

Omnibus Law Seen from the Perspective of Pancasila in Indonesia

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Abstract

Omnibus law is a new breakthrough for the Indonesian government in order to simplify and complete regulations that have not been reached by the government. Many regulations have been replaced or deleted, but these changes must take into account the existence of the state's legal basis, namely Pancasila. In this paper, it provides some descriptions that there are several regulations related to the omnibus law which still require changes and considerations to be in accordance with the Indonesian state constitution, namely Pancasila.

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I. Preliminary

Lately, the mass media and national news are hotly discussing the laws issued by the government and the DPR, many parties support it but many also reject it. These opposing parties of course have their respective interests, some are concerned about the substance of the issuance of this law, some are concerned about the contents of the articles in the law.

The moment of the issuance of this law is a vulnerable point that is very vulnerable to being ridden by parties who take part in order to gain an advantage, because this law covers many aspects contained in it and from various regulatory aspects, why can it be said like that because if the party riding it participates in the drafting of the law, it is certain that this party will insert a regulation that is considered to be beneficial to him. Likewise, when it is promulgated, many parties will reject it, with this refusal it will be very easy to be infiltrated by other parties who want a chaos that aims to weaken the unity and integrity of the nation, especially in the realm of the lower middle class.

The law that has given rise to this polemic is a law that is often referred to as the omnibus law, this law was passed in early October 2020, where this law contains many prototype regulations and tends to be derogatelegi generalist. , many stated that the ratification of this law did not go through the correct procedure, some stated that this law was full of politicization of power. Many reap the pros and cons because there are several articles or parts of this law that are considered not in accordance with legal norms, especially Pancasila.

Pancasila is basically the basis of the Indonesian nation that existed before Indonesia's independence, in that Pancasila there are many philosophies that put forward the importance of a just and harmonious life as well as very noble shared ideals. In addition, Pancasila is the basis of all regulations that were born in Indonesia, so it is not uncommon for many regulations or laws to be canceled because they are considered not in accordance with the contents of Pancasila.

The birth of this omnibus law law, of course, has been carefully thought out by the legislative body, starting from the side of the discussion, opinion polls with the parties as well as juridical studies if it is actually enacted later. However, as time goes by and the promulgation of this law, it turns out that a lot of parties are paying attention. This is certainly an interesting thing for us to review and discuss about the process of its preparation, its birth and its application in the life of the nation and state, of course, it is associated with the basic philosophy of the state, namely Pancasila.

II. Formulation of the problem

Based on the background above, the writer will make several problem formulations, namely:

1. To what extent can Pancasila be used as the basis for drafting laws in Indonesia?
2. What is the position of the omnibus law when viewed from the perspective of the Pancasila paradigm?

III. Discussion

1. Pancasila as the basis for drafting laws in Indonesia

Pancasila since its inception until now has often been predicted by many parties as a jargon for the foundation of an essential state, whether the jargon is in accordance with the goals of a clean conscience or there is indeed an interest in seeking profit from the use of the jargon. Many parties put forward Pancasila at a fixed

price, but at other times there are also parties who oppose the application of Pancasila as an ideology that is not in accordance with their beliefs. This is certainly a dilemma from the application of a national ideology, because the application of that ideology does not cover all aspects of society and groups with evidence of the frequent use of Pancasila only as a means of seeking power.

Actually, in the 1945 Constitution, precisely in the opening section in the fourth paragraph, it has been explained that there is a long series of sentences stating the ideals of the Indonesian nation and state, this is certainly a thick note for all citizens, especially for government administrators to pay more attention to the contents of the 1945 Constitution. and the meaning of the sentence. The series of sentences are not only to be read, but must and are obligatory to be applied and implemented in all regulations and policies that are issued. This is very substantive to note, because apart from academics, the current government should still pay attention to the doctrine of Pancasila to all levels of society in order to get quality citizens who really understand the meaning of Pancasila. This of course cannot be separated from the influence of the scouring of the development of an increasingly modern and increasingly individualistic era, as evidenced by the birth of sophistication in technology and information, many people, especially children, are carried away by the current developments that have not been filtered by ideologies according to the character of our nation. This ideology is of course instilled from an early age through the pure doctrine of Pancasila which is in accordance with the philosophy of the ideals of the Indonesian state. The influence of the times will certainly affect the quality and mindset of young people today which will influence policy or decision making in the next fifteen or twenty years.

This of course has become a warning for the government to be more focused and restore the dignity of the values of Pancasila itself, by maximizing the world of education to provide a rationale for children to better understand and implement the values of Pancasila in the future so that when children are If the child becomes an official or representative of the people, the results of his policies and decisions are in accordance with the meaning and purpose of Pancasila.

Decision-making that is not based on the nation's ideology will be woeful for this nation's direction, which originally aspired to mutual prosperity, will be turned into the ideals of group prosperity, and will certainly have an impact on jealousy between groups, the consequences of which we can predict.

The era of democracy is an important period for the birth of quality products of thought of the nation's successors, this thought will be seen from the quality of the product statements issued, whether in accordance with Pancasila or in accordance with narrow ideals. The law is a product statement issued by someone where that person has the authority in this matter. It has become his obligation to make a regulation or policy that is certainly in favor of the people and the common welfare. However, lately we have encountered several or even many laws that were canceled by the Constitutional Court because they were allegedly not in accordance with Pancasila or the 1945 Constitution.

Based on data released by the Constitutional Court, from 2003 to 2019 there were approximately two hundred decisions that were granted by the Constitutional Court. This is certainly a concern for us, because many find that the laws that have been issued are not in accordance with the constitution of our country which is certainly not in accordance with Pancasila. In addition to the product of the law, we also encounter many quality government officials who are not in accordance with their duties and functions. This is evident in the many cases of corruption and abuse of authority to seek personal or group gain. The abuse of this mandate will certainly have a major impact on the people of Indonesia, because the existence of regulations whose purpose is to benefit oneself or a group will have very destructive consequences for harmony among others.

Pancasila which consists of five precepts is an organic sentence structure, this should be a deep understanding and understanding for those who feel they have the authority to carry out the reins of power and regulations. This understanding is not necessarily understood substantively but must also be understood philosophically. The philosophical meaning of Pancasila is contained in each of the existing precepts, thus the understanding that should be carried out should not be limited to the explicit, but also the implied understanding must also be considered.

The ease with which someone occupies power, especially in the legislative field, especially for those who are strong enough in terms of their economy, is a phenomenon that will greatly affect the position of Pancasila. This is because if that person becomes an official, it will be very dangerous for the product and the quality of the regulations or policies he issues, because of the lack of knowledge of Pancasila and the constitution as a reference for making a law. The current phenomenon, especially during the election of legislative candidates, we will encounter many candidates who are considered not competent in their fields, this is evidenced by the existence of an assumption from the community which states "registering candidates rather than being unemployed". In remote areas, we meet many candidates for legislative members who are still very young and lack knowledge and are opposite of the field they will nominate, there are also people who only have a large number of friends who dare to go forward in legislative candidacy, some are capitalized on fame and public figures. dare to go forward to become people's representatives, and there are many other phenomena that raise many questions regarding the quality of the legislative candidates in our country.

This kind of condition will certainly greatly affect the quality of the regulations they create in the future, the lack of knowledge and lack of understanding of the mandate of the law is a major issue that must be resolved together, in addition to the background of the representatives of the people who have various interests and groups. seems to add to the complexity of the burden of the birth of a law that is in accordance with the philosophy of Pancasila. The fading of the noble values of Pancasila contained in the minds of the people's representatives creates a serious threat to the sanctity of the dignity of Pancasila. Pancasila was born from human thought, and will also be destroyed through human thought, if humans do not have a basic spirit in Pancasila, especially for the organizers of the nation, then the upholding of Pancasila in the implementation of the life of the nation and homeland in terms of state order is like a fire far from roasted.

The preparation of laws and regulations is a broad elaboration of the meaning of the Pancasila philosophy, the entire contents of the law should be based on the state ideology and must also lead to that ideology, so that the meaning of the precepts can systematically run in harmony and with strong certainty. synergize between the first and fifth precepts. In the first precept which reads God Almighty, it is appropriate for the organizers of the nation to interpret it as a moral responsibility in terms of making a policy. The One Almighty God. Of course the representatives of the people in making a policy have been based on this sense, so that the policy products they produce will be in line with other human thoughts and continue on the next precepts. Considering that the application of Pancasila will not only be used for the next ten or twenty years but will be used for a long time, so it is an obligation for all of us, especially for the organizers of the nation to understand this.

"Pancasila today or whenever it is needed, the founders of the country should have given a clear understanding of Pancasila, this is a big whip for the founders and administrators of the nation. Because the spearhead of the establishment of Pancasila is in the hands of the organizers of the nation, this is very realistic to be implemented from the past until the future, considering that the elements of our country are multi-ethnic and cultural, so the third principle of Pancasila should always be considered in making a policy. , so that this will be in line with Pancasila, because Pancasila is the source of all sources of law whose meaning is the view of life, awareness and legal ideals as well as moral ideals which include the psychological atmosphere and character of a nation.

The problem of human resources is a vital thing in the formation of a national character, the lack of knowledge of the members of the council about making a law is a very easy gap for interested parties to ride, and especially for foreign parties who want to colonize in an elegant way. namely by entrusting an article that can weaken the state. Based on the existing data, there are as many as 76 articles that are intervened by foreign parties, this is evidence that the legislators are weak in maintaining the philosophical meaning of Pancasila. The need for character building for legislators is very basic, considering the backgrounds of the members of the council who come from cross-disciplinary, cross-cultural, to cross-personality greatly affect the results of the mindset they produce. In addition to the shape and nature of the character of the legislators, the character of the organizers of the nation is no less important, a lot of state wealth has fallen into foreign hands due to a lack of understanding of Pancasila, especially the fifth precept. It is easy to establish a policy that is not based on visionary thinking about social justice for the community, is an accident that will have a long impact, especially the policy of processing natural resources for the long term. Of course, in interpreting Pancasila, it must be interpreted as a whole, so that the strength of the products resulting from legislation will have a strong foundation that does not only rely on one precept. If the meaning of Pancasila is only interpreted in a per-sila manner, it will have an impact on the ambiguity of the results of this law. This randomness is a result of the chain of births of laws that are not Pancasilaist, laws that are not based on Pancasila are implemented by national administrators who have a character far from Pancasila values, the result is the erosion of natural resources that are sucked in by foreigners and will create problems for our children and grandchildren.

Character building is something that is considered heavy but behind the weight it will have a tremendous impact in the future, Japan is one of the countries that pays great attention to character building for its citizens. Education for early childhood is more emphasized on character building, of course this character formation is related to the basic philosophy of the Japanese state, so that in the future the purity and nobility of Japanese character traits will be maintained. The Indonesian state should learn a lot from countries that focus on character building for the nation's successors, considering that our country is a country rich in natural resources and cultural and cultural diversity, it is obligatory to apply this character building from an early age, so that in the future the The successor of the nation has a strong foundation and thought, because the life and death of a country is based on the regulations they make themselves, if these regulations are not based on their circumstances and nature and are far from common goals, these regulations will backfire for the country itself.

2. The Position of the Omnibus Law from the Perspective of the Pancasila Paradigm

The omnibus law made by the DPR together with the government is a new breakthrough for the world of legislation in Indonesia, this is because the nature of the law which is derogatelex means that previous or related laws will be erased and will be replaced by new laws. the omnibus law. This will be very good if the

purpose of the law is in line with the mandate of the constitution and Pancasila, but it will be very dangerous if the law is not in line with the mandate of Pancasila, because if this happens then the sanctity and sanctity of Pancasila will be destroyed. little by little will be eroded with the birth of this law. The birth of a law that is not in accordance with the mandate of Pancasila will become a habit that will be carried out repeatedly if there is no party to guard it. This is because if there is omission, it is certain that further events will follow and it will be dangerous if the foreign party knows about this omission.

The birth of the omnibus law, especially the work creation law, is a reflection of achievements that only rely on providing facilities and facilities to the capitalist side, namely those who have large capital apart from being forced to promulgate, as well as many parties who state that making laws The law was made haphazardly.

This convenience seems to be a victory for the capitalists, especially for foreign parties, because based on the law foreign parties can freely and take refuge to do things in order to make the maximum profit. This can be seen from the shift in control of natural resource management which was originally controlled by the state for the benefit of the nation to shift to domination in the hands of capitalists for a long period of time, as if contradicting the values of the Pancasila philosophy and the constitution. This is a suicidal law, because it leaves the management and utilization of natural resources in foreign hands as a whole while we as hosts only get a part that is far from *parripassau*.

The birth of the omnibus law law is a new breakthrough but it is not yet appropriate to be stipulated in the territory of the Indonesian state, because of its universal nature as if it has a high position as well as the position of the constitution. Because with this law, all previous laws that are not in line with this law will be abolished. If this is addressed by parties who have a low educational background in Pancasila, they will assume that this omnibus law has the same nature and strength as the constitution or even Pancasila. The number of polemics caused by the promulgation of this omnibus law is that there are still parties who pay attention to the development and birth of laws in Indonesia, regardless of whether these observers have pure intentions in accordance with the Pancasila philosophy or are just moments for an interest to seek profit behind the polemics. the. Given this situation, the government and legislators should pay more attention to a special study and study if they are going to make a law, besides that they must also make a comprehensive socialization to all levels of society. The lack of socialization, especially in the field of law, has an impact on the public's low knowledge of the law in Indonesia, which has an impact on law violations that occur in the community. As we discussed about character building in Japan in the previous section, legal socialization will also have an impact on the formation of a human character who understands the law, with someone who understands laws and regulations, the number of people who violate the law will certainly decrease.

The preparation of the omnibus law draft that does not involve the parties is one element of the violation of the values of Pancasila, the involvement of the parties is a reflection of the values of the Pancasila philosophy, namely from the fourth precept, with the involvement of many parties, it is hoped that a law that birth has reflected the aspirations or voices of the parties whose names are involved in the law so that the opportunity for a polemic to arise will be avoided.

The polemics that have arisen from the birth of the omnibus law have really had an impact on the stability of public security and of course also on the economy of the country itself, because the commotion will spread to all sectors of life. Of course, those who will feel the turmoil will not be from the state administrators but from the people or civilians. Indeed, the government is an element whose job it is to carry out the wheels of a nation's journey, but the main essence is that the government's job is to serve. The word government when interpreted literally is a person whose job is only to govern without serving anything. If the word government is replaced with the word servant, the indications of the government to act arbitrarily will most likely be avoided. If the word servant is applied, the mindset and mindset of the organizers of the nation is only to serve without any element of governing.

The omnibus law that has now been implemented is a law that does not yet respect the rights of fellow human beings, this is evident from the existence of several articles that contradict the rights of fellow citizens. "First, the Omnibus Law on Job Creation has overhauled the labor system, which was originally in accordance with Law Number 13 of 2003 concerning Manpower to regulate industrial relations through a tripartite, involving the district government as the organizer of manpower as mandated by the 1945 Constitution article 18 paragraph 5, where the government regional governments through the Manpower Office legalize labor unions, build tripartite industrial relations, both in disputes of interest, as well as discussing MSE issues as a social safety net in the manpower sector. However, ironically, the Omnibus Law on Job Creation has eliminated this system.

In fact, Article 33 paragraph 4 of the 1945 Constitution "The National Economy is organized based on economic democracy with the principles of togetherness, efficiency, justice, sustainability, environmental insight, independence, and by maintaining a balance of progress and national economic unity." The state according to the constitution is the development of national economic democracy, while the Bill on the Omnibus

Law on Job Creation at that time was discussed at the National Legislative Council, actually wanted to legalize millennial imperialism, by facilitating the flow of investment and foreign workers to run businesses in Indonesia, with a statutory regulation that wants to lower wages. "Indonesian workers" by cutting various labor social protection guarantees, this is of course not in accordance with Article 27 paragraph 2 of the 1945 Constitution, which reads "every citizen has the right to work and a decent living for humanity" so that with the Omnibus Law Bill Create The work of making foreign investors is not only facilitated by investment methods, but also the means of making profits in Indonesia, including from the labor sector, besides that foreign workers have been systematically facilitated, so that national labor protection is almost lost.

Based on the adaptation of the article above, there have been many violations of the constitution, these violations include:

1. The Principle of Togetherness

Togetherness is a reflection of the philosophical values of Pancasila, the principle of togetherness is very closely related to the ideals of the nation and the goals of the state. The meaning of togetherness must be interpreted broadly, not only limited to togetherness on a group scale but also togetherness as a whole on a nation and state scale. Many people's representatives only fight for the aspirations of the group where they have been raised and come from, this primordial nature must of course be avoided for members of the legislature, considering that those who have been elected as people's representatives must give up all their backgrounds in order to achieve a good value of togetherness. and balanced.

The togetherness that is expected by Pancasila is togetherness that is mutual prosperity regardless of class and background, therefore prosperity or common prosperity is one of the main goals of the vision and mission of Pancasila apart from several other goals.

2. Fair Efficiency

The 1945 Constitution states, "The economy is structured as a joint effort based on the principle of kinship" (Article 33 Paragraph 1); "Production branches which are important for the state and which affect the livelihood of the people are controlled by the state" (Article 33 Paragraph 2); "Earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people"

(Article 33 Paragraph 3); and "The national economy is organized based on economic democracy with the principles of togetherness, efficiency with justice, sustainability, environmental insight, independence, and by maintaining a balance of progress and national economic unity" (Article 33 Paragraph 4). Based on the description above, it can be concluded that equitable efficiency is intended for efficient management of natural resources but must produce a maximum benefit for all Indonesian citizens. In addition, fair efficiency also means that the management must consider the availability for the future, so that justice here is justice for the future.

3. Sustainable

The meaning of sustainability from the Big Indonesian Dictionary is that it takes place continuously and continuously, so that when it is associated with the results of the omnibus law, the value of the principle of sustainability has been abandoned, considering that there are several articles that state that the management of natural resources is carried out by national and international companies. multinational is too long. This is very worrying for the continuity of the availability of natural resources for our children and grandchildren in the future. Utilization that is too long will have an impact on the reduced availability of natural resources tomorrow, reduced or even exhausted natural resources will have an impact on our country's ability to develop. The dependence of natural resources on foreign parties will be very detrimental to the state, all production materials will depend on and be played by foreign parties, if the availability of raw materials is stopped by foreigners, the country's economy will automatically stop as well.

4. Environmentally Minded

This is closely related to the sustainability principle above, management that is not in accordance with environmental insight will have an impact on the depletion of natural resources. Environmental insight must be implemented in order to sustain the availability of existing natural resources, because if a company exploits continuously without paying attention to re-conservation, it is certain that there will be a scarcity of natural resources. In this case, the management of consumable natural resources should be managed by a purely national company, such as exploitation of mining products. If this can be implemented, it will be in accordance with the mandate of the law which states that all results from natural resources are controlled as much as possible by the state in order to fulfill the needs of the people. But what is happening today is that we find many companies, especially mining companies, being played by multinational companies by investing as much foreign capital as possible which has an impact on the flow of large profits to the investors.

5. Independence

Independence is not only defined as independence in regulating the wheels of the economy, but independence that is universal and has the principle of egalitarianism, anti-capitalist and imperialism. So that economic independence can be applied to all aspects of life starting from upstream to downstream of a production process, and all of that is carried out by all elements of the state. So it is hoped that from these three principles a fair independence can be implemented.

From these three principles, the characteristics of the Pancasila economic system can be defined as formulated by Prof. Mubyarto (1997) as follows: (1). The wheels of economic activity are driven by economic, social, and moral stimuli; (2). The community has a strong will to realize social equality; (3). Economic Nationalism; (4) Economic Democracy; (5). A balance between national planning and regional autonomy. All of which lead to the realization of social justice for all Indonesian people. From the five characteristics of the Pancasila Economic system, the Indonesian nation and state can stand strong and have full sovereignty over their economic life.

6. Maintaining the balance of progress and national economic unity

Balance is the equivalent of justice, impartial and equal. If we take it literally then the balance of progress is progress that is evenly and jointly from all lines of life, this progress must be realized in all sectors of life, starting from economic progress, education, defense, and progress of a government system that is increasingly advanced following the times. Of course, this progress is based on the Pancasila ideology. The rapid development of the times, especially in terms of technology, should be able to be used to lift other sectors, the government in this case must think critically and advance, not only focus on one side.

Apart from the advantages and disadvantages of the Pancasila economic system, the Indonesian economic system is one of the economic systems that may currently be developing, especially for those of you who want to start a business or as a startup company, which more or less adopts their Pancasila economic system to reach their consumer market in Indonesia. . The need for a monetary policy instrument as a benchmark to indicate the functions of the Pancasila economic system were carried out successfully. The functions of the Pancasila economic system are:

- As a provider of encouragement to carry out the production process.
- In order to create proper coordination in an individual activity in the economic field.
- To regulate the distribution of the results of a production in all members of the community, so that it can be carried out according to expectations.
- In order to create certain mechanisms, so that the distribution of goods and services can take place properly.

Based on the description above, if we relate it to the birth of the law, especially the omnibus law, we can easily describe whether the law is in accordance with the mandate and objectives of the contents of the Pancasila. Judging from the drafting process, the discussion process and the process of enactment, then whether the law has fulfilled all the aspects and objectives that have been determined by Pancasila.

IV. Conclusion

Pancasila is applied solely as a basis for the nation's guidelines to determine all behaviors, habits, regulations and policies for all components of the nation's society. The birth of Pancasila is the starting point for the discovery of the identity of the Indonesian state, so that the direction and purpose of the life of the Indonesian nation can be directed through the Pancasila. Of course, the meaning of Pancasila must be interpreted not only in a literal sense but also in an ideological and philosophical sense. The ideology here is that it is hoped that all regulations and policies are based on the ideas contained in the entire content of these precepts, so that the ideals and goals of the essence of Pancasila can be realized through the regulations and policies that have been set.

The importance of the aims and objectives of all laws is the philosophical meaning of the contents of Pancasila, so that the direction of the Indonesian nation's goals can be interpreted through the philosophical meanings contained in Pancasila and then formulated in the form of statutory regulations. So that the laws that are born are expected to have properties and characters that are in accordance with Pancasila and its objectives.

The birth of a law that is full of controversy and polemic is one proof that the failure of the legislature in producing a regulation, the defects of a regulation will appear when the law is promulgated, if polemics and noise and controversy arise, it is feared that the law contains contents. which is not in accordance with the basis of the state, especially if the law is sued and decided null and void by the Constitutional Court. This is a big failure for the members of the legislators who have been thwarted.

The background of the multi-dimensional quality of education in legislators and national administrators is a concern for us, this makes it a homework for all of us to create a solution for the future. And the influence of the glittering world seems to be an attraction for office holders to pawn their mandate to get the glitter of the

world. Because the direction of this country is in the hands of policy makers and state administrators, it is appropriate that these two elements be educated in such a way that they can reflect a product of regulations and policies that are in accordance with the ideals of the Indonesian state.

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