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## Consolidation of Executive Power and the Erosion of Public Participation in Omnibus Law Legislation in Indonesia

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**Abstract:** This paper examines how Indonesia's Omnibus Law legislation has accelerated the consolidation of executive power and the effects of declining public participation in the legislative process. Government Regulation in lieu of Law Number 2 of 2022 and the adoption of Law Number 11 of 2020 concerning Job Creation, which was later stipulated as Law Number 6 of 2023, demonstrates executive dominance in the legislative process. The accelerated formation mechanism, minimal public involvement, and the formality of the public consultation process raise constitutional issues related to the right to participation as guaranteed in Using This study uses a normative juridical method with a statutory, conceptual, and historical approach, drawing on primary legal materials such as the 1945 Constitution, Law Number 12 of 2011 in conjunction with Law Number 13 of 2022 concerning the Formation of Legislation, and the Constitutional Court Decision Number 91/PUU-XVIII/2020. Articles 28E and 28F of the Republic of Indonesia's 1945 Constitution, which declared the Job Creation Law conditionally unconstitutional. The research findings indicate that the consolidation of executive power has shifted the balance of checks and balances, weakened the deliberative function of the House of Representatives (DPR), and neglected the principles of openness and meaningful participation, potentially reducing the legitimacy of laws and public trust in the legislative process, while also posing challenges to the principles of the rule of law and constitutional democracy. This research recommends strengthening substantive public participation mechanisms, enforcing the principle of openness in accordance with Law 12/2011 in conjunction with Law 13/2022, and effective judicial oversight by the Constitutional Court to ensure that laws are enacted in accordance with the principles of participatory democracy.

**Keywords:** Consolidation of executive power, public participation, Omnibus Law, legislation, constitutional democracy

## INTRODUCTION

The phenomenon of accelerated legislation through the Omnibus Law marks a significant shift in the mechanism for formulating laws and regulations in Indonesia (David, 2025). Law Number 11 of 2020 concerning Job Creation is one of the most prominent examples of legislative practices that combine various regulations into a single legal package (Widjaja, 2022). This acceleration was followed by the enactment of Law Number 2 of 2022 was replaced by a government regulation that became Law Number 6 of 2023. This legislative strategy emerged in response to complex economic and regulatory demands, including encouraging investment and facilitating business (Mayasari, 2020). The complexity of regulations that must be simplified through the Omnibus Law creates the need to simultaneously and comprehensively organize a large number of legal norms (Purwanto, 2024).

The accelerated legislative process raises questions about the applicable formal and procedural mechanisms. Indonesian legislation is created in accordance with Law Number 12 of 2011 and Law Number 12 of 2011. Law Number 13 of 2022, which deals with the formation of legislatures. Law's Article 5, paragraph (1) 12/2011 states that every bill must be drafted with due regard for the principles of openness and public participation (Zebua, 2022). Article 96 emphasizes the need for public consultation in drafting bills. This mechanism aims to ensure that each regulation has strong social and legal legitimacy, although the accelerated legislation of the Omnibus Law poses challenges to the optimal implementation of these principles (Tuhumena, 2021).

The dominance of the executive branch in the legislative process related to the Omnibus Law requires an understanding of legal structures and constitutional principles (Abdullah, 2025). The principle of constitutionalism emphasizes the importance of the separation of powers between the executive, legislative, and judiciary to maintain balance and accountability (Hadji, 2025). The system of checks and balances tacitly outlined in the 1945 Constitution of the Republic of Indonesia, especially Article 20, which upholds the House of Representatives' (DPR) legislative authority, is based on the idea of separation of powers (Said, 2024). The DPR's role as a deliberative legislative body is to review, provide input, and approve each bill to ensure it aligns with legal needs and public interests (Abdullah F. F., 2024).

Checks and balances are not merely political instruments but also legal principles that demand transparency and accountability in the legislative process (Fahira, 2025). Every stage of bill deliberation, from the preparation of the academic text to the ratification stage, must reflect the involvement of various parties (Rudy, 2024). It is reflected in Articles 5 and 96 of Law 12/2011 in conjunction with Law 13/2022, which regulate public consultation and the dissemination of bill documents for public input (Riskiyono, 2022). This procedure builds legal legitimacy and prevents top-down or exclusionary legislative practices.

The right to public participation is a crucial aspect of Indonesia's democratic system. Article 28E paragraph (3) of the 1945 Constitution states that every citizen has the right to communicate and obtain information, including expressing opinions (Anwar, 2025). Article 28F emphasizes the right to education and adequate access to information (Pelokilla, 2023). These rights are not only normative principles but also mechanisms for ensuring public involvement in the formation of policies and regulations with broad impacts. Implementing these rights requires the government and legislative institutions to create meaningful spaces for participation.

An ideal legislative process demands the principle of transparency. Law 12/2011, in conjunction with Law 13/2022, emphasizes that every stage of the formation of legislation must be accessible to the public. Article 5 paragraph (1) and Article 96 outline the government's obligation to involve the public through public consultation, document

publication, and providing opportunities for input (Hilyati, 2025). This principle of openness serves as a measure of whether the resulting regulations have adequate legal and social legitimacy. The public can identify potential normative conflicts, provide technical input, and ensure that regulations are inclusive.

The national legal framework regulates the balance between accelerated legislation and public participation. The 1945 Constitution's provision 20, paragraph (1), states that the House of Representatives (DPR) has the power to enact laws; nevertheless, this provision is supplemented by a procedure for public participation outlined in the Law on the Formation of Legislation. Law 11/2020 and Law 6/2023 are examples of accelerated legislation aimed at simplifying regulations. These regulations necessitate evaluating the alignment between accelerated legislation and the principles of openness and meaningful participation.

In Constitutional Court Decision Number 91/PUU-XVIII/2020, the importance of public participation in the legislative process was emphasized (Pratama, 2022). The Constitutional Court found that the public's involvement in the Job Creation Law's creation was inadequate. This decision provided guidance that public participation should not be merely formal but should be concrete, allowing the public to provide input that influences the substance of the bill (Suhardin, 2023). This decision serves as an important legal reference for assessing compliance with the principles of openness and participation.

Public participation not only relates to citizens' constitutional rights but also serves as an instrument for improving regulatory quality (Damanik, 2025). Public involvement allows for the identification of legal risks, regulatory gaps, and potential socio-economic impacts (Kurniawan, 2023). Law 12/2011, in conjunction with Law 13/2022, emphasizes that public participation must be an integral part of every stage of bill development. Effective implementation will enhance legal legitimacy and create regulations that are responsive to public needs.

The theoretical framework of constitutionalism and public participation serves as the normative basis for this research. The concepts of separation of powers, checks and balances, the right to information, and the principle of transparency form a strong legal foundation. Every regulation produced through the Omnibus Law must be analyzed within this framework to assess procedural appropriateness and legal legitimacy. The application of these principles allows researchers to assess whether the law's formation respects citizens' constitutional rights and applicable legal norms.

The legal and theoretical framework outlined provides a foundation for in-depth analysis in subsequent chapters. Chapter III focuses on the consolidation of executive power, while Chapter IV examines the impact of the erosion of public participation. This explanation provides a basic understanding of relevant regulations, legal principles, and constitutional rights. Readers gain a clear normative and conceptual foundation before delving into a more specific analysis of the legislative practice of the Omnibus Law in Indonesia.

## **METHOD**

Using a normative juridical approach, this study examines pertinent legal concepts and regulations that are pertinent to the debate over the consolidation of executive power and public involvement in Omnibus Law legislation. A statutory regulatory approach is applied by examining constitutional provisions, laws, government regulations, and Constitutional Court decisions that regulate the right to public involvement, the process of creating laws and regulations, and the checks and balances system. Law Number 12 of 2011 in conjunction with Law Number 13 of 2022 concerning the Formation of Legislation, Law Number 11 of 2020 concerning Job Creation, Law Number 6 of 2023, Constitutional Court Decision Number 91/PUU-XVIII/2020, and the 1945 Constitution of the Republic of Indonesia are the main legal materials used. In addition, a conceptual approach is used to understand the

theories of constitutionalism, participatory democracy, the principle of openness, and the relationship between executive and legislative powers within the framework of checks and balances. This normative legal analysis is conducted systematically, starting from the identification of legal norms, understanding the historical and theoretical context, and evaluating the conformity of legislative practices with applicable legal principles, thus producing a comprehensive understanding of the impact of the acceleration of Omnibus Law legislation on public participation and legal legitimacy.

## **RESULT AND DISCUSSION**

### **Consolidation of Executive Power in Omnibus Law Legislation**

In the Indonesian legal system, the Omnibus Law's ability to expedite legislation has grown to be a noteworthy phenomenon. Law No. 6 of 2023 and Law No. 11 of 2020 about Job Creation demonstrate how numerous regulatory substances are combined into a single law to simplify overlapping legal provisions. The goal of the Omnibus Law is to resolve bureaucratic hurdles and increase regulatory efficiency, particularly in the context of ease of doing business and accelerating investment. The omnibus drafting process involves combining various legal sectors, including employment, the environment, and investment, into a single, integrated legal package. This strategy reflects the need to respond to complex economic and regulatory demands more quickly than conventional legislative mechanisms.

The Omnibus Law in Indonesia has a distinct legislative acceleration model compared to models in other countries. In the United States, "consolidated bills" typically undergo lengthy committee deliberations and extensive public consultation. Canada also implements the omnibus model, but with a more flexible deliberation period and an open amendment mechanism. This comparison highlights that while accelerated legislation can increase efficiency, it carries the risk of minimal public review and reduced legislative deliberation. Procedural efficiency must not override the principles of openness and meaningful participation stipulated in Law Number 12 of 2011 in conjunction with Law Number 13 of 2022, particularly Article 5 paragraph (1) and Article 96.

The executive's dominance in Omnibus Law legislation is clearly evident in the role of the President and ministries/institutions. The President has the authority to initiate bills, determine legislative priorities, and lead coordination between ministries. Relevant ministries and institutions are tasked with preparing academic drafts, conducting impact analyses, and submitting the bill's materials to the House of Representatives (DPR). This active executive role displaces some of the DPR's deliberative functions, as bill deliberations are conducted on a limited basis and within a short timeframe. This mechanism allows the executive to control the substance of the regulation before it enters the legislative deliberation stage.

The expedited deliberation of the Job Creation Bill utilized limited meetings and shortened plenary sessions. The public consultation phase stipulated in Article 96 of Law 12/2011, in conjunction with Law 13/2022, was conducted, but it tended to be formal and limited. The public and civil society organizations had limited access to provide input that influenced the substance of the bill. This situation raises questions about the effectiveness of checks and balances between the legislature and the executive. The DPR's function as a deliberative legislative body is diminished due to the executive's dominance of the agenda and draft law material.

The push to accelerate the Omnibus Law legislation is closely linked to national economic interests. The government emphasizes that regulatory simplification will encourage investment and ease of doing business, thereby supporting economic growth. The Job Creation Bill, for example, unifies regulations in the fields of employment, investment, and the environment to reduce overlapping regulations. This economic interest is the primary

justification for accelerating legislation. However, this push carries the risk of subordinating the legislative function to the executive's agenda.

The balance of power between the legislature and the executive is disrupted by accelerated legislation. Article 20, paragraph (1) of the 1945 Constitution affirms the DPR's authority to form laws, but the accelerated mechanism tends to reduce the DPR's deliberation space. The DPR still has the right to amend and approve, but the short timeframe limits in-depth analysis of the regulations' impact. The executive's consolidation in drafting bills allows the substance of regulations to be more influenced by government interests. It impacts the principles of checks and balances and constitutional democracy.

The political context also influences Omnibus Law legislation. Parliamentary coalitions supporting the executive branch facilitate the bill's passage. The influence of political parties and certain interest groups can influence the substance of regulations, particularly those related to investment and ease of doing business. Competing political and economic interests can prioritize the executive's agenda over broader public needs. These political impacts add complexity to the evaluation of legal legitimacy and the legislative deliberative process.

A normative legal analysis indicates that some practices of accelerating legislation potentially violate the provisions of Law 12/2011 in conjunction with Law 13/2022. Article 5, paragraph (1) emphasizes that every bill must be drafted with due regard for the principles of openness and public participation. Article 96 regulates substantive public consultation. An Omnibus Law process that lacks substantive consultation and deliberation can raise questions about its procedural legality. Evaluating the appropriateness of these procedures is crucial to ensure the bill remains legally valid.

Important guidelines on public engagement are provided by Constitutional Court Decision Number 91/PUU-XVIII/2020. The Constitutional Court underlined that the public was not fully and substantively involved in the Job Creation Bill's drafting. This ruling upholds the duty of the government and the House of Representatives (DPR) to take into account public feedback that affects the bill's content. The ruling of the Constitutional Court serves as a legal instrument for assessing the executive branch's compliance with the principle of transparency. Evaluation of the implementation of this decision is crucial in assessing the law's legitimacy.

The accelerated legislation of the Omnibus Law demonstrates the tension between efficiency and the principles of constitutional democracy. Efforts to simplify regulations and expedite the legislative process must align with the principles of participation and transparency. Law 12/2011, in conjunction with Law 13/2022, requires a deliberative mechanism that allows the public to provide meaningful input. Overly dominant legislative practices by the executive branch can undermine public trust in the DPR and the resulting laws. Normative legal evaluation is a crucial tool for balancing legislative efficiency with citizens' constitutional rights.

A comprehensive analysis of the consolidation of executive power and the accelerated legislation demonstrates the need for an effective oversight mechanism. The House of Representatives (DPR) still has a role, but substantive control must be supported by transparency and public consultation. The Constitutional Court can serve as a judicial oversight body to ensure legislative procedures comply with the Constitution and the Law on the Establishment of Legislation. Awareness of the principle of checks and balances will maintain the legitimacy of laws. It emphasizes that accelerated legislation must align with constitutional democracy and the right to public participation.



## **The Impact of the Erosion of Public Participation on Legal Legitimacy and Constitutional Democracy in Omnibus Law Legislation**

The right to public participation is a crucial pillar of Indonesia's democratic system. Every citizen of the Republic of Indonesia has the right to publicly express their opinions, according to Article 28E, paragraph (3) of the 1945 Constitution. This right extends beyond the freedom of speech to include the creation of laws and rules that have an impact on people's daily life. Public participation enables social oversight of the legislative process, ensuring that the resulting regulations are more responsive to people's needs. This constitutional privilege serves as an instrument to ensure transparency and accountability of the government and legislature.

The 1945 Constitution's Article 28F guarantees all citizens the right to get sufficient information. In drafting laws, this right requires the government and the House of Representatives (DPR) to provide adequate access to relevant draft laws, academic papers, and impact studies. Openness of information allows the public to provide quality input and assess the social, economic, and environmental implications of proposed regulations. The right to information serves as a mechanism to prevent the agenda of the executive branch or certain interest groups from dominating. This openness supports the principles of participatory democracy and legal legitimacy.

The legislative process of the Omnibus Law, particularly the Job Creation Law, demonstrates the limitations of public participation practices. Public consultations tend to be formal, with limited time and unequal access for the wider public. Public input is often not substantively incorporated into bill drafts. The academic drafting stage and limited DPR meetings demonstrate the executive's agenda's dominance in determining regulatory substance. This creates a gap between citizens' constitutional rights and the implementation of legislative procedures.

This lack of public participation has consequences for regulatory quality. The public lacks the opportunity to identify potential legal risks or socio-economic impacts. Input from workers, civil society organizations, academics, and other relevant stakeholders is less effectively accommodated. It reduces the social legitimacy of the resulting laws, as the public may perceive the process as "top-down" or exclusive. Legislation with minimal participation has the potential to generate public resistance and social controversy.

An evaluation of the public consultation procedures in Law 12/2011 in conjunction with Law 13/2022 reveals inconsistencies in practice. Article 5, paragraph (1) emphasizes that drafting bills must adhere to the principle of transparency. Article 96 stipulates the obligation to consult substantively. In practice, the Job Creation Law often implements these mechanisms formally without providing meaningful public input. This highlights the need to evaluate and improve participation mechanisms to ensure they align with constitutional principles.

The impact of the erosion of public participation on legal legitimacy is very real. The resulting laws tend to be perceived as less representative and less responsive to public interests. Public trust in the House of Representatives (DPR) and the executive branch declines because legislative procedures are perceived as exclusive. This risk can reduce social compliance with the law and give rise to criticism from various parties, including academics, labor, and civil society organizations. Low legal legitimacy threatens the effectiveness of regulatory implementation.

The erosion of public participation also poses challenges to rule of law as a principle. According to Article 1, paragraph (3) of the 1945 Constitution, Indonesia is a legal state that ensures the defense of its citizens' constitutional rights. The minimal public involvement in the Omnibus Law legislation demonstrates an imbalance between the speed of legislation and the protection of constitutional rights. A rushed process can undermine the quality of social

oversight and checks and balances mechanisms. This situation raises questions about the consistency of constitutional democratic principles in legislative practice.

The accelerated legislative process also impacts deliberative democracy. The DPR's role as a legislative body that accommodates public aspirations has been diminished. Minimal public participation reduces opportunities for substantive deliberation and comprehensive review of legal norms. This risks potentially weakening the social legitimacy of laws and exacerbating public distrust of the legal system. Constitutional democracy requires active citizen involvement to ensure that the resulting regulations are rooted in social consensus.

Decision Number 91/PUU-XVIII/2020 of the Constitutional Court offers significant principles on public interaction. The Constitutional Court ruled that the Job Creation Law was provisionally illegal because there was insufficient public involvement in the bill's development. This ruling required the House of Representatives to (DPR) and the government enhance the processes for public engagement in the creation of laws. The Constitutional Court emphasized that public consultation must be more than a formality, allowing for real influence on the substance of the bill. This ruling serves as a legal guideline for evaluating the Omnibus Law legislation.

Implementing the Constitutional Court's directives is crucial for improving the legislative process. Effective public participation mechanisms can involve the public through consultation forums, document publication, and broad access to information. Active public involvement will enhance the legitimacy of laws and the quality of regulations. Evaluations of public participation should refer to Law 12/2011 in conjunction with Law 13/2022 and the Constitutional Court's rulings. Improved legislative procedures support participatory democracy and the principle of transparency.

Substantive public participation is also crucial for identifying socio-economic risks and legal impacts of regulations. Public input serves as a source of information for the House of Representatives (DPR) and the executive branch in adjusting the substance of bills. This mechanism helps mitigate conflicts of interest and ensures more inclusive regulations. Continuous evaluation of the legislative process supports the quality of democracy and legal legitimacy. Participatory practices strike a balance between expediting legislation and ensuring citizens' constitutional rights.

## **CONCLUSION**

The consolidation of executive power in the Omnibus Law legislation demonstrates that expedited lawmaking often sacrifices the House of Representatives' deliberative function and the public's right to participation. Executive dominance in the drafting of the Job Creation Bill, both through the initiation of material and the expedited deliberation mechanism, reduces the opportunity for the public to provide substantive input. The formal nature of the public consultation process has eroded participation, thereby displacing the principle of checks and balances that should balance legislative and executive power. Long-term impacts are evident on the legitimacy of laws, as the resulting regulations tend to be perceived as less representative and not fully reflecting public aspirations. Furthermore, constitutional democracy is under pressure because rushed procedures have the potential to undermine transparency, accountability, and public trust in state institutions.

Strengthening public participation mechanisms is a crucial step to improving the balance between legislation and democracy. Substantive public consultation must be guaranteed so that the public can provide input that influences the substance of regulations, in accordance with Law Number 12 of 2011 in conjunction with Law Number 12 of 2011. Law Number 13 of 2022, specifically Article 5, paragraph (1), and Article 96. Enforcing the principle of openness will increase the transparency and legitimacy of laws in the eyes of the public. The Constitutional Court has an important role in judicial oversight, ensuring that

every legislative process is in line with the principles of participatory democracy and the constitutional rights of citizens as regulated in Article 28E and Article 28F of the 1945 Constitution. The combination of real public participation mechanisms, procedural openness, and effective judicial oversight will encourage the creation of laws that are legitimate, high-quality, and widely accepted by the public.

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