

## PREVENTING CORRUPTION WITH OMNIBUS-MODEL REGULATION

ENDRA ZULFAN<sup>1</sup>, I GDE PANTJA ASTAWA<sup>2</sup> and ANTHON F. SUSANTO<sup>3</sup>

<sup>1</sup>Doctoral Program Faculty of Law, Padjadjaran University, Bandung, Indonesia.

<sup>2,3</sup>Faculty of Law, Padjadjaran University, Bandung, Indonesia.

Email: <sup>1</sup>endra.zulpan@gmail.com, <sup>2</sup>gpastawa@yahoo.com, <sup>3</sup>anthon.aiki@gmail.com

### Abstract

One of legislations expected to bring Indonesia to economy growth and to reduce corruption at the same time is Law No. 11, 2020 on Job Creation. Since the beginning, the making of this Job Creation Act has raised heated debate considering the model used in the drafting is not recognized in Indonesian legal system. The research findings showed that the application of omnibus-model legislation in Indonesian legal system is useful to eliminate overlapping of the legislations, to establish clean and transparent service for public and businesses in issuing business permit and to reduce sectoral ego contain in various regulations. Based on the above, the means used for omnibus-model legislation to prevent corruption to work is that it has to be included in every process of the legal policy making from the formulation, application, and execution phases. In addition, the prevention of corruption with omnibus-model legislation requires the same perception and has to be the commitment of all and that the regulation making with omnibus model should adopt one single philosophy,

**Keywords:** Prevention, Corruption, Omnibus

### INTRODUCTION

The national development objective is society establish a just, prosperous, welfare and orderly people of Indonesia based on Pancasila and 1945 Constitution. To realize the above mentioned of Indonesian people, it is necessary to continuously improve the measures to prevent and eradicate criminal offense in general and corruption in particular.

The massive cases of corruption in Indonesia have resulted in the fall down of Indonesia's Corruption Perception Index (CPI) score. Transparency International (TI) showed that in the last 2 years, Indonesia's CPI was decreasing. In 2020, the score was 37 and ranked 102, falling down from 85 of world rank with the score 40 in 2019.<sup>1</sup> In fact, in the last ten years, Indonesia had always improved significantly in corruption eradication. Only in 2013 and 2017, the score was 32 and 37, other than that, Indonesia's score had always been increased.<sup>2</sup> According to Indonesian Corruption Watch (ICW), the TI's data has explained that legal policy of the government is pulling the eradication out far from the reinforcement agenda.<sup>3</sup>

The measures taken by Indonesia in eradicating corruption to get out from the stigma of the most corrupted country does not come out of the blue. Several instruments have been promulgated either by the preceding government or today administration. In the era of President Soekarno, for example, Coordination Body of Wealth Appraisal (CBWA) was established and legalized formally with Regulation No. PRT/PM/06/1957 on Regulation of Corruption Eradication in which the authority was assigned to the Army Chief of Staff as the military authority of the army territory.<sup>4</sup> In 1960s, Soekarno then enacted Contingency Act and

established Retooling Committee of State Apparatus to eradicate corruption.<sup>5</sup> Other measure taken was by promulgating Presidential Decree No. 275, 1963 on Operation BUDHI led by A. H. Nasution and assisted by Wiryono Prodjudikusumo. The task was to combat corruption within the State-Owned Company.<sup>6</sup>

President Soeharto, in his national address on 16 August 1967 declared the eradication of corruption through the establishment of Corruption Eradication Team (CET) with General Attorney as the Chief.<sup>7</sup> However, as what happened in the era of President Soekarno, the team was also a failure. President Soeharto, then, established Committee Four but still ended in failure.<sup>8</sup> The New Order also enacted the Law No. 3, 1971 on Corruption Eradication in which the formulation of corruption referred to the articles in the Penal Code and the KUHP and the construction was a formal delict. As the enforcement of the law, OPSTIB team was formed based on Presidential Instruction No. 9, 1977, however the team performance directly commanded by the Commander Reinforcement Operation of Security and Safety, Commander Sudomo was not optimum and was even halted.<sup>9</sup>

In 1982, Soeharto again established Corruption Eradication Team (CET) which had previously been formed in 1967 but was slowly faded. It is funny that this CET second edition was formed under unclear legal based even though the members of this organ was consisting of J.B. Sumarlin, the then Minister of the Empowerment of State Apparatus, Sudomo the Commander Reinforcement Operation of Security and Safety, Chief of the Supreme Court, Mudjono, Ali Said, the Minister of Justice, the General Attorney, Ismail Saleh, and General Awaludin Djamin, the Chief of National Police.<sup>10</sup>

In reformation era, the eradication of corruption found its momentum when People Consultative Assembly in its Special Hearing in 1998 issued Resolution No. XI/MPR/1998 on the Corruption, Colution, and Nepotism Free Governance.<sup>11</sup> to implement the political will of MPR, a new law was enacted and Law No. 3, 1971 was revised. The new revision law was Law No. 28, 1999 on Corruption, Colution, and Nepotism Free Governance that was entry into force on 19 May 1999.<sup>12</sup>

Along with that, mandates were given to the law enforcement, in this case to the National Police and Attorney Office to speed up the eradication of corruption. The Joint Task Force of Corruption Eradication under the Governmental Regulation No. 19, 2000. The tip of corruption eradication in the reformation era was the establishment of Corruption Eradication Commission under the Law No. 30, 2002.<sup>13</sup>

The next level taken by the government was enacting the Presidential Instruction No. 5, 2004 on the Acceleration of Corruption Eradication. This law specifically instructed the General Attorney “to optimize the investigation and indictment against the offense of corruption to punish the perpetrator and to secure the state wealth”.<sup>14</sup>

Sanusi defined corruption as the abuse of power and trust for personal advantage. In addition, corruption can also be defined as wrongful conduct of compliance obligation to “keep distance” principle. It means that the policy making in economy, either made by individual in private sectors or by public officials, personal or family relation should not be interfering. One this

“keep distance” principle is breached and a decision was made with the interference of personal or family relation, the corruption takes place.<sup>15</sup>

Using the typology of corruption by George Junus Aditjondro and the analysis framework by other scholars, Febri Diansyah mapped the corruption pattern into three layers as shown in following table<sup>16</sup>:

**Table 1: Layer and Type of Corruption**

Layers of Corruption	Types of Corruption
First	Direct engagement between people and bureaucracy. Type of Corruption: Bribery, when the proposition comes from people; Extortion, when the idea to get the money comes from the state apparatus.
Second	Nepotism among those who are blood-related with the public officials; Cronism (among those who are not blood-related with public officials); “New Class” (consisting of all governmental parties and their families controlling all important wet posts, ideology posts, and juridical posts
Third	Network, either regional, national or international, including government, politicians, business actors, and law enforcement.

Source: Aditjondro, as cited by Diansyah

In addition to the three layers and types of corruption above, Diansyah, citing Aditjondro, divided two simple terms. They are: corruption driven by poverty and corruption driven by greed. There is also the third layer that is when the power of business group greatly affects the political power and bureaucracy in a mutual- benefit relation.<sup>17</sup>

Therefore, it can be said that corruption is closely related with relation of power of people (ordinary people, business actors) and the government officials. Lembaga Survei Indonesia (Indonesian Survey Organization) released the poll on types of corruption mostly occurred in governmental offices.<sup>18</sup>

Abuse of power lies at the top of the poll gaining 26, 2%. Loss of state asset and gratification are the type of other corruption second mostly occurred in governmental office for 22, 8% and 19, 9%. 14, 8% of the poll considered bribery is the most committed (Figure 1).

Setiadi claimed that some measures taken to eradicate corruption,<sup>19</sup> such as through: a) redesigning public service, especially in fields that directly connected with the community daily; b) Strengthen the transparency, monitoring, and sanction upon the governmental activities related to the economy and human resources; c) improving the empowerment of supporting apparatus in eradicating corruption. The objectives is to enforce the principle of rule of law, to strengthen the legal culture and to empower people in corruption eradication process; d) to apply stipulation to announce the binding agreement upon corruption cases on mass media. This provision not only gives information to public but also acting as moral sanction to the offender of corruption.

Today, Indonesia is heavy in terms of regulation marked with so many overlapping and complicated legislations. This may open the opportunity of corruption.<sup>20</sup> Therefore, cutting short the number of legislations is one of the ways to prevent the potency of corruption, for example by making the law that give spaces for a clean and transparent governance.<sup>21</sup> However, the formulation of law should as best as possible to develop the administration scheme of good law enforcement as the formal procedure as working manual for the law enforcement.<sup>22</sup>

One of the laws expected to bring Indonesia to the economy development and to reduce corruption is Law No. 11, 2020 on Job Creation or Omnibus Law of Job Creation. It is called omnibus law because it was drafted with omnibus mechanism that is a concept in which a product of law functions to consolidate various theme, matters, subjects, and regulation in each different sector to be in one large and holistic legislation.<sup>23</sup>

The general explanation of Law No. 11, 2020 stated that today, there is complexity and obesity of regulation where there were 4,451 central governmental regulations and 15,965 regional governmental regulations. These regulations and institutions became major obstacles besides fiscal, infrastructure and human resources. The regulations did not support the creation and development of, and even impeded business.<sup>24</sup>

As for the scope of the Law No. 11, 2020 are:<sup>25</sup> a) improving the investment ecosystem and business activities; b) manpower; c) lenience, protection, and empowerment of cooperatives and micro, small and medium scale business; d) business lenience; e) research and innovation support; f) land procurement; g) economic district; h) central government investment and the acceleration of national strategic projects; i) implementation of state administration; j) sanction.

## **RESEARCH METHOD**

This research is a legal research with normative or doctrinal type of research. The normative research is used to produce arguments, theory, and new concept for the practitioner to solve problems occurred. The approach used to answer the legal problems in this research is juridical normative method using statute and conceptual approaches<sup>26</sup> that is a study on literatures related to the prevention of corruption with omnibus-model regulation.

Research data were obtained with document study technique and interview. Data obtained were analyzed with juridical qualitative method by qualifying and classifying problems systematically and then analyze them qualitatively using no mathematic formula and statistical numbers.

## **RESULT AND DISCUSSION**

### **A. The Implementation of Corruption Prevention with Omnibus-model Regulation in Practice**

The study on corruption in Indonesia has been published to public through discussion, seminar, survey poll, mass media, and many more. One of the studies and surveys routinely carried out

was by one of independent institutions that are Transparency International in 2018 scoring 38 for Indonesia.<sup>27</sup>

A rational effort in eradicating crimes can be done using 2 (two) mechanisms i.e., penal mechanism (repressive), and non-penal mechanism (preventive) which in practice is one integrative and is synergic with a larger policy that is social policy. Related with this research is the penal mechanism that is the making and formulation of the good criminal law therefore the prevention of corruption is expected to be able to well be eradicated.

The prevention of corruption becomes an interesting issue in the law enforcement process. It is the proof of how important every single step taken in eradicating the corruption is. The prevention of corruption should be carried out because the handling mechanism holds some weaknesses or that the criminal law is incapable viewed from the function and work of the criminal sanction.

One of the prevention measures in handling the corruption practice in Indonesia taken by the government is through the statute approach with omnibus-model regulation. The relatively new in the corruption prevention is directed to the establishment of national development policy on business activities.

In Indonesia, omnibus law is known as One-for-All Legislation. It is meant to simplify and streamline several regulations to be more right on target.

Audrey O. Brien argued that omnibus law is a bill of law covering more than one aspect in one legislation. While Barbara Sinclair claimed that omnibus bill is a process of drafting a regulation that is complex and it may take time to finish since there are many issues even though the subject, matter and the program do not always be related.<sup>28</sup>

The concept of omnibus law in the legislation is an implementation of Anglo-Saxon tradition whose character is the Common Law system. Some countries such as United States of America, Canada, and Ireland has been using this approach, either omnibus law or omnibus bill. This concept is frequently used by US in making their law. Regulation in this concept is to draft one new law to amend several laws at a time.<sup>29</sup>

In 1888, omnibus law first appeared in USA. The term used at that time was omnibus bill. The cause was the private agreement related to the separation of two railways in America. In 1967 this method became popular. The Minister of Justice of USA, Pierre Trudeau introduced the Criminal Law Amendment Bill. The contents amended the criminal law and covered many issues.<sup>30</sup>

Jimly Asshiddiqie argued about the benefit of the making of law with omnibus law approach. First, it is considered efficient in the context of time since it can accommodate the needs of new policies in single process of legislation making.<sup>31</sup>

The government claimed that there are 3 (three) benefits of the application of omnibus law. First, to reduce the overlapping of the legislations. Second, the efficiency of the amendment and revocation process of the legislation. Third, to eliminate sectoral ego contained in several regulations.<sup>32</sup> The omnibus law concept in Indonesia can be used to unify the central and

regional policies to support the investment climate. This concept can also be the short way of solution for some conflicting legislations both vertically and horizontally.

The national law of a country is the basic picture of its national management of the law that fits the condition of people.<sup>33</sup> It means that legal norms reflect the national law. Legal norms in Indonesian legislation do not deviate from the national legal system since the legal system applied in Indonesia with all the elements supporting one another to anticipate and to overcome the problems occur in the life of the community, nation, and the state under Pancasila and 1945 Constitution.<sup>34</sup>

Some countries have been applying omnibus law such as Canada, USA, Ireland, Vietnam and Philippines. Ireland even enacted an omnibus law revising more than 3,000 laws (Investor.id, 2019). The technique of omnibus is also adopted by several South East Asia countries. In Vietnam, this technique was used to implement the WTO agreement (World Bank, 2006). The application of omnibus law similar to what has done in Indonesia is implemented in Philippines with its Omnibus Investment Code of 1987 and Foreign Investment Code of 1991

The starting of the promulgation of omnibus-model legislation in Indonesia was the governmental effort in improving the national economy as the background especially in increasing the investment and the protection of the Micro, Small-Scale Business. In the last five years, Indonesian government has taken some measures to encourage the increase in investments through several regulation package of economy. However, some policies could not afford to attract foreign investor to invest in Indonesia. Indonesia could not utilize the investment opportunity when trade war between China and USA occurred. Also, Indonesia was ranked 73 in Ease of Doing Business 2020 issued by World Bank and has not yet improved since 2019. This should be evaluated for the policy and opportunity can be synchronized and the benefit of the policy can be enjoyed by all people of Indonesia.

Joko Widodo and Ma'ruf Amin administration realized that the condition and made some immediate efforts to make some repairment especially when related with the regulation obstacles assumed as one of the reasons why foreign investors were lack of interest to invest in Indonesia. Therefore, the administration promulgated the omnibus bill on Job Creation and had been enacted by DPR on 5 October 2020 and was entry into force on 2 November 2020 with objectives to create job opportunity and to improve foreign and domestic investment by reducing the conditions in business permit and land procurement.

As for the prevention of corruption, Ramdan Andri Gunawan argued that the overlapping regulation can create bigger window for discretion and it may in the end lead to corruptive practice. Andri took example of the various criminal law on cooperation in three regulation from three related sectors of natural resources (Land and Spatial Act, Forestry Act, Agriculture and Farm Act, Mineral and Energy Act). Therefore, the overlapping stipulation on natural resources sector should be straightened. This can be done through omnibus law mechanism carried out by the government.<sup>35</sup>

Upon this overlapping legislation, President Joko Widodo addressed that one of the measures to be taken to encourage the acceleration the work of the government that is free from



corruption is by reforming the national regulation. One of the measures done today is by synchronizing dozens of legislations or omnibus law. The tradition we are starting is by promulgating the omnibus law, one law synchronized dozens of laws at one time so that laws are harmonious, securing the legal assurance, and is accountable and corruption free.<sup>36</sup>

The question is that how to make the corruption prevention with omnibus model possible to be done? To answer that, the author argued that the application process of omnibus model regulation can be done to prevent corruption when fully supported by many parties since the formulation, application and execution stages. These stages none other is the policy stages of the criminal law to prevent corruption.

Sudarto argued that implementing the criminal policy or the politic of criminal law means the choice to get the best regulation that fulfill the justice and the benefit requirements. The criminal policy is the measures to establish criminal law according to the conditions and situations in one particular time and in the future. The word according means good in the context it fulfill the justice and benefit.<sup>37</sup>

Based on the concept of criminal policy above, the measures to prevent corruption with an omnibus-model regulation can be realized in practice with the support at the following stages:

### **1. Support in formulation stage**

In the formulation stage, the drafting of omnibus model regulation should be supported by all parties. Even though omnibus law is a new drafting method and is not yet recognized in the concept of legislative drafting in Indonesia as promulgated in the Law No. 12, 2011 on the Enactment of Legislation, however, it should be supported for the national legal reformation.

For the author, before the process of drafting the omnibus-model regulation is carried out, it is necessary to have similar understanding among the experts, legal scholars, legislative drafters, or public about the importance of omnibus-model regulation to overcome the overlapping problems in legislations that may lead to corruption practice. Especially the law makers (Executive and legislative) should amend the regulation in the Law No. 12, 2011 when necessary or the guidelines in promulgating the laws below (Governmental Regulation, Presidential Regulation, Regional Regulation, and so on).

In contrast with what happens today that after the enactment of Law No. 11, 2020 on Job Creation with omnibus-model, people think that the law does not consider some aspects in the formulation stages as explained above so that some misunderstandings occurred among some parties (experts, legal scholars, politicians, law enforcements, and public) and it even may create disharmony of law (conflicting the Law No. 12, 2011) resulting in legal uncertainty. Therefore, on 25 November 2021, the Constitutional Court decided over the judicial review against the Job Creation Act that the Job Creation Act is restricted unconstitutional.

### **2. Support in the application stage**

In the next stage, the chosen law as the means to regulate the life of the people, nation, and state is manifested in the legislation by the state apparatus. It is necessary to follow up the implementation of law in accordance with regulation applied. The stage includes the law

enforcement that needs to consider components in the legal systems such as structure, substance, and culture.<sup>38</sup>

The implementation of omnibus-model legislation should be realized effectively with the support of legal structure which in this case is government officials from the central to the regional. All state apparatus is obliged to support the application of the regulation in all sectors to prevent the corruption.

In the aspect of legal substance, the omnibus-model legislation should be synchronized and harmonized immediately towards the legislations below therefore the target and objectives of the enactment can be realized mainly for the prevention of corruption.

As for the cultural aspect, it needs support from the people either individual or collective by shifting the paradigm in understanding the omnibus-model regulation for the prevention of corruption either in the form of bribery or gratification as occurred today.

### **3. Support in the execution stage**

In the execution stage, central government as the maker of omnibus-model regulation in Indonesia should actually maintain its commitment to implement the provisions in the legislation. Since the enactment of the Job Creation Act as the central government initial idea of which numerous centralized policies of permit issue are the potential gold mines for the practice of corruption therefore the Corruption Eradication Commission, the Attorney Office and Ombudsman as the executor should prevent the potential practice of corruption by its officials. Therefore, Ombudsman should be able to give inputs to President about the application of the omnibus-model regulation.

Of the three stages, the formulation is the most strategic stage for the prevention of corruption with the omnibus-model law. Therefore, any errors in this stage is the strategic mistake that can be the obstacles in the efforts of corruption prevention in the application and execution stages.

### **B. The right concept to continuously develop the corruption prevention in the future**

The idea of omnibus law assumed to be able to solve the overlapping of legislation resulted in disharmony of the laws. Disharmony often fatal when implemented by legislators which can make miscoordination and can stimulate sectoral-ego among the implementators. At the regional government level, the chaos in the legislation will clearly see resulted in the slow pace of development and investment because of the inefficient and ineffective bureaucracy.

To solve the obesity in legislation implied on the chaos in the implementation, the idea of omnibus law seems to be the alternative solution to the conflicts of regulation (disharmony) and obesity. Naturally, when the regulation with omnibus-law character is applied partly or as a whole, it was always recognized as the simplification stage of regulation. Even though the new omnibus law was the idea of the Jokowi's administration, it actually is not new and unique. Omnibus law has long been applied in some countries such as USA (The Omnibus Act of June 1868, The Omnibus Act of February 22, 1889), Kanada (Criminal Law Amandment Act, 1968-69), and Philipine (Tobacco Regulation Act of 2003) and has also adopted by many countries.



Omnibus law is important to be implemented since the regulations applied are cronicly too many. There are at least 3 (three) causal factors in the obesity of legislation in Indonesia, such as:<sup>39</sup>

- 1) Too many categories of regulation stipulated in Article 7 and Article 8 of Law No. 12, 2011 on the Enactment of Legislation, even though it can be understood that it is part of the strengthening of the existence of state organ and the administration post-amendment of the 1945 Constitution
- 2) The enactment of legislation seems only relying on the quantity and to fulfill the obligation in Prolegnas. No wonder if the body of the bill of regulation is only registered as the bill to discuss (wishlist) and does not consider the harmony and synchronization. In fact, in the Law No. 12, 2011, there are two organs whose authority to do it. Those are Legislative Board and the Ministry of Justice and Human Rights followed by the regional administration with the Committee of the Enactment of Regional Regulation in DPR and Provincial and Municipal Bureau of Law. Therefore, the management of regulation should be better to not only to reach the target but also to consider the benefit for the national interest.
- 3) There are many mismatches between the law and society, even with the state interest. It can be understood since the legislation is separated from the philosophical root of the nation as mandated in the fourth paragraph of the 1945 Constitution. Substantially, there are at least three things that a regulation should be based on such as social defence, social welfare, and values of Pancasila.

The measure taken with the idea of omnibus law concept promised to be able to solve the overlapping of the regulations still needs an in-depth study since it is a new concept for our country and some adjustments are necessary towards the Indonesian legal system.

The right concept to prevent the corruption with omnibus-model legislation can be developed continuously in the future with:

- 1) Development of omnibus-model regulation to prevent corruption should be a joint commitment of the president and DPR as the origin function legislation in the enactment of a legislation including assigning power of ex ante constitutional review to Constitutional Court. Therefore, omnibus law is not free from the character of revoking other regulations and of preventing the resistance in the instability of regulation potential to create legal uncertainty. Therefore, omnibus law will be vulnerable upon the *lex specialis derogate legi generali* principle or the principle of that the specific legislation will waiver the general regulation since omnibus law formulate several different materials into one uniform regulation and might considered general. Therefore, when there is a partial regulation considered more specific, the law can waive the general omnibus law.

As a note, the strategy of original function legislation should be a joint commitment and be more complete with the preventive and corrective power for the Constitutional Court through its ex-ante constitutional review. Certainly, it will break through the existing

system of legislation that tends to be partial and specific. While omnibus law certainly general in its matters since it contains various issues formulated in one regulation and can revoke several regulations.

- 2) In the case a new law to regulate the same issues with omnibus law, since there is principle of *lex posteriori derogat legi priori*, the application of omnibus law will be so strategic in order to:
  - a) Overcome obesity of legislation that tends to be more conflicting and chaotic;
  - b) Similize or equalize the perception at central and regional level to reduce the sectoral ego (inter-sector conducive relation) and to break the chain of bureaucracy considered bureaucratic;
  - c) The guarantee of legal assurance; and
  - d) Accelerate (effective and efficient) the development for the fair fulfillment of people welfare.
- 3) Every regulation drafted with omnibus model should contain one philosophy. It is because omnibus law is only a method in promulgating a regulation that is simplified in one category. Therefore, the philosophy should be the same.
- 4) Looking at today's condition in which Job Creation Act was drafted with omnibus model and amend at least 73 (seventy-three) laws with different philosophy. Therefore, in the process of the promulgation, there is inconsistency in the use of philosophy. Even though it is promulgated to create job opportunity many regulations out of the philosophy of job creation were amended and revoked such as Architect Law, National Education System Act, Midwife Act, etc.

With several concept of omnibus-model regulation continuously in the future as explained above, it is expected in the future that every model of regulation in Indonesia has set for the purpose of social defence, social welfare, and values of Pancasila.

## CONCLUSION

The application of omnibus-model regulation in Indonesia legal system has several benefits i.e., to reduce overlapping of legislations, to establish clean and transparent public service and business, to minimize bribery in business permit issue, and to reduce sectoral ego contained in several legislations. Therefore, the measures taken to prevent corruption with omnibus-model legislation can be implemented in every process of legal policy either at the stage of formulation, application, and execution. In the formulation stage, the drafting of omnibus-model regulation should be supported by all parties either the legal experts, regulation drafter, or the people for the reformation of national law. In addition, it is necessary to similize the perception on the importance of omnibus-model regulation in solving the overlapping that may lead to corruption. At application level, the omnibus- model product of regulation should be effectively implemented with the support of government officials from the central to municipal level through synchronization and harmonization of legislations to reach the target and the

objectives of its promulgation for the corruption prevention. It is necessary to have support from public both individual and groups by shifting the paradigm in understanding the omnibus-model regulation for the prevention of corruption either in the form of bribery or gratification as occurred today. Central government as the maker of omnibus-model regulation in Indonesia should actually maintain its commitment to implement the provisions in the legislation. Since the enactment of the Job Creation Act as the central government initial idea of which numerous centralized policies of permit issue are the potential gold mines for the practice of corruption therefore the Corruption Eradication Commission, the Attorney Office and Ombudsman as the executor should prevent the potential practice of corruption by its officials. Therefore, Ombudsman should be able to give inputs to President about the application of the omnibus-model regulation.

The right concept to prevent the corruption with omnibus-model legislation can be developed continuously in the future. First, development of omnibus-model regulation to prevent corruption should be a joint commitment of the president and DPR as the origin function legislation in the enactment of a legislation including assigning power of ex ante constitutional review to Constitutional Court. Therefore, omnibus law is not free from the character of revoking other regulations and of preventing the resistance in the instability of regulation potential to create legal uncertainty. Second, In the case a new law to regulate the same issues with omnibus law, since there is principle of *lex posteriori derogat legi priori*, the application of omnibus law will be so strategic in order to overcome obesity of legislation that tends to be more conflicting and chaotic; Similize or equalize the perception at central and regional level to reduce the sectoral ego (inter-sector conducive relation) and to break the chain of bureaucracy considered bureaucratic;

The guarantee of legal assurance; and accelerate (effective and efficient) the development for the fair fulfillment of people welfare. Third, every regulation drafted with omnibus model should contain one philosophy. It is because omnibus law is only a method in promulgating a regulation that is simplified in one category. Therefore, the philosophy should be the same. Looking at today's condition in which Job Creation Act was drafted with omnibus model and amend at least 78 (seventy-eight) laws with different philosophy. Therefore, in the process of the promulgation, there is inconsistency in the use of philosophy. Even though it is promulgated to create job opportunity many regulations out of the philosophy of job creation were amended and revoked such as Architect Law, National Education System Act, Midwife Act, etc.

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