324 (2014). ISSN: 0976-5239 .
<https://www.tandfonline.com/doi/abs/10.1080/09765239.2014.11885007>.