

# Rejection Demonstration of *UU Cipta Kerja* Omnibus Law in Perspective Ralf Dahrendorf's Conflict Theory

Nadzir A. Firdaus<sup>1,\*</sup> Agus M. Fauzi<sup>2</sup>

<sup>1,2</sup>Universitas Negeri Surabaya

\*Corresponding author. Email: [nadzir.19032@mhs.unesa.ac.id](mailto:nadzir.19032@mhs.unesa.ac.id)

## ABSTRACT

As a law country, laws have a very important role in regulating the hustle and bustle of the nation and state. The legislative body as an institution that has the authority to compile and draft laws, of course, in the drafting process it has considered various aspects so that finally a law is created that is in accordance with the real conditions of people's lives. The legislature tries to use different concepts in making laws, with the aim of making their functions more effective. The Omnibus Law concept is expected to have a good impact on Indonesia, especially in the economic field. However, over time, there were misunderstandings between the government and the community that led to rejection actions in various parts of Indonesia including Surabaya. Through the method of literature study in the form of news sources, books, and journals, this study seeks to investigate the events of rejection by the community and the things behind them. By analyzing it using Ralf Dahrendorf's Conflict Theory, it is hoped that the right solution can be found so that this phenomenon does not happen again in the future.

**Keywords:** Law, Omnibus law, Conflict

## 1. INTRODUCTION

Indonesia is a state of law, according to the statement in the UUD 1945 Pasal 1 ayat (3) which reads "Indonesia is a state of law". In a law country, law is used to maintain peace, security, and order in a country. Law is not merely made with the intention of being a tool of human engineering, but as a means of upholding justice for human dignity.

As law country, Indonesia runs the government system through three state institutions, namely the legislative, executive and judicial institutions. Making laws and all regulations related to the running of government is the responsibility of the legislative body. In this case, the DPR and MPR have the authority over this matter. The laws and government regulations that have been made, of course, have gone through a very long process, starting from determining the aspects in them to the trial stage before they will be implemented by the judiciary. The role of the people in this case is to choose candidates for representatives of the people who agree with them, so that the policies that will be made will always prioritize the interests of the people.

Based on UU no. 12 of 2011 concerning the Establishment of Legislation Article 1 number 2, legislation is defined as a written regulation that contains legally binding norms in general and is established or stipulated in laws and regulations. In its preparation, the legislative body must objectively adjust the real conditions in the community. However, a recent phenomenon contradicts this statement. The DPR as the people's representative who should prioritize the interests of the people actually makes

the people more miserable. They are considered inappropriate in formulating laws. This is evidenced from the beginning of the emergence of the Job Creation Bill, which the regulations in it seem to only favor the shareholders so that it creates debate and conflict among the public.

The upheaval for *RUU Cipta Kerja* was heating up and reached its peak after the RUU was passed into UU. Labor unions and student alliances in almost all parts of Indonesia intervened by holding demonstrations to reject laws that were considered detrimental to the people. In addition, the Job Creation Law is also considered to have violated Human Rights (HAM) because it contains several articles that oppress workers.

Sociology of law which has several scopes including ideology, law itself, the state, and individuals in analyzing this case does not stop at the ratification of the *UU Cipta Kerja*, but also public acceptance. In its study, the sociology of law tries to put itself on a neutral side and then the phenomenon is studied empirically in accordance with the characteristics of social science. Through the use of Ralf Dahrendorf's Conflict theory in the study of the phenomenon of the rejection of Omnibus Law, it is hoped that the best solution can be found so that this phenomenon does not occur again in the future.

## 2. METHODS

The type of research used in this study is descriptive qualitative research so that word-richness plays an important role in the study [1]. The method used is a literature study, the process of collecting data through

searching sources in the form of good literature, books, journals, reports and news sources related to the research topic. The data that has been obtained are then analyzed using Ralf Dahrendorf's Conflict theory with narrative analysis techniques. The goal is to be able to describe real conditions in the field complete with chronology and stages of events.

### **3. RESULTS AND DISCUSSION**

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#### **3.1. *UU Cipta Kerja Omnibus Law***

Since early 2020, the government has prepared a draft law (or what we hear more often as a RUU) using the Omnibus Law concept. This bill is intended by the government to attract world investors to be willing to invest in Indonesia (<https://www.kemenkumham.go.id/>). With many investors who want to invest, it is hoped that many new jobs will be created, Indonesia's unemployment rate, which until the beginning of the year has reached 7 million, can be suppressed.

The concept of the Omnibus Law is a new scheme that was first implemented in Indonesian legislation. The concept known as the *sapu jagat* is able to replace some of the contents of the law that do not comply with only one regulation [2]. With the existence of the Omnibus Law, the government carries out its mission, namely to cut various rules that are considered incompatible with the times and are detrimental to the state.

Omnibus Law comes from the word Omnibus which has many meanings (<https://pelitaku.sabda.org/>), and Law which means law. So that it can be taken a meaning, namely the law that regulates many things through one field only. Sofyan Djalil (Minister of Agrarian and Spatial Planning) is of the opinion that the Omnibus Law is a step to issue a law which in it can improve many laws that have been considered overlapping and can hinder the running of the government. With the issuance of one law to improve the many laws that are considered problematic, it can be a solution to various problems that are currently being faced by Indonesia, especially in the economic sector. Because with so many laws, finally acceleration cannot be done because there are still laws that regulate and conflict with each other.

The concept of Omnibus Law has been widely used by countries that adhere to the Anglo Saxon Common Law

legal system such as America, Canada, Ireland, Suriname, and many other countries. In Southeast Asia itself, the Omnibus Law has been used by the country of Vietnam which at that time was about to adopt the results of the 2006 WTO accession. Seeing the implementation of this concept in Vietnam which tends to run smoothly and reap many benefits, the government plans to also use it.

Basically, Omnibus Law is a concept that is not related to the legal system in force in Indonesia. This is because this concept is not explicitly explained in Law Number 15 of 2011 concerning the formation of laws and regulations. However, the substance offered by this concept is very appropriate to be used as a solution in the formation of laws and regulations so that the government will still design it.

#### **3.2. *Rejection Demonstration UU Cipta Kerja in Surabaya***

Several articles in the RUU Cipta Kerja, which were controversial because they were considered to benefit investors at the expense of workers, eventually led to public resistance after the RUU was passed into UU. Actions of rejection carried out by the community occurred in almost all parts of Indonesia, one of which was in Surabaya.

In Surabaya, demonstrations have been held since the day after the *UU Cipta Kerja* was passed, until its peak occurred on October 8, 2020. Masses consisting of workers, students, students, and other elements began to flood several points in Surabaya such as the East Java DPRD Building, the Governor's Office East Java since

10.00 WIB [3]. The masses from several points compactly flocked to the main location of the demonstration, namely the Surabaya Governor's Office or better known as Grahadi around 13.00 WIB.

The demonstration took place in an ebb and flow. It started when the masses in black clothes dominated the front area of the Grahadi building in Surabaya. Not only in groups, the masses also rioted by destroying the barbed fence that had been prepared by the police [4]. Until finally the mass action dressed in all black was stopped by the police.

The masses then continued to arrive, a group of workers also participated in it. However, they did not last long and left the location. Then replaced by a sea of students from various universities with various alma mater coats. One by one, they delivered speeches rejecting the *UU Cipta Kerja*. Shortly after the speeches from various students from many universities were delivered, they finally disbanded.

At around 15.26, there was the sound of tear gas gunshots leading to Apsari Park, around the Grahadi building in Surabaya. Panic crowds ran, until finally clashes between them and the police were unavoidable. The police fired tear gas several times, which seemed to have led to mass resistance. Various kinds of public facilities were damaged, until a police car belonging to the *Jatanras Ditreskrim* unit of the East Java Poda was overthrown

by the mob [4]. Molotov cocktails, firewood, glass bottles, and uterine stones were hurled by the mob towards the police barricades. The chaos that ensued widened, eventually the police continued to tighten security to defuse the action. One unit of rantis vehicle was deployed to dispel the crowd and the addition of troops was carried out. Finally, the crowd gave up after almost five hours of dealing with the police. Some of those who were proven to have rioted were arrested and secured by the police in the local area.

The demonstration against the work creation law that had been legalized that took place in front of the Grahadi Building in Surabaya ended in chaos, harming many parties, dozens of members of the police were injured, there were journalists who suffered lacerations to their hands, hundreds of people suffered minor and serious injuries, and countless damages were caused. caused by the anarchism. The Head of Public Relations of the East Java Police, Kombes Trunoyudo Wisnu Andiko said, “hundreds of people were arrested on suspicion of carrying a number of items such as tools for vandalism, alcoholic drinks, tennis balls, and so on [5]. They were arrested at several points around the Grahadi State Building, Surabaya, which were then secured at the Surabaya Police Headquarters on Jalan Sikatan”.

The demonstration against the Job Creation Law which ended in chaos had a major impact on public facilities. Many public facilities that have been built by the Surabaya City Government have been badly damaged, even destroyed. This invites the annoyance and anger of the Mayor of Surabaya, Tri Rismaharini. After the demo, Mrs. Risma directly observed the conditions in the field [3]. With a trembling voice and body, he vented his frustration and anger at the security officers and the masses who were still present in the Grahadi Surabaya building area because they felt that their hard work in building the city of Surabaya which had only paid off in an instant. In the end, he mobilized all officers from various parties, both oemadam kebaraka, cleaning staff, and so on to immediately clean and repair the area where the demonstration broke out so that it could recover quickly so that it could be used as usual.

There are several things that became the background of the community holding a demonstration against the Copyright Act, including:

(1) Lack of communication between government and society

One of the things that became the main background of the outbreak of the demonstration against *UU Cipta Kerja* Act by the public was disinformation about the substance and content of the law among the public. Through the rapid development of technology, news that cannot be ascertained the truth can be easily spread widely so that only bits of news are conveyed. In addition, the government even until the ratification of the Act has not conveyed about the actual contents contained therein. As a result, the slanted news that has been circulating has not yet received certainty [6].

(2) Differences in interests

There are differences in interests between the two parties, namely the government and the community. the government wants to quickly ratify *RUU Cipta Kerja* into UU. The draft law, which has been prepared in such a way by the government, aims to attract investors to invest their capital and shares in order to improve the Indonesian economy. In order to realize this goal [7], there are many articles in the law that are deliberately made to benefit investors. Like workers, they also have their own interests [3]. They want to always be prioritized in any case because they feel that they are Indonesian citizens who should always benefit. So they hope that every policy will always side with them. The difference in the way of thinking between the government and the people, without being followed by an intense communication process, is what ultimately gives rise to action.

(3) Misperception

The rapid advancement of technology makes the news reach the ears of the public more quickly, without knowing the real truth. The slanted news that reaches the public's ears and without being traced the truth has succeeded in forming perceptions. the government that never communicates with the public makes bad perceptions more entrenched. This then has the potential for conflict to erupt.

(4) Unresolved trauma of the past

The outbreak of the protest demonstration for the second time was an expression of public disappointment with the government. As we know, demonstrations against the job creation bill have been carried out and produced results, namely getting lobbying from the government. However, the demands were not accommodated until the rejected bill was still passed into law. The feeling of disappointment that has been pent up makes the action that occurs even bigger.

### **3.3. Ralf Dahrendorf's Conflict Theory**

Ralf Dahrendorf's contemporary conflict theory is a form of Dahrendorf's rejection of the Marxian view which states that social class is determined by the ownership of production facilities [8]. According to him, social class is determined more by control over production facilities, not ownership. The period of capitalism which has turned into post capitalism makes ownership of the means of production infrastructure and its control two separate things. This phenomenon is the background for the emergence of a new term called capital decomposition, which is a condition where the shareholder cannot fully control the shares he owns, more control is carried out by other parties who do have the authority in this matter. There is also the term labor decomposition, namely the occurrence of higher heterogeneity of the workforce due to increased skill requirements.

According to Dahrendorf, conflict tends to be caused by an unequal distribution of authority. In this case, he adopted the concept of two classes of Marx, including those who exercise authority and those who submit to the use of

authority [4]. The formation of the two groups was not due to personal characteristics, but rather an institutionalized and legitimate position in a cooperatively coordinated association. Groups with authority try to maintain the status quo they have, while groups without authority try to change it. These two quasi-groups have antagonistic potential, where members share a wide variety of experiences, roles, and interests.

Dahrendorf concludes that the "big creative force" that drives change in society is social conflict. There is a statement that states "where there is social life there is always conflict". This statement may sound ominous, but it is true. Society and social organization are maintained not through consensus, but through pressure, not through consent but through coercion. This then creates a conflict that has the potential for social change [9].

Dahrendorf states that conflict between within a social organization is a necessity that cannot be eliminated, this is because both are embedded in the structure of authority relations [10]. Efforts made in order to suppress or deny the occurrence of conflict will only make the conflicting parties to be pressured to the surface, then it has the potential to boil over and become hot, no one can know when a bigger conflict will erupt. These explosions usually take the form of violent revolutionaries.

The conflict theory by Ralf Dahrendorf is very much in line with the recent conflict phenomenon, namely the conflict between the government and the community related to the ratification of RUU Cipta Kerja into UU [11]. The main cause of the conflict is none other than the unequal distribution of authority. The unequal distribution of authority makes the social structure divided into two pseudo groups, namely those who have authority (government), and those who are subject to the use of authority (people who are subject to the rules made by the government). The difference in interest between the two pseudo-groups makes the conflict that occurs wider [12]. Those who have authority tend to use their authority to make policies that benefit themselves in order to maintain their status quo. In this case is the government, the policies made benefit investors by instead attracting investors to invest their capital in Indonesia so that the Indonesian economy will improve over time, giving benefits to the government indirectly. While those who are subject to the use of authority tend to change it. In this case it is the community (workers), they want every policy that is made to always prioritize their side as original citizens of Indonesia. Differences in interests that were not immediately resolved eventually led to demonstrations.

In addition, the Indonesian people are maintained not through consensus but through pressure, not through consent but through coercion, this is what then has the potential for conflict to arise. It is clear that in this phenomenon, the Indonesian people tend to be forced to follow the regulations made by the government, including the Job Creation Law, without going through a socialization process to the community so that later approval will arise. In making the law, the community is also not involved in

asking for approval.

Conflict in a social structure is a necessity, meaning that every time there is a social organization in it there must also be conflict. Efforts made to suppress and deny the conflict will make the conflicting parties will be pressured to the surface and have the potential to explode and cause a bigger conflict [13]. As we know, protests against the government have been carried out by the public against the government since the bill was drafted, but they were ignored and instead suppressed by the government with the aim that the demonstrations were not prolonged. Indeed, the demonstrations carried out by the community had stopped, but as a result of the people's aspirations being ignored and the bill was still passed into law, it made the community even more burned and in the end a bigger demonstration emerged.

Conflict is an unavoidable phenomenon in life. Conflict will inevitably occur whenever there are several parties who decide to live together in a society. but conflict can be minimized. Every policy relating to various parties must be prepared, designed and planned properly. Of course, the planning process involves the parties involved in it [14].

As a state of law, Indonesia runs its government through three state institutions, one of which is the legislative body which has the role of drafting and planning laws. Every regulation that will be drafted must be adapted to the conditions and characteristics of the Indonesian people, both regional characteristics and community characteristics [15]. In addition, well- designed laws and regulations must be socialized to the public before they are finally ratified. This is intended to prevent misunderstandings so that in the end the regulations can be well received by the community who will later become the target of the regulation.

In addition, if there is already a conflict, it would be better if the conflict was resolved not by coercion, but by means of agreement and deliberation between the conflicting parties [16]. The results of the agreement must also be implemented properly so that a bigger conflict will not occur again in the future.

#### **4. CONCLUSION**

According to Dahrendorf, conflict in a social structure is a necessity, meaning that every time there is a social organization in it there must also be conflict. Efforts made to suppress and deny the conflict will make the conflicting parties will be pressured to the surface and have the potential to explode and cause a bigger conflict. However, conflict can be minimized, not by coercion but by other positive ways. Like every regulation that will be drafted, it must be adapted to the conditions and characteristics of the Indonesian people, both regional characteristics and community characteristics. Then the regulations that have been designed properly must be socialized to the public so as not to cause misunderstandings that have the potential for conflict. If there is already a conflict, it would be better if the conflict was resolved not by coercion, but by means of agreement and deliberation of the conflicting parties. The results of the agreement must also be implemented properly

so that a larger conflict will not occur again in the future.

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