



Legal Politics in the Formation of the Job Creation Law: The Relationship between Political Configuration and the Character of Legal Products in Indonesia

Mashudi¹, Maya Ika Trisnawati^{2*}, Ismail Marzuki³

¹⁻³ Walisongo State Islamic University Semarang, Indonesia

email: maiyaika003@gmail.com²

Article Info :

Received:
15-09-2026
Revised:
02-10-2026
Accepted:
10-10-2026

Abstract

This study examines the legal politics underlying the formation of Indonesia's Job Creation Law by analyzing the relationship between political configuration and the character of the resulting legal product. It employed normative legal research using statutory, conceptual, and historical approaches, with legislation, Constitutional Court decisions, legislative documents, official materials, and relevant scholarly literature as the principal legal materials. The materials were analyzed qualitatively through descriptive-analytical and prescriptive legal reasoning. The findings show that strong executive policy leadership, broad legislative support, accelerated regulatory reform, and an economic agenda focused on investment facilitation, regulatory simplification, employment creation, and competitiveness significantly influenced the formation and orientation of the Job Creation Law. The resulting legal product demonstrates a strong instrumental-economic character, while combining responsive elements in addressing regulatory fragmentation and administrative inefficiency with conservative tendencies concerning legislative deliberation, meaningful public participation, and the distribution of protected interests. Constitutional Court Decision Number 91/PUU-XVIII/2020 functioned as an important corrective mechanism by affirming that political legitimacy must remain subject to constitutional procedures, openness, and meaningful participation. The study concludes that the character of legislation is shaped by the interaction between political power, legislative procedures, substantive regulatory orientation, public participation, administrative safeguards, and constitutional control.

Keywords: *Job Creation Law, legal politics, political configuration, public participation, responsive law.*



©2026 Authors.. This work is licensed under a Creative Commons Attribution-Non Commercial 4.0 International License.
(<https://creativecommons.org/licenses/by-nc/4.0/>)

INTRODUCTION

Law-making in Indonesia increasingly demonstrates that legislation is not produced through an autonomous normative process, but through an interaction between constitutional institutions, political power, development priorities, and competing social interests. This relationship became particularly visible in the formation of the Job Creation Law, initially enacted as Law Number 11 of 2020, subsequently reconstructed through Government Regulation in Lieu of Law Number 2 of 2022, and later consolidated through Law Number 6 of 2023. The use of the omnibus law method enabled simultaneous amendments across numerous regulatory sectors and was presented as an instrument for reducing regulatory fragmentation, simplifying licensing, stimulating investment, and expanding employment opportunities. Yet the legislative strategy also generated fundamental questions concerning the political orientation of law-making, the distribution of influence between the executive and legislature, and the extent to which accelerated regulatory reform remained consistent with democratic legislative standards. Fudika et al. (2022) identify political configuration as an important determinant in the enactment of the Job Creation Law, while Dhikshita et al. (2022) demonstrate that the adoption of the omnibus method represented a legal-political choice rather than a purely technical drafting innovation. The broader democratic environment further complicates this relationship because the durability of Indonesian democratic institutions has coexisted with pressures associated with political consolidation and declining democratic quality (Setiawan, 2022). The Job Creation Law consequently provides a significant object for examining whether a political configuration characterized by strong governmental policy capacity produces legislation that remains responsive to diverse public interests or increasingly reflects a dominant state-led economic agenda.

Existing scholarship has developed several interconnected lines of inquiry concerning the Job Creation Law. One strand focuses on political power and legislative orientation, showing that executive strengthening, parliamentary support, and changing patterns of political contestation shaped the institutional environment in which the law was produced. Caraway (2023) relates the reform process to changes in contentious labor politics and executive aggrandizement, while Setia Negara et al. (2024) interpret the legislation through neoliberal legality and the strengthening of executive capacity in pursuing economic reform. A second body of scholarship concentrates on legislative legitimacy and public involvement, particularly the distinction between formal consultation and participation capable of influencing legislative outcomes. Prastyo (2022) treats meaningful participation as a substantive requirement of democratic law-making, Fajri (2023) links participatory legitimacy to the democratic validity of legislation, and Mochtar et al. (2024) identify a deterioration from meaningful toward substantively weakened participation in the formation of the Job Creation Omnibus Law. A third strand examines constitutional and institutional correction after enactment. Mahy (2022) demonstrates that legal hierarchy and the response to judicial review became central to the continuing development of the legislation, whereas Rishan (2022) stresses that legislative performance should be evaluated through legisprudential quality rather than merely through the successful production of a statute. Taken together, these studies establish a state of the art in which the Job Creation Law is understood simultaneously as an instrument of regulatory reform, a product of a particular political configuration, and a test of the quality of democratic legislation.

The existing literature nonetheless leaves a distinct analytical gap. Research has generated substantial knowledge regarding executive power, omnibus-law methodology, labor politics, meaningful participation, constitutional review, and legislative performance, but these dimensions are frequently examined as separate problems rather than as mutually connected components of the formation and character of a single legal product. Fudika et al. (2022) explain the relevance of political configuration to the enactment of the law, while Caraway (2023) and Setia Negara et al. (2024) provide stronger accounts of executive consolidation and the changing capacity of social actors to influence state policy. Studies of participation, by contrast, primarily evaluate the quality and legitimacy of citizen involvement in law-making (Prastyo, 2022; Fajri, 2023; Mochtar et al., 2024), and analyses of constitutional review concentrate more heavily on procedural legality, legal hierarchy, and institutional correction (Mahy, 2022; Rishan, 2022). What remains insufficiently explained is how these political and institutional variables collectively shaped the substantive character of the Job Creation Law as a legal product: whether its responsiveness to regulatory and economic problems was accompanied by equivalent responsiveness to public aspirations, or whether the configuration of political power generated a stronger conservative or instrumental orientation in the legislation. The research gap is consequently conceptual and relational rather than merely descriptive, because the unresolved issue lies in connecting the structure of political power, legislative deliberation, public participation, constitutional control, and policy orientation within one coherent legal-political analysis.

Failure to address this gap limits both legal-political scholarship and the practical evaluation of legislative quality. A purely procedural assessment may determine whether formal stages of legislation were completed without adequately explaining why certain policy interests became dominant, whereas a purely substantive assessment may evaluate particular legal provisions without identifying the political structure that shaped their orientation. This limitation is especially consequential where broad legislative support permits the executive agenda to be translated rapidly into statutory norms while opportunities for countervailing political and social influence remain contested. The literature on meaningful participation indicates that democratic legitimacy cannot be established solely through the existence of consultative procedures when public views have limited influence on legislative outcomes (Prastyo, 2022; Fajri, 2023; Mochtar et al., 2024). Likewise, constitutional review demonstrates that political approval cannot substitute for conformity with constitutional legislative requirements, making judicial control an important institutional mechanism for correcting deficiencies generated during the legislative process (Mahy, 2022). The issue also bears on the broader quality of Indonesian democracy because institutional resilience does not eliminate the risks created by power consolidation and reduced contestation (Setiawan, 2022). A more integrated legal-political assessment is therefore required to clarify the conditions under which regulatory

efficiency can coexist with deliberative legitimacy, constitutional accountability, and the effective representation of interests affected by legislative reform.

This study is positioned within that unresolved analytical space by treating the relationship between political configuration and the character of legal products as the central unit of analysis rather than examining political power, legislative procedure, participation, or constitutional review independently. Its novelty lies in integrating the configuration of executive-legislative power, the orientation of the government's regulatory agenda, the quality of public participation, the role of constitutional correction, and the resulting legal character of the Job Creation Law within a unified framework of Indonesian legal politics. This position extends Fudika et al. (2022), which emphasizes the political configuration surrounding the birth of the Job Creation Law, by examining how that configuration is reflected in the character and orientation of the final legal product. It also connects the executive-strengthening analysis developed by Caraway (2023) and Setia Negara et al. (2024) with the participatory concerns identified by Prastyo (2022), Fajri (2023), and Mochtar et al. (2024), rather than treating these literatures as separate explanatory domains. The study further incorporates the constitutional and legislative-performance dimensions emphasized by Mahy (2022) and Rishan (2022) to assess whether institutional correction alters, constrains, or merely reorganizes the political direction of regulatory reform. The research gap concerns the absence of an adequately integrated explanation of these relationships; the novelty offered here is the systematic reconstruction of those relationships to determine how a dominant or plural political configuration is translated into responsive, conservative, or mixed characteristics within a major Indonesian legal product.

This study aims to analyze the legal politics underlying the formation of the Job Creation Law by examining how the prevailing political configuration influenced the legislative process, policy orientation, public participation, constitutional control, and the character of the resulting legal product. It specifically seeks to determine the relationship between executive-legislative power structures and the degree to which the law reflects responsive or conservative tendencies in addressing public, institutional, and economic interests. The study is designed to provide a theoretical contribution to Indonesian legal-political scholarship by clarifying the mechanism through which political configuration is translated into the character of legislation rather than treating politics and legal substance as separate domains of analysis. Its analytical contribution lies in integrating political structure, legislative process, participatory quality, and constitutional checks within a single assessment of legislative character. At the practical level, the study is expected to provide an evaluative basis for improving legislative deliberation, strengthening meaningful public participation, preserving institutional checks and balances, and ensuring that regulatory reform remains compatible with constitutional democratic standards.

RESEARCH METHODS

This study employed normative legal research using statutory, conceptual, and historical approaches to examine the legal politics underlying the formation of Indonesia's Job Creation Law and the relationship between political configuration and the character of the resulting legal product. The statutory approach was directed at the legal instruments governing the development of the Job Creation policy, particularly Law Number 11 of 2020 concerning Job Creation, Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation, Law Number 6 of 2023, legislation governing the formation of laws and regulations and its amendments, and Constitutional Court decisions concerning the formal review of the Job Creation Law. The conceptual approach was used to examine the relationship among legal politics, political configuration, legislative processes, public participation, and the character of legal products. The historical approach traced the regulatory trajectory from policy formulation and legislative deliberation through constitutional review, the issuance of Government Regulation in Lieu of Law Number 2 of 2022, and its subsequent enactment as Law Number 6 of 2023. The principal units of analysis were therefore statutory provisions, constitutional adjudication, legislative documents, and the political and legal developments associated with the formation and reconstruction of the Job Creation regulatory framework. Political configuration was treated as an analytical dimension for assessing how executive-legislative relations, institutional power structures, policy priorities, and mechanisms of participation were associated with the orientation of law-making and the responsive or conservative tendencies of the resulting legal product.

The research materials consisted of primary and secondary legal materials obtained through library-based examination of legal and scholarly documents. Primary legal materials included legislation, Constitutional Court decisions, legislative documents, and other official documents relating to the formation and subsequent development of the Job Creation Law. Secondary legal materials comprised scholarly journal articles, books, and research findings addressing legal politics, omnibus-law formation, political configuration, public participation, employment regulation, investment, licensing reform, and regulatory restructuring. The materials were organized according to their relevance to the principal analytical dimensions of the study, namely the structure of political power, executive-legislative relations, the legislative process, public participation, constitutional control, regulatory orientation, and the character of the legal product. Analysis was conducted qualitatively through descriptive-analytical and prescriptive legal reasoning. The descriptive-analytical stage identified and systematized the relationship between political developments, legislative procedures, regulatory changes, and the substance of the Job Creation framework, while the prescriptive stage assessed those relationships against democratic law-making, public participation, constitutional control, and the orientation of legal policy. Analytical consistency was maintained by examining primary legal materials together with the relevant secondary scholarship and by tracing the continuity of the regulatory process across the successive legal instruments examined. The resulting interpretation was then systematized to determine the extent to which political configuration influenced the formation, policy direction, and character of the Job Creation Law within Indonesia's constitutional system.

RESULTS AND DISCUSSION

Political Configuration in the Formation of the Job Creation Law

The formation of the Job Creation Law illustrates the constitutional intersection between legislative authority and political power because the formal competence of state institutions operates within a configuration of executive priorities, parliamentary support, and competing social interests. Article 20 paragraphs (1) and (2) of the 1945 Constitution places the power to form statutes in the House of Representatives while requiring every bill to be discussed jointly with the President for mutual approval, whereas Article 5 paragraph (1) recognizes the President's authority to submit bills, creating an institutional structure in which legislative outcomes depend on interaction rather than unilateral competence. In the Job Creation process, that constitutional interaction occurred under conditions of strong executive policy leadership and broad legislative support, which Fudika et al. (2022) identify as a decisive feature of the political configuration surrounding the enactment of Law Number 11 of 2020. The configuration did not invalidate the constitutional competence of the House of Representatives, but it altered the substantive intensity of political contestation because the government's regulatory-reform agenda encountered comparatively limited institutional resistance within the parliamentary decision-making structure. Caraway (2023) and Setia Negara et al. (2024) place this development within a wider trajectory of executive aggrandizement and changing political contestation in Indonesia, indicating that the legal character of the Job Creation framework cannot be separated from the distribution of effective political capacity among the institutions and social groups involved in its formation.

The political significance of Law Number 11 of 2020 is also visible in the choice of the omnibus legislative method, through which numerous statutory regimes were altered within a single legislative instrument to pursue employment creation, investment facilitation, and regulatory simplification. A grammatical reading of the law presents the omnibus technique as a mechanism for restructuring multiple regulatory fields, while a historical and teleological reading reveals that its adoption was closely associated with a governmental program seeking faster coordination of economic regulation and the removal of rules perceived as obstructing investment. Dhikshita et al. (2022) characterize this choice as an element of legal politics rather than a neutral drafting technique, and Chandra (2023) stresses that the omnibus method requires identifiable legislative prerequisites to preserve coherence, certainty, and conformity with the Indonesian law-making system. The methodological innovation consequently created a constitutional issue extending beyond legislative form, because accelerated consolidation of many legal regimes can alter the balance between efficiency in law-making and the deliberative scrutiny ordinarily expected when provisions with different regulatory objects are amended. Rishan (2022) reinforces this concern through a

legisprudential evaluation of legislative performance, suggesting that the quality of legislation must be measured not merely by the capacity of political institutions to complete a legislative agenda but by the quality of justification, deliberation, and institutional accountability accompanying that agenda.

The normative framework for evaluating this political process is supplied by Law Number 12 of 2011 concerning the Formation of Laws and Regulations, as amended most relevantly by Law Number 13 of 2022, particularly the principle of openness contained in Article 5 letter g and the public-participation regime provided in Article 96. Article 96 paragraph (1) recognizes the right of the public to provide oral and written input at every stage of the formation of laws and regulations, while paragraphs (3) and (4) link participation to persons or groups directly affected or having an interest in the proposed regulatory substance and to public accessibility of academic papers and draft legislation. Read systematically with Article 20 of the 1945 Constitution, these provisions indicate that representative law-making is not exhausted by formal approval between the House of Representatives and the President because legislative legitimacy also requires channels through which affected interests can enter the normative formation process. Fajri (2023) treats public participation as a source of legislative legitimacy, while Prastyo (2022) distinguishes meaningful participation from procedural involvement that merely documents the presence of consultation without demonstrating its relevance to legislative reasoning. Mochtar et al. (2024) identify precisely this problem in the Job Creation process by describing a shift from meaningful toward substantively weakened participation, which provides a doctrinal basis for assessing political configuration through the quality of deliberative access rather than only through the numerical strength of government support in parliament.

The relationship between political configuration and legislative legitimacy became constitutionally explicit when Constitutional Court Decision Number 91/PUU-XVIII/2020 reviewed the formal formation of Law Number 11 of 2020 and identified constitutional defects in its legislative process. The decision is significant for legal-political analysis because judicial review placed a constitutional boundary around political majoritarianism, confirming that broad parliamentary approval cannot cure deficiencies in procedures that form part of the constitutional requirements of valid law-making. Mahy (2022) demonstrates that the decision generated complex questions concerning legal hierarchy and the institutional response to judicial review, while Saputra (2022) emphasizes the doctrinal difficulties produced by the Court's formulation of the consequences of formal unconstitutionality. The Court's articulation of meaningful participation, commonly understood through the rights to be heard, to have views considered, and to receive an explanation, also transformed participation from a peripheral administrative activity into a constitutional parameter for evaluating legislative procedure. The later reconstruction of the participation regime through the amended Article 96 of the Law on the Formation of Laws and Regulations must consequently be interpreted as part of a constitutional dialogue between legislative authority and judicial control, rather than as an isolated procedural amendment detached from the political experience of the Job Creation Law.

The continuity of the Job Creation agenda after constitutional review further exposes the durability of the political orientation underlying the legislation, because the government responded to the constitutional controversy by issuing Government Regulation in Lieu of Law Number 2 of 2022 and the legislature subsequently enacted that instrument through Law Number 6 of 2023. A historical interpretation of this sequence shows that the regulatory objective of Job Creation survived a change in legal form, indicating that constitutional correction affected the juridical pathway of the policy without displacing its principal political-economic orientation. Munali et al. (2023) locate the central controversy partly in the legislative process, whereas Mahy (2022) shows that institutional responses following judicial review became integral to the continuing legal development of the Job Creation framework. Setiawan (2022) provides a broader democratic reading in which Indonesian institutions retain resilience while operating amid pressures associated with democratic decline, a condition relevant to evaluating whether institutional correction generates substantive restraint or merely procedural adaptation. The legal chronology may therefore be mapped as a sequence of political initiative, statutory enactment, constitutional correction, executive regulatory reconstruction, and legislative consolidation, each stage reflecting a different interaction between political authority and constitutional control.

Table 1. Regulatory Evolution and Legal-Political Implications of Indonesia's Job Creation Legislation (2020–2023)

Regulatory stage	Principal instrument	legal	Normative-political function	Legal-political implication
Initial legislative formation	Law Number 11 of 2020 concerning Job Creation		Consolidated cross-sector regulatory reform through the omnibus method	Executive economic priorities were translated into a broad statutory restructuring
Constitutional correction	Constitutional Court Decision Number 91/PUU-XVIII/2020		Reviewed defects in the formal formation of Law Number 11 of 2020	Parliamentary approval remained subject to constitutional procedural control
Regulatory reconstruction	Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation		Maintained the Job Creation policy after constitutional controversy	The executive preserved continuity of the regulatory-reform agenda through a different legal instrument
Legislative consolidation	Law Number 6 of 2023		Enacted Government Regulation in Lieu of Law Number 2 of 2022 into statute	The core policy direction obtained renewed statutory legitimacy
Participatory framework	Article 96 of Law Number 12 of 2011 as amended by Law Number 13 of 2022		Strengthened the normative architecture for public participation	Legislative legitimacy became more closely connected to accessibility, consultation, and consideration of public input

The sequence displayed in the table demonstrates that the Job Creation policy cannot be interpreted as a single legislative event because its juridical identity was reconstructed through successive interactions among executive initiative, parliamentary approval, constitutional adjudication, and revised legislative norms. The continuity between Law Number 11 of 2020, Government Regulation in Lieu of Law Number 2 of 2022, and Law Number 6 of 2023 supports a teleological reading in which regulatory simplification, employment creation, and investment facilitation remained stable policy objectives even when the formal instrument used to pursue them changed. Gupta et al. (2025) evaluate the Omnibus Law as an economic reform with potentially long-run economic consequences, while Jazuli et al. (2022) emphasize that regulatory reform and national competitiveness remain dependent on institutional quality rather than on legislative simplification alone. This distinction is legally material because a statute may possess a rational economic objective while still requiring separate assessment of the constitutional quality of the process through which that objective is transformed into binding norms. Political configuration operates at precisely this point: it affects whose policy preferences acquire legal force, how rapidly they are institutionalized, and how effectively constitutional and participatory controls can influence the eventual content of legislation.

The substantive economic orientation of the political configuration also became visible through the licensing architecture associated with the Job Creation regime, particularly the transition toward risk-based business licensing under Government Regulation Number 5 of 2021. Article 7 paragraphs (1)–(4) of that regulation structured business licensing according to the level of risk and scale of business activities, while Article 8 placed risk analysis within a governmental process involving identification of activities, assessment of hazards and their probability, determination of risk levels, and specification of the corresponding licensing form. Hariyanto (2022) identifies the risk-based model as an important transformation generated by the Job Creation regime, and Praise et al. (2022) treat it as a licensing reform designed to replace a more uniform authorization model with requirements differentiated according to regulatory risk. Iqbal et al. (2022) similarly demonstrate that the omnibus legislation altered the architecture of Indonesian investment regulation, while Suroso et al. (2024) associate licensing simplification with efforts to reduce administrative barriers faced by foreign investors. The legal significance lies not in characterizing economic facilitation as inherently

incompatible with public law, but in recognizing that the choice of a risk-based licensing structure reflects a particular political judgment regarding the appropriate distribution of administrative control, economic freedom, regulatory supervision, and state responsibility.

That economic orientation becomes more contested when the political configuration is examined through the labor cluster, where regulatory flexibility intersects directly with constitutionally protected social interests and the bargaining position of workers. Article 27 paragraph (2) of the 1945 Constitution recognizes the right of citizens to work and to a livelihood worthy of humanity, while Article 28D paragraph (2) guarantees the right to work and to receive fair and proper remuneration and treatment in employment relations, requiring labor-market reform to be interpreted against constitutional protection rather than economic efficiency alone. Izzati (2022) characterizes changes introduced through the Job Creation framework as a significant movement toward deregulation in Indonesian labor law, whereas Aryani et al. (2022) question the trajectory of protection afforded to workers' basic rights under the omnibus legislative model. Fauzi (2023) places the labor cluster within the legal politics of industrial relations, and Nugroho et al. (2024) further identify material changes in workers' legal positions following labor-law reform, collectively indicating that the statutory restructuring altered the balance between regulatory flexibility and protective labor norms. A systematic interpretation linking constitutional labor guarantees to the Job Creation framework consequently requires legislative efficiency to be tested against the state's continuing obligation to preserve fair employment conditions, rather than treating employment creation as sufficient proof of a responsive legal product.

Environmental regulation exposes a comparable tension because the simplification of licensing cannot be legally detached from the constitutional obligation to protect environmental quality and the sustainability of economic activity. Article 28H paragraph (1) of the 1945 Constitution recognizes the right to a good and healthy environment, while Article 33 paragraph (4) requires the national economy to be organized according to principles that include sustainability and environmental insight, establishing constitutional limits on an exclusively investment-centered interpretation of regulatory reform. Rahman et al. (2022) show that environmental licensing governance changed following the Job Creation Law, while Hadi et al. (2023) argue that evaluation of the legislation requires simultaneous attention to economic, social, and environmental sustainability. The political decision to integrate and simplify licensing therefore carries a distributive legal consequence because administrative acceleration may alter preventive controls, governmental supervision, and opportunities for communities to contest activities with environmental effects. A teleological interpretation of the Job Creation regime must consequently reconcile the objective of economic acceleration with constitutional environmental guarantees, since responsiveness to investment needs does not itself establish responsiveness to interests constitutionally protected outside the market.

Administrative-law consequences further demonstrate that the political orientation toward simplification must remain bounded by guarantees of legality, legal certainty, and effective protection against governmental action. Aditya and Al-Fatih (2023) identify the need to redesign the mechanism of positive fictitious administrative decisions after changes associated with the Job Creation Law, demonstrating that simplification of administrative processes may create doctrinal problems when procedural reform is not accompanied by an adequate framework of remedies. The issue is connected to the broader institutional-quality argument developed by Jazuli et al. (2022), because economic competitiveness generated through simplified regulation depends on the capacity of administrative institutions to apply norms consistently, supervise risk, and provide remedies when legal interests are adversely affected. The implementing architecture reflected in Government Regulation Number 5 of 2021 and the associated investment-supervision framework cannot be read solely as technical execution of economic legislation, since delegated regulation determines how statutory policy is translated into administrative obligations, permits, supervision, and sanctions. No specific Presidential Regulation or Ministerial Regulation is identified in the research materials as a principal unit of analysis for this part of the study, and introducing an unverified instrument merely to expand the hierarchy of cited regulations would be inconsistent with the normative method and the requirement that legal propositions remain traceable to the materials actually examined.

The political configuration surrounding the Job Creation Law consequently reveals a legal product formed through a combination of constitutionally valid institutional authority, strong executive policy direction, substantial parliamentary support, contested public participation, and

subsequent judicial correction. Fudika et al. (2022), Caraway (2023), and Setia Negara et al. (2024) converge on the importance of power configuration, while Fajri (2023), Prastyo (2022), and Mochtar et al. (2024) demonstrate that the democratic quality of law-making depends on whether participation can influence rather than merely accompany legislative decision-making. The sectoral studies of labor, licensing, investment, administration, and environmental regulation further show that political configuration becomes juridically observable through the allocation of rights, obligations, regulatory burdens, administrative discretion, and mechanisms of legal protection embodied in the resulting norms (Aryani et al., 2022; Hariyanto, 2022; Rahman et al., 2022; Aditya & Al-Fatih, 2023). Constitutional Court Decision Number 91/PUU-XVIII/2020 provides a corrective element within this structure because it confirms that political effectiveness and statutory approval remain reviewable against constitutional requirements governing the process of legislation, a proposition also developed by Mahy (2022) and Saputra (2022). The resulting analytical proposition is that political configuration does not mechanically predetermine the content of law, but materially shapes the channels through which policy priorities become legal norms, while constitutional adjudication, public participation, and institutional checks determine the extent to which that political influence remains compatible with a democratic rule-of-law structure.

The Character of the Job Creation Law as a Legal Product from the Perspective of Legal Politics

The character of the Job Creation Law cannot be determined merely from its formal status as legislation, because legal-political analysis requires examination of the substantive orientation of the norms, the distribution of rights and obligations, the interests receiving regulatory preference, and the mechanisms through which public aspirations are accommodated within the legislative structure. Law Number 11 of 2020, later reconstructed through Government Regulation in Lieu of Law Number 2 of 2022 and enacted through Law Number 6 of 2023, reflects a regulatory design directed toward employment creation, investment facilitation, business licensing simplification, and restructuring of various sectoral laws through an omnibus legislative model. From a systematic interpretation, these instruments must be read together with Article 27 paragraph (2), Article 28D paragraph (2), Article 28H paragraph (1), and Article 33 paragraph (4) of the 1945 Constitution, because the constitutional legitimacy of economic reform depends on its conformity with guarantees concerning decent work, fair treatment in employment, environmental quality, and sustainable economic governance. Izzati (2022) identifies deregulation as a dominant feature of the labor reforms introduced by the Job Creation framework, while Setia Negara et al. (2024) place the broader legislation within a pattern of neoliberal legality and executive-oriented regulatory transformation. The resulting legal product therefore displays an instrumental character in which law functions as a means of implementing state economic policy, yet its responsiveness must still be measured by the degree to which that instrumental orientation remains compatible with constitutional guarantees and the protection of interests affected by regulatory restructuring.

The labor cluster provides one of the clearest normative fields for assessing whether the Job Creation Law tends toward a responsive or conservative legal character, because employment regulation directly mediates the relationship between economic flexibility and constitutionally protected worker interests. Article 28D paragraph (2) of the 1945 Constitution guarantees every person the right to work and to receive fair and proper remuneration and treatment in employment relations, making this constitutional norm a substantive parameter for interpreting amendments to the manpower regime previously structured primarily under Law Number 13 of 2003 concerning Manpower. Aryani et al. (2022) argue that the omnibus legislation creates substantial concerns regarding the protection of workers' basic rights, while Nugroho et al. (2024) identify changes in workers' legal positions after labor-law reform that require comparison between regulatory arrangements before and after the Job Creation framework. Fauzi (2023) further demonstrates that legal politics in the industrial-relations sector was closely connected to the government's broader economic-policy orientation, indicating that changes in labor norms were not isolated technical revisions but part of a coordinated regulatory strategy. A teleological reading of these labor provisions therefore requires employment creation and investment attractiveness to be reconciled with constitutional guarantees of fair employment conditions, because legal responsiveness cannot be

reduced to the capacity of legislation to expand market flexibility while disregarding the protective function historically attached to labor law.

The investment cluster reveals a comparable instrumental orientation because the Job Creation regime reconstructs legal norms to reduce regulatory barriers and increase the accessibility of business activities within Indonesia. Iqbal et al. (2022) show that the omnibus legislation altered the structure of Indonesian investment regulation, including its relevance to foreign investors, while Jazuli et al. (2022) emphasize that the contribution of regulatory reform to national competitiveness remains dependent on institutional quality and effective implementation. This orientation is normatively connected to Article 33 paragraph (4) of the 1945 Constitution, which requires the national economy to be organized according to principles that include efficiency with justice, sustainability, environmental awareness, independence, and the maintenance of national economic balance. A grammatical interpretation of efficiency-related provisions cannot therefore be separated from the other constitutional principles contained in the same provision, because constitutional economic governance does not authorize efficiency to override distributive justice, sustainability, or institutional accountability. Gupta et al. (2025) project potentially significant long-term economic effects from the Indonesian Omnibus Law, yet such projected economic utility does not itself determine the legal character of the statute, which must also be evaluated according to the normative balance between investment facilitation and the protection of constitutionally relevant public interests.

The restructuring of business licensing through Government Regulation Number 5 of 2021 concerning Risk-Based Business Licensing further illustrates how the economic orientation of the Job Creation regime is translated into administrative-law mechanisms. Articles 7 and 8 of Government Regulation Number 5 of 2021 organize licensing requirements according to the level of risk associated with business activities, replacing a more uniform authorization model with a differentiated regulatory structure based on assessed risk and scale. Hariyanto (2022) identifies legal problems arising from risk-based licensing after the Job Creation Act, while Praise et al. (2022) characterize the new model as a central element of licensing reform intended to improve administrative efficiency and reduce unnecessary procedural burdens. From a systematic legal interpretation, the reduction of ex ante administrative requirements must remain connected to supervision, accountability, legal certainty, and mechanisms of enforcement, because lowering procedural barriers does not extinguish the state's obligation to prevent harm and control regulated activities. The risk-based model consequently reinforces the instrumental-economic character of the Job Creation Law, but its classification as responsive law depends on whether administrative simplification is matched by an adequate institutional capacity to control risk, protect legal interests, and provide remedies when regulatory decisions adversely affect individuals or communities.

Environmental regulation provides a stricter constitutional test of that instrumental orientation because investment acceleration and licensing simplification operate within a legal order that expressly recognizes environmental protection as a constitutional interest. Article 28H paragraph (1) of the 1945 Constitution guarantees the right to a good and healthy environment, while Article 33 paragraph (4) places sustainability and environmental awareness among the principles governing the national economy, requiring environmental safeguards to remain legally relevant even where regulatory reform pursues faster business processes. Rahman et al. (2022) demonstrate that the Job Creation framework altered the governance structure of environmental licensing, while Hadi et al. (2023) stress that the law must be evaluated through sustainability considerations rather than through economic performance alone. A teleological interpretation of environmental provisions must therefore resist a binary construction in which environmental safeguards are treated as obstacles to investment, because the constitutional design requires economic development and ecological protection to operate within the same normative framework. The degree to which the Job Creation legal product can be characterized as responsive consequently depends on whether its environmental restructuring maintains substantive preventive protection, effective supervision, and meaningful access for affected communities while pursuing greater regulatory efficiency.

Table 2. Regulatory Dimensions and Legal-Political Character of Indonesia's Job Creation Law: A Constitutional and Normative Analysis

Analytical dimension	Principal legal basis	Direction of regulatory change	Indication of legal-product character
Employment	Article 27(2) and Article 28D(2) of the 1945 Constitution; manpower provisions restructured through the Job Creation framework	Greater labor-market flexibility and restructuring of employment protections	Instrumental-economic orientation that must be tested against worker protection
Investment	Article 33(4) of the 1945 Constitution; Law Number 6 of 2023	Simplification and harmonization of investment regulation	Strong use of law as an instrument of economic policy
Business licensing	Government Regulation Number 5 of 2021, particularly Articles 7–8	Shift toward risk-based licensing	Administrative efficiency accompanied by the need for risk control and legal accountability
Environment	Article 28H(1) and Article 33(4) of the 1945 Constitution; environmental norms affected by the Job Creation framework	Integration of environmental approval within a simplified licensing structure	Potential tension between economic acceleration and environmental protection
Public participation	Article 96 of Law Number 12 of 2011 as amended by Law Number 13 of 2022	Strengthening of participatory requirements in law-making	Responsiveness depends on whether public input has substantive influence
Administrative protection	Administrative-law mechanisms affected by the Job Creation reforms	Simplification of procedures and restructuring of administrative decisions	Efficiency must remain accompanied by legal remedies and due-process guarantees

The normative mapping in the table indicates that the legal character of the Job Creation framework differs across regulatory dimensions and cannot be reduced to a single label without examining the relationship between economic objectives, rights protection, procedural legitimacy, and administrative accountability. The common thread is a strong use of legislation as a strategic instrument for reorganizing regulatory structures in favor of efficiency, investment facilitation, and accelerated decision-making, while protective norms remain subject to varying degrees of modification and institutional adjustment. Chandra (2023) emphasizes that use of the omnibus method requires clear legislative prerequisites and systematic consistency, which becomes especially important when a single statutory framework modifies legal regimes possessing different constitutional functions and protective rationales. Dhikshita et al. (2022) similarly treat the omnibus method as a legal-political choice, meaning that the substantive convergence shown in the table reflects a political decision about the direction of legal development rather than merely an innovation in legislative drafting. The Job Creation Law may therefore be classified more accurately as a mixed legal product whose responsive features in addressing regulatory fragmentation coexist with conservative tendencies where state economic priorities receive stronger normative accommodation than competing social, labor, environmental, or participatory interests.

Administrative-law protection provides another basis for distinguishing regulatory responsiveness from mere procedural acceleration because the effectiveness of public administration must be accompanied by safeguards against unlawful or harmful governmental decisions. Aditya and Al-Fatih (2023) demonstrate that changes associated with the Job Creation Law created a need to redesign the mechanism of positive fictitious decisions, revealing that alterations to administrative procedures can generate gaps in legal protection when existing remedial doctrines are not adjusted

coherently. The issue must be read systematically with the constitutional principle of legal certainty embodied in Article 28D paragraph (1) of the 1945 Constitution, since administrative efficiency cannot be constitutionally justified where affected parties lack clear procedures for challenging or correcting governmental inaction or adverse decisions. A legal product that simplifies licensing while weakening access to objection, review, or judicial protection would display a conservative administrative orientation because efficiency would be achieved through an asymmetrical distribution of procedural power between administrative authorities and citizens. The responsive character of regulatory reform therefore depends not only on how quickly administrative decisions can be produced but also on whether the legal structure preserves predictability, due process, access to remedies, and meaningful judicial control over the exercise of public authority.

Public participation further influences the characterization of the legal product because substantive responsiveness is inseparable from the extent to which those affected by regulatory changes can influence the formulation and revision of legal norms. Article 96 of Law Number 12 of 2011 as amended by Law Number 13 of 2022 recognizes public participation throughout the law-making process, while Constitutional Court Decision Number 91/PUU-XVIII/2020 strengthened the constitutional significance of meaningful participation by requiring legislative procedures to provide more than formal opportunities for consultation. Fajri (2023) links participation to the legitimacy of legislation, Prastyo (2022) emphasizes the limits of participation that is merely procedural, and Mochtar et al. (2024) identify serious weaknesses in the meaningfulness of participation during the formation of the Job Creation Omnibus Law. A systematic interpretation connecting Article 96 with constitutional principles of popular sovereignty and the rule of law indicates that responsive legislation requires an institutional relationship in which public submissions can enter legislative reasoning rather than being treated as peripheral information with no demonstrable effect on normative choices. Deficiencies in participatory influence consequently support the assessment that the Job Creation Law contains conservative characteristics even where its substantive objectives respond to genuine regulatory problems, because legal responsiveness concerns both the subject matter addressed by legislation and the democratic process through which competing interests are incorporated into legal norms.

Constitutional review also prevents the legal character of the Job Creation Law from being evaluated exclusively through its policy outcomes, because the validity and legitimacy of legislation remain conditioned by constitutional procedures governing law-making. Constitutional Court Decision Number 91/PUU-XVIII/2020 demonstrated that legislative effectiveness could not displace constitutional requirements concerning formation procedures, while the subsequent issuance of Government Regulation in Lieu of Law Number 2 of 2022 and enactment of Law Number 6 of 2023 preserved the principal regulatory orientation through a reconstructed juridical pathway. Mahy (2022) interprets these developments through problems of legal hierarchy and responses to judicial review, whereas Saputra (2022) highlights doctrinal difficulties arising from the Constitutional Court's formal-review decision. Rishan (2022) adds a jurisprudential dimension by emphasizing that legislative performance must be evaluated through the quality of the law-making process rather than the mere capacity of political institutions to enact legislation rapidly. Judicial correction consequently operates as an institutional counterweight to the instrumental use of law, because it requires the political branches to justify regulatory transformation within constitutional parameters even where the substantive policy agenda commands sufficient political support for legislative enactment.

The coexistence of responsive and conservative elements is also apparent when the economic rationale of the Job Creation Law is compared with its distributive effects across workers, investors, communities, administrative subjects, and environmental interests. Setia Negara et al. (2024) associate the legislation with neoliberal legality and executive aggrandizement, while Caraway (2023) demonstrates that labor groups experienced changing capacity to contest governmental policy during the broader period of executive strengthening. These findings do not establish that every market-oriented provision is legally conservative, but they show that the character of legislation depends partly on whether affected interests possess comparable opportunities to shape legal norms and obtain protection from their distributive consequences. Setiawan (2022) describes Indonesian democracy as institutionally resilient but vulnerable to pressures associated with democratic decline, providing a broader constitutional setting for interpreting why procedural openness, checks and balances, and meaningful participation remain necessary when major legislative reforms are supported by a strong

political majority. A conceptual classification of the Job Creation Law must therefore distinguish responsiveness to macroeconomic problems from responsiveness to plural public interests, because legislation may efficiently address regulatory fragmentation while still reflecting an unequal distribution of political influence and legal protection.

The legal-political character of the Job Creation Law is best understood as an instrumental-economic legal product containing limited responsive features and identifiable conservative tendencies rather than as legislation situated wholly at one end of a responsive–orthodox spectrum. Its responsive dimension lies in attempts to address regulatory overlap, licensing complexity, barriers to investment, employment pressures, and institutional fragmentation, matters whose legal significance is supported by studies of licensing reform, competitiveness, and long-term economic restructuring (Praise et al., 2022; Jazuli et al., 2022; Gupta et al., 2025). Its conservative tendencies become visible where the government's economic agenda occupies a stronger normative position than the participatory influence of social groups, worker protection, environmental safeguards, or other interests whose legal position may be altered by deregulation (Aryani et al., 2022; Rahman et al., 2022; Mochtar et al., 2024). The interaction between Law Number 11 of 2020, Constitutional Court Decision Number 91/PUU-XVIII/2020, Government Regulation in Lieu of Law Number 2 of 2022, Law Number 6 of 2023, Government Regulation Number 5 of 2021, and the participation framework under Article 96 of the Law on the Formation of Laws and Regulations demonstrates that the character of the legal product emerged through continuing interaction between political objectives and constitutional constraints. The principal theoretical implication is that the character of legislation in Indonesian legal politics should be assessed through a combined examination of normative objectives, political formation, distribution of protected interests, participatory quality, administrative safeguards, and constitutional correction, because no single dimension is sufficient to explain whether a major regulatory reform operates as responsive law or as an instrument predominantly serving a particular configuration of state policy.

The Relationship among Political Configuration, Public Participation, and the Quality of Legislative Democracy in the Formation of the Job Creation Law

The relationship between political configuration and the character of the Job Creation Law becomes legally significant when the legislative process is assessed through the constitutional requirements of popular sovereignty, representative law-making, and deliberative participation. Article 1 paragraph (2) of the 1945 Constitution places sovereignty in the hands of the people and requires its exercise according to the Constitution, while Article 20 paragraphs (1) and (2) distributes legislative authority through the institutional relationship between the House of Representatives and the President. These provisions indicate that democratic legitimacy cannot be reduced to parliamentary voting because the exercise of legislative authority must remain connected to constitutional values governing representation, accountability, openness, and public participation. Fudika et al. (2022) identify the configuration of governmental and parliamentary power as a significant factor in the formation of the Job Creation Law, whereas Setia Negara et al. (2024) associate the reform with executive aggrandizement and the consolidation of a state-led economic agenda. A normative reading of these findings suggests that the quality of legislative democracy depends not only on whether constitutionally authorized institutions formally enacted the law, but also on whether the institutional distribution of power permitted adequate deliberation, political control, and representation of interests affected by the regulatory transformation.

The principle of openness contained in Article 5 letter g of Law Number 12 of 2011 concerning the Formation of Laws and Regulations, as amended by Law Number 13 of 2022, provides an essential statutory standard for evaluating the democratic quality of the Job Creation legislative process. Article 96 paragraph (1) further recognizes the right of the public to provide oral or written input at every stage of law-making, while paragraphs (4), (7), and related provisions establish access to legislative materials and mechanisms intended to facilitate meaningful participation. Fajri (2023) explains that public participation contributes to the legitimacy of legislation only when it extends beyond formal consultation and enables citizens to participate meaningfully in the formation of binding norms. Prastyo (2022) similarly emphasizes that meaningful participation requires more than institutional access because the substantive quality of participation depends on whether public views can enter and influence legislative reasoning. Read systematically, Article 5 letter g and Article 96

create a legal obligation to maintain openness throughout the legislative cycle, making participation a component of legislative quality rather than a discretionary political accommodation granted by lawmakers.

Constitutional Court Decision Number 91/PUU-XVIII/2020 strengthened this normative architecture by placing meaningful public participation within the constitutional evaluation of the formal formation of Law Number 11 of 2020. The Court's formulation of the rights to be heard, to have views considered, and to receive an explanation concerning the consideration of those views established a substantive standard against which participation may be distinguished from consultation that is merely ceremonial or documentary. Mochtar et al. (2024) argue that the formation of the Job Creation Law revealed a movement from meaningful toward substantively weakened participation, while Saputra (2022) identifies the formal-review decision as a significant yet doctrinally complex intervention in Indonesia's constitutional law. Mahy (2022) further demonstrates that the Court's intervention affected the hierarchy and subsequent development of the Job Creation regulatory framework, confirming that defects in the legislative process can produce consequences extending beyond the immediate validity of a statute. The decision therefore functions not merely as judicial criticism of legislative procedure but as a constitutional limitation on majoritarian law-making, requiring the political branches to demonstrate that legislative efficiency remains compatible with procedural legality and deliberative inclusion.

Legislative speed constitutes another dimension through which political configuration affects democratic quality because accelerated law-making may increase policy responsiveness while simultaneously narrowing the time available for scrutiny, contestation, and refinement of regulatory choices. Rishan (2022) evaluates the formation of the Job Creation Omnibus Law through jurisprudence and stresses that legislative performance cannot be measured solely by the capacity of political institutions to produce legal norms rapidly. Munali et al. (2023) likewise locate substantial legal-political problems in the formation process, particularly where the scale of the regulatory changes required extensive deliberative justification and public accessibility. Chandra (2023) argues that the omnibus method requires identifiable prerequisites and systematic legislative preparation, since the simultaneous amendment of numerous statutes generates particular risks to coherence and legal certainty. A teleological interpretation of legislative efficiency must consequently treat speed as a legitimate administrative objective only when the process still preserves adequate time for parliamentary scrutiny, public participation, constitutional reviewability, and reasoned consideration of alternative regulatory arrangements.

The interaction among executive power, legislative support, participation, and constitutional control may be mapped normatively because each element performs a distinct function in determining whether legal effectiveness is accompanied by democratic legitimacy. Strong executive leadership may create policy coherence, while parliamentary support can reduce legislative fragmentation, yet these advantages become constitutionally problematic if political concentration diminishes deliberative control or weakens the practical influence of affected social groups. Caraway (2023) demonstrates that changes in labor politics were accompanied by reduced capacity among organized workers to contest governmental policy, while Setiawan (2022) situates Indonesian democracy within a condition of institutional resilience exposed to pressures associated with democratic decline. The resulting issue is not whether executive leadership is legally permissible, but whether the surrounding institutional structure retains sufficient checks, participatory channels, and judicial mechanisms to prevent legislative authority from becoming functionally dominated by a single policy orientation. The following normative mapping illustrates how these elements interacted in the formation and reconstruction of the Job Creation framework.

Table 3. Political Configuration, Constitutional Control, and Their Implications for the Legal-Political Character of Indonesia's Job Creation Law

Analytical dimension	Principal legal basis	Identified legal-political condition	Implication for legislative democracy	Effect on the character of the legal product
Executive authority	Articles 5(1) and 22 of the 1945	Strong governmental	Increases policy capacity but	Facilitates translation of

	Constitution	initiative in regulatory reform and subsequent use of a Government Regulation in Lieu of Law	requires constitutional restraint and justification	executive policy priorities into binding norms
Legislative authority	Article 20(1)–(2) of the 1945 Constitution	Broad parliamentary support for the Job Creation agenda	Strengthens enactment capacity while reducing the intensity of institutional political resistance	Government policy orientation may obtain stronger statutory expression
Public participation	Article 5 letter g and Article 96 of Law Number 12 of 2011 as amended by Law Number 13 of 2022	Participation existed but its meaningfulness became constitutionally contested	Formal consultation must be accompanied by consideration and feedback	Responsiveness depends on the substantive influence of affected interests
Constitutional review	Articles 24C(1) and 24C-related constitutional review framework; Constitutional Court Decision No. 91/PUU-XVIII/2020	Formal legislative defects were subjected to judicial control	Provides an institutional check on majoritarian legislative decisions	Prevents political legitimacy from operating independently of constitutional legitimacy
Regulatory reconstruction	Government Regulation in Lieu of Law Number 2 of 2022 and Law Number 6 of 2023	Core Job Creation policy was preserved after constitutional controversy	Demonstrates continuity of political objectives despite changes in legal form	Confirms the durability of the instrumental-economic regulatory orientation

The table demonstrates that political configuration influences legal products through institutional mechanisms rather than through a direct and automatic conversion of political preference into statutory content. Article 20 of the 1945 Constitution establishes legislative authority, Article 22 regulates the President's power to issue a Government Regulation in Lieu of Law under constitutionally specified circumstances, and Article 24C paragraph (1) provides the Constitutional Court with authority to review statutes against the Constitution, creating a structure in which policy initiative, enactment, and constitutional correction remain institutionally differentiated. The transition from Law Number 11 of 2020 to Government Regulation in Lieu of Law Number 2 of 2022 and subsequently to Law Number 6 of 2023 shows that judicial correction did not terminate the policy agenda but required its continuation through a reconstructed juridical mechanism. Mahy (2022) and Dhikshita et al. (2022) show that this sequence must be understood through both legal hierarchy and legal politics, since the continuity of the Job Creation project reflected a durable political commitment to omnibus regulatory reform. The constitutional significance of this continuity lies in the need to distinguish persistence of policy from immunity to legal control, because a politically durable program remains subject to procedural, participatory, and constitutional requirements at every stage of its legal institutionalization.

The quality of public participation also carries distributive implications because the Job Creation framework altered legal arrangements affecting groups with unequal political resources and unequal capacity to access decision-makers. Workers faced substantial changes in labor regulation, business actors benefited from simplification of licensing and investment procedures, while

communities and environmental interests encountered changes in environmental approval and regulatory supervision, making legislative participation central to the representation of divergent interests. Aryani et al. (2022) and Nugroho et al. (2024) identify concerns regarding the protection and changing legal position of workers, while Rahman et al. (2022) and Hadi et al. (2023) show that environmental governance and sustainability were also materially implicated by the reform. Article 96 of the Law on the Formation of Laws and Regulations must therefore be interpreted not merely as a procedural right to submit opinions but as a mechanism for preventing regulatory design from being shaped disproportionately by actors possessing stronger institutional access. Legislative democracy acquires substantive value when affected groups can introduce evidence, contest assumptions, and demand legal justification for regulatory choices that redistribute rights, risks, administrative burdens, and economic opportunities.

The relationship between participation and regulatory expertise is especially important in an omnibus legislative process because the breadth of amended sectors requires lawmakers to evaluate legal consequences that extend beyond a single doctrinal field. Risk-based licensing under Government Regulation Number 5 of 2021 illustrates this complexity because the restructuring of administrative requirements affects not only investment efficiency but also supervision, environmental control, legal remedies, and the distribution of regulatory risk. Praise et al. (2022) and Hariyanto (2022) identify risk-based licensing as a central component of post-Job Creation regulatory reform, while Aditya and Al-Fatih (2023) show that related administrative changes may require redesign of legal-protection mechanisms such as positive fictitious decisions. Iqbal et al. (2022) further demonstrate that changes to investment regulation have consequences for the legal environment faced by foreign investors, confirming that technical regulatory choices have broader institutional and distributive effects. High-quality participation in such a legislative setting must therefore function as an epistemic safeguard by expanding the information available to lawmakers and exposing normative conflicts that may remain obscured when regulatory reform is assessed primarily through macroeconomic objectives.

Legislative democracy also requires differentiation between responsiveness to policy problems and responsiveness to the plurality of constitutional interests affected by governmental solutions. Gupta et al. (2025) show that the Indonesian Omnibus Law can be evaluated as a long-term economic reform with potentially significant economic consequences, while Jazuli et al. (2022) emphasize the continuing importance of institutional quality in converting regulatory change into improved national competitiveness. Economic rationality may therefore justify the pursuit of regulatory simplification, but Article 33 paragraph (4) of the 1945 Constitution prevents economic governance from being reduced to efficiency because the provision simultaneously incorporates justice, sustainability, environmental awareness, independence, and balanced national development. Izzati (2022) and Fauzi (2023) demonstrate that labor deregulation and industrial-relations reform were closely tied to the economic-policy direction of the Job Creation Law, requiring assessment of whether employment flexibility remains compatible with the constitutional protection of fair and proper employment under Article 28D paragraph (2). A legal product becomes democratically responsive only when the political institutions that formulate economic policy are also capable of integrating constitutional interests that may impose limits, qualifications, or protective conditions upon the pursuit of regulatory efficiency.

Judicial review performs a corrective role within this structure, but constitutional adjudication cannot replace the democratic responsibilities of the political branches during the initial formation of legislation. Constitutional Court Decision Number 91/PUU-XVIII/2020 confirms that the Court can identify procedural constitutional defects after enactment, yet *ex post* judicial correction necessarily occurs after political and institutional resources have already been invested in the disputed regulatory project. Fajri (2023), Prastyo (2022), and Mochtar et al. (2024) collectively indicate that meaningful participation is intended to operate during law-making itself, which distinguishes participatory legitimacy from judicial remedies activated after deficiencies have crystallized into enacted law. Rishan (2022) similarly suggests that better legisprudential performance requires improvement of legislative reasoning and procedure before constitutional disputes emerge, rather than reliance on judicial institutions to repair defects generated by deficient legislative processes. The constitutional structure is therefore strongest when parliamentary deliberation, public participation, executive

accountability, and judicial control operate cumulatively, because each institution addresses a different risk associated with concentrated political authority and complex regulatory transformation.

The relationship among political configuration, public participation, and legislative democracy ultimately explains why the Job Creation Law exhibits a mixed legal character rather than a purely responsive or purely conservative form. Strong executive initiative and extensive legislative support created institutional conditions favorable to rapid regulatory restructuring, while weaknesses in deliberative participation and controversies surrounding formal legislative procedure reduced the capacity of affected interests to shape the resulting legal norms on an equivalent basis (Fudika et al., 2022; Caraway, 2023; Setia Negara et al., 2024). Constitutional Court review, the subsequent strengthening of participatory norms, and the continuing operation of public criticism demonstrate that Indonesian constitutional law retains corrective mechanisms capable of constraining political dominance, even though those mechanisms do not automatically erase the substantive policy orientation embedded in the legislation (Mahy, 2022; Saputra, 2022; Mochtar et al., 2024). The persistence of the Job Creation agenda through Government Regulation in Lieu of Law Number 2 of 2022 and Law Number 6 of 2023 further confirms that political configuration possesses substantial capacity to preserve regulatory direction while adapting the juridical form through which that direction is maintained. The theoretical implication for Indonesian legal politics is that the democratic quality and character of legislation are determined by the interaction between political power and constitutional institutions, meaning that legal responsiveness must be assessed through the combined quality of substantive protection, participatory influence, legislative deliberation, institutional checks, and constitutional accountability rather than through statutory objectives or political approval alone.

CONCLUSION

The formation of the Job Creation Law demonstrates a substantive relationship between political configuration and the character of the legal product generated through the legislative process. The executive's strong policy position, broad legislative support, and the orientation toward regulatory simplification, investment facilitation, employment creation, and economic competitiveness created institutional conditions in which the government's regulatory agenda could be translated rapidly into statutory norms. This political configuration did not eliminate constitutional controls, but it affected the quality of deliberation, the distribution of influence among competing interests, and the substantive capacity of public participation during the formation of Law Number 11 of 2020. Constitutional Court Decision Number 91/PUU-XVIII/2020 confirmed that political approval cannot substitute for constitutional compliance, particularly regarding legislative procedure, openness, and meaningful participation, while the subsequent issuance of Government Regulation in Lieu of Law Number 2 of 2022 and its enactment through Law Number 6 of 2023 demonstrated the durability of the Job Creation policy orientation despite changes in its juridical form. The resulting legal product is best characterized as having a strong instrumental-economic orientation with responsive elements in addressing regulatory fragmentation, licensing complexity, investment barriers, and employment-related policy problems, while also exhibiting conservative tendencies where governmental economic priorities, procedural acceleration, and unequal participatory influence affected the balance of protected interests. The relationship between political configuration and legal character is therefore not mechanical, but operates through executive-legislative relations, legislative procedures, public participation, administrative regulation, constitutional adjudication, and the distribution of legal protection among workers, investors, communities, and other affected groups.

The study contributes to Indonesian legal-political scholarship by demonstrating that the character of legislation should be assessed through an integrated examination of political power, legislative process, substantive regulatory orientation, public participation, administrative safeguards, and constitutional control rather than through statutory objectives alone. The analysis also clarifies that responsiveness to economic and regulatory problems cannot automatically be equated with responsiveness to the broader constitutional interests affected by legal reform, since legislative quality depends on the capacity of law-making institutions to reconcile efficiency with worker protection, environmental safeguards, legal certainty, meaningful participation, and effective checks and balances. The principal implication for future legislative practice is the need to strengthen deliberative scrutiny, ensure that public participation has demonstrable influence on legislative reasoning, maintain transparent access to legislative materials, and preserve constitutional review as an effective

corrective mechanism against excessive concentration of policy influence. Regulatory acceleration may remain legitimate where it is accompanied by adequate procedural safeguards, institutional accountability, and proportional protection of affected interests. The findings further indicate that omnibus legislation requires particularly careful institutional control because its cross-sectoral reach can redistribute rights, obligations, administrative discretion, and regulatory burdens across multiple legal fields at the same time. A stronger balance between political effectiveness and constitutional-democratic legitimacy is therefore essential for ensuring that future major regulatory reforms produce legal products that are not only efficient as instruments of public policy but also responsive to the plural interests protected within Indonesia's constitutional legal order.

REFERENCES

- Aditya, Z. F., & Al-Fatih, S. (2023). Redesign of positive fictitious efforts after the Job Creation Law. *Jurnal Konstitusi*, 20(2), 340–357. <https://doi.org/10.31078/jk2029>
- Aryani, N. M., Danyathi, A. P. L., & Hermanto, B. (2022). Quo vadis protection of the basic rights of Indonesian workers: Highlighting the omnibus legislation and Job Creation Law. *Pandecta Research Law Journal*, 17(1), 104–120. <https://doi.org/10.15294/pandecta.v17i1.34948>
- Caraway, T. L. (2023). Labor's reversal of fortune: Contentious politics and executive aggrandizement in Indonesia. *Social Movement Studies*, 22(5–6), 689–705. <https://doi.org/10.1080/14742837.2021.2010529>
- Chandra, M. J. A. A. (2023). Prasyarat metode omnibus law dalam pembentukan perundang-undangan. *Jurnal Legislasi Indonesia*, 20(4), 79–89. <https://doi.org/10.54629/jli.v20i4.1098>
- Dhikshita, I. B. G. P. A., Sinta, D. C., & Irawan, C. D. (2022). Politik hukum dan quo vadis pembentukan undang-undang dengan metode omnibus law di Indonesia. *Jurnal Legislasi Indonesia*, 19(2), 165–184. <https://doi.org/10.54629/jli.v19i2.878>
- Fajri, M. N. (2023). Legitimacy of public participation in the establishment of law in Indonesia. *Jurnal Konstitusi*, 20(1), 123–143. <https://doi.org/10.31078/jk2017>
- Fauzi, A. F. (2023). The legal politics of the Job Creation Law in the industrial relations sector. *Lex Renaissance*, 8(1), 20–38. <https://doi.org/10.20885/JLR.vol8.iss1.art2>
- Fudika, M. D., Chaidir, E., & Syukur, S. (2022). Konfigurasi politik lahirnya Undang-Undang Cipta Kerja. *Jurnal Legislasi Indonesia*, 19(2), 185–197. <https://doi.org/10.54629/jli.v19i2.828>
- Gupta, K., Patunru, A. A., & Gretton, P. (2025). Projecting the long-run impact of an economic reform: The case of the Indonesian Omnibus Law. *Asian-Pacific Economic Literature*, 39(1), 102–130. <https://doi.org/10.1111/apel.12428>
- Hadi, S. P., Hamdani, R. S., & Roziqin, A. (2023). A sustainability review on the Indonesian Job Creation Law. *Heliyon*, 9(2), e13431. <https://doi.org/10.1016/j.heliyon.2023.e13431>
- Hariyanto, H. (2022). Risk-based business license and problems arising after the Job Creation Act. *Jurnal IUS Kajian Hukum dan Keadilan*, 10(2), 354–366. <https://doi.org/10.29303/ius.v10i2.1082>
- Iqbal, M., Mujib, M. M., & Lestari, Y. (2022). Does omnibus law affect the Indonesian investment regulations towards Chinese investors? *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi*, 5(2), 179–197. <https://doi.org/10.24090/volksgeist.v5i2.6838>
- Izzati, N. R. (2022). Deregulation in Job Creation Law: The future of Indonesian labor law. *Padjadjaran Jurnal Ilmu Hukum*, 9(2), 191–209. <https://doi.org/10.22304/pjih.v9n2.a3>
- Jazuli, M. R., Idris, M. M., & Yaguma, P. (2022). The importance of institutional quality: Reviewing the relevance of Indonesia's Omnibus Law on national competitiveness. *Humanities and Social Sciences Communications*, 9, Article 334. <https://doi.org/10.1057/s41599-022-01343-w>
- Mahy, P. (2022). Indonesia's Omnibus Law on Job Creation: Legal hierarchy and responses to judicial review in the labour cluster of amendments. *Asian Journal of Comparative Law*, 17(1), 51–75. <https://doi.org/10.1017/asjcl.2022.7>
- Mochtar, Z. A., Arizona, Y., Rahman, F., Mubdi, U., Ruhpinesthi, G. E., & Wafi, M. A. (2024). From meaningful to meaningless participation: The tragedy of Indonesia's Omnibus Law on Job Creation. *Jurnal Media Hukum*, 31(2), 351–370. <https://doi.org/10.18196/jmh.v31i2.23557>

- Munali, D. S., Rahmawati, N., Kurniawati, N. A., & Rahmadini, A. (2023). Politik hukum pembentukan Undang-Undang Cipta Kerja: Menyoal proses legislasi dalam pembentukannya. *Amsir Law Journal*, 5(1), 1–12. <https://doi.org/10.36746/alj.v5i1.223>
- Nugroho, A., Ronaboyd, I., Rusdiana, E., Prasetyo, D. E., & Zulhuda, S. (2024). The impact of labor law reform on Indonesian workers: A comparative study after the Job Creation Law. *Lex Scientia Law Review*, 8(1), 65–106. <https://doi.org/10.15294/lslr.v8i1.14064>
- Praise, H. A., Rompis, A. E., & Nurzaman, R. A. (2022). Risk-based licensing as licensing reform in Indonesia based on Government Regulation Number 5 the Year 2021. *Jurnal Poros Hukum Padjadjaran*, 3(2), 209–227. <https://doi.org/10.23920/jphp.v3i2.807>
- Prastyo, A. (2022). Limitation of meaningful participation requirements in the Indonesian law-making process. *Jurnal Hukum dan Peradilan*, 11(3), 405–436. <https://doi.org/10.25216/jhp.11.3.2022.405-436>
- Rahman, N. A., Mochtar, Z. A., Rafiqi, I. D., & Jalloh, M. Y. (2022). Legal politics of environmental licensing governance after Job Creation Law. *Hang Tuah Law Journal*, 6(2), 123–134. <https://doi.org/10.30649/htlj.v6i2.109>
- Rishan, I. (2022). Evaluasi performa legislasi dalam pembentukan Omnibus Law Cipta Kerja: Kajian legisprudensi. *Undang: Jurnal Hukum*, 5(1), 43–67. <https://doi.org/10.22437/ujh.5.1.43-67>
- Saputra, D. A. (2022). The problem of the Constitutional Court's decision in the formal test of the Job Creation Law. *Journal of Law and Legal Reform*, 3(4), 521–542. <https://doi.org/10.15294/jllr.v3i4.57699>
- Setia Negara, T. A., Anggoro, S. A., & Koeswahyono, I. (2024). Indonesian Job Creation Law: Neoliberal legality, authoritarianism and executive aggrandizement under Joko Widodo. *Law and Development Review*, 17(1), 155–197. <https://doi.org/10.1515/ldr-2023-0022>
- Setiawan, K. M. P. (2022). Vulnerable but resilient: Indonesia in an age of democratic decline. *Bulletin of Indonesian Economic Studies*, 58(3), 273–295. <https://doi.org/10.1080/00074918.2022.2139168>