

Penerapan pendekatan Omnibus Law dalam reformasi peraturan perundang-undangan = Implementation of Omnibus Law in reforming legislations.

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Abstrak

Omnibus law adalah pendekatan Pembentukan Peraturan Perundang-Undangan yang berkembang di negara-negara common law, namun juga diterapkan di negara-negara civil law. Penggunaan Pendekatan omnibus law di Indonesia adalah dalam rangka untuk melanjutkan reformasi peraturan perundang-undangan. Dalam penulisan tesis ini, terdapat tiga rumusan masalah yaitu: 1) Bagaimana tinjauan penerapan pendekatan omnibus law dan apa saja upaya reformasi peraturan perundang-undangan yang telah dilakukan? 2) Bagaimana dampak omnibus law dalam reformasi peraturan perundang-undangan di Indonesia? dan 3) Bagaimana pembentukan peraturan perundang-undangan dengan pendekatan omnibus law yang ideal? Untuk menjawab rumusan masalah tersebut digunakan teori negara hukum, teori perbandingan hukum, teori pembentukan peraturan perundang-undangan yang baik, dan teori peraturan perundang-undangan. Dari penelitian yang telah dilakukan didapatkan simpulan: 1) pendekatan omnibus law menawarkan pembenahan regulasi yang disebabkan oleh peraturan yang terlalu banyak dan tumpang tindih; 2) penggunaan pendekatan omnibus law di Indonesia belum memiliki korelasi positif dengan upaya reformasi peraturan perundang-undangan; dan 3) penggunaan omnibus law dalam pembentukan peraturan perundang-undangan yang ideal adalah sesuai dengan asas pembentukan peraturan perundang-undangan yang baik, oleh sebab itu penggunaan omnibus law perlu dievaluasi. Penulis menyarankan agar Pemerintah dan DPR melakukan evaluasi penggunaan pendekatan omnibus law agar tidak menyebabkan kerumitan baru dalam hal peraturan perundang-undangan.

.....Omnibus law is an approach to the formation of laws and regulations that has developed in common law countries but is also applied in civil law countries. The use of the omnibus law approach in Indonesia is to continue the reform of laws and regulations. In writing this thesis, there are three formulations of the problem, namely: 1) How is the review of the implementation of the omnibus law approach and what efforts to reform legislation have been carried out? 2) What is the impact of the omnibus law in the reform of laws and regulations in Indonesia? and 3) how is the formation of laws and regulations with an ideal omnibus law approach? To answer the formulation of the problem, the theory of the rule of law, the theory of comparative law, the theory of the formation of good laws and regulations, and the theory of legislation. From the research that has been carried out, it can be concluded that: 1) the omnibus law approach offers regulatory reforms caused by too many and overlapping regulations; 2) the use of the omnibus law approach in Indonesia does not yet have a positive correlation with efforts to reform laws and regulations; and 3) the use of omnibus law in the formation of ideal laws and regulations is by the principles of establishing good laws and regulations, therefore the use of omnibus law needs to be evaluated. The author suggests that the Government and DPR evaluate the use of the omnibus law approach so as not to cause new complications in terms of legislation.