

# REFLECTION ON CONDITIONAL UNCONSTITUTIONAL CONSTITUTIONAL COURT'S DECISION ON LAW NUMBER 11 OF 2020 CONCERNING EMPLOYMENT CREATION AND IMPLEMENTATION OF THE ECONOMIC RECOVERY OF THE IMPACT OF COVID-19

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## ABSTRACT

*The central theme of this journal is Reflection on the Conditional Unconstitutional Constitutional Court Decision on Law Number 11 of 2020 concerning Job Creation and the Implementation of Economic Recovery from the Impact of Covid 19, with the construction of the problem formulation being constrained according to the central theme. This type of journal writing is focused on writing in the legal field that is normative (legal research), and its methodology relies on secondary data support. The government and the DPR, to be more careful, focused and thorough, and entirely responsible for implementing and realizing an ecosystem paradigm based on the values of Pancasila as the State Foundation.*

**Keywords:** Constitutional Court Decision, Conditionally Unconstitutional, Economic Recovery from the Impact of Covid-19.

## INTRODUCTION

The construction of the title, as will be discussed further in this journal, is a strategic effort that is being carried out by the Expertise Body of the House of Representatives of the Republic of Indonesia in order to implement a very futuristic program for the participation of the Expertise Board of the DPR RI to participate in development in the field of infrastructure development. Furthermore, the legal superstructure with the policy program title "*Bridging the Research to the Role and Functions of Parliament*". Evidence-based legislative policy-making. One of them is demonstrating activities to realize the policy program in question, so now the Expertise Body of the DPR RI is holding a National Seminar on the Expertise Body of the DPR RI with a Memorandum of Understanding (MoU) partner in order to strengthen the quality of support from the Expertise Body of the DPR RI in implementing the functions of the DPR RI (Mahendra, 1996).

Examining the construction of the journal-title as stated above, namely: Reflections on the Conditional Unconstitutional Constitutional Court Decision on Law Number 11 of 2020

concerning Job Creation and the Implementation of the Economic Recovery Impact of Covid 19, it is relevant to the construction of the title in question, according to the author the most there are no two critical variables to analyze, first, the variables relating to the existence of the conditional unconstitutional Constitutional Court decision on Law Number 11 of 2020 concerning Job Creation, and second, the variables related to the implementation of economic recovery from the impact of Covid 19 after the decision was made. The said Constitutional Court.

Furthermore, the author provides the construction of thoughts and opinions on the construction analyzed in this journal. According to the author's opinion and thoughts, the central theme that was laid out in the academic pulpit through this seminar, its position and position was very strategic and fundamental, especially in designing the construction of legal politics. What and how it looks like in formulating public policies in managing all aspects and dimensions of the National Life System (Sistas). The scope covered in the Sisnas dimension covers the fields of Ideology, Economics, Socio-Cultural and Defense and Security (Ipoleksosbudhankamnas).

This is what the author means, that after the stipulation of the conditional unconstitutional Constitutional Court ruling on Law Number 11 of 2020 concerning Job Creation and the Implementation of the Economic Recovery Impact of Covid 19, the government should immediately care and be present to form and implement public policy formats immediately. Qualified, of course, referring to and based on the mandate and injunctions of Pancasila as the basis of the state, the soul and outlook of life of the nation and the State of Indonesia and must also be based on the paradigmatic constitutional mandate. The 1945 Constitution of the Republic of Indonesia, parallel with it, must also refer to and be based on the mandate of the said Constitutional Court decision.

Referring to and based on the central theme and title of this journal, this section will be presented what the construction of the problem to be analyzed will be. Relevant to this matter, the construction of problems that will be described in this journal are: How is the ecosystem paradigm of legal, political design construction in carrying out the process of forming laws and regulations in the perspective of post-constitutional Constitutional Court ruling on Law Number 11 of 2020 concerning Job Creation related to the implementation of the Economic Recovery Impact of Covid 19?

To support the conduct of analysis in the analysis and review section premise in this journal, on the construction of the problem in question, furthermore, the author will emphasize that this type of journal writing refers to and is based on normative legal writing (legal research), and therefore significantly in the context of carrying out the analysis, it prioritizes a literature study approach. By prioritizing secondary data support, namely in the form of laws and regulations consisting of primary, secondary, and tertiary legal materials related to the central theme and formulation of the problems presented in this journal.

In connection with what is meant in the above section, in carrying out an analysis of the construction of the problems presented in this journal, the writer will then use the theoretical basis as an analytical knife, namely by applying legal theory. Jeremy Bentham is famous for his theory of happiness (Utilitarianism) and at the same time applying the theory of Philippe Nonet and Philip Selznik. They are famous for the theory of Responsiveness.

Through the two legal theories, it is hoped that the ecosystem paradigm of legal, political design construction in carrying out the process of forming laws and regulations in the perspective of the post-Constitutional Constitutional Court ruling on Law Number 11 of 2020 concerning

Job Creation related to the Implementation of Economic Recovery from the Impact of Covid 19, can be implemented concretely by the institutions with authority to carry out the process of forming laws and regulations (law-making process) to produce laws and regulations as a source of positive law that is grounded. Moreover, capable of accelerating the realization of the ideals, national goals of the nation and the State of Indonesia as mandated by constitutional paradigms and constitutionalism, namely in the fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia (Law, 2011).

## Construction Problem

The construction of the problem formulation in the context of completing the analysis and discussion of the central theme in this journal, its position, and position is significant and strategic. Through the design of the correct, relevant, and constructive problem formulation of what will be analyzed, it is hoped that in carrying out the discussion it will provide a clear and measurable direction, namely to make and form a conclusion and correct suggestion, and by the stated aims and objectives achieved by writing this journal.

Based on the construction of the central theme as presented in the section above, the construction of the problems described in this journal and henceforth is the basis and postulate of the analysis, namely: How is the ecosystem paradigm of legal political design construction in carrying out the process of forming laws and regulations in the post-decision perspective. The Constitutional Court is conditional on Law Number 11 of 2020 concerning Job Creation related to the Implementation of Economic Recovery from the Impact of Covid 19?

## LITERATURE REVIEW

The author will use the literature review to analyze the construction of the problems presented in this journal. Essentially, it refers to and is based on data sourced from secondary data content. This methodologically implies that the intended literature source relies primarily on library research (Lubis, 2000).

In line with the explanation above, the author emphasizes that the literature sources are based on various relevant laws and regulations, namely in the scope of secondary data and/or indirect data. Secondary data includes primary, secondary, secondary, and tertiary legal materials in the methodological dimension.

Primary legal material is a source of positive law in Indonesia and/or referred to as the hierarchy of laws in Indonesia, as stipulated in Article 7 of Law Number 12 of 2011 concerning the Establishment of Legislation, LN. The year 2011 Number 82, TLN. Number 5234 in conjunction with Law Number 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning the Establishment of Legislation, LN. The year 2019 Number 183, TLN. Number 6398 consists of the 1945 Constitution of the Republic of Indonesia; Decree of the People's Consultative Assembly of the Republic of Indonesia; Laws/Government Regulations instead of Laws (Peru); Government regulations; Presidential decree; Provincial Regulations; and Regency/City Regional Regulations.

While legal materialsSecondary consists of all books (textbooks) written by experts in law; encyclopedia; legal dictionary; and Indonesian and other foreign language dictionaries,

including tertiary legal materials, namely all forms of technical, operational regulations from all laws and regulations above, such as Standard Operating Procedures (SOP), and all Technical Guidelines (Juknis) and Implementation Guidelines (Juklak). Back to the use of literature sources (literature review) that the author uses in analyzing the construction of the problem in this case, then, in essence, it will refer to and based on all secondary data relevant to the content and central themes in this journal.

## METHODOLOGY

The existence of the type of content and writing methodology in completing the discussion and/or analysis in this journal, according to the author, its existence is essential. MelaThrough the determination of the type and methodology of writing, it is hoped that it will make a positive and relevant contribution in the dimension of accountability of scientific work. Of course, it is also at the same time related to accountability for truth in aspects and dimensions of the nature of science which includes aspects of Ontology. Epistemology and Axiology (Huijbers, 1982).

Based on all the considerations that exist empirically in the field, one thing or another based on the consideration of the limited time available to complete the writing of scientific papers and/or this journal, it relates to the type and methodology of the author. In this journal, the author determines that it is based on the type of legal writing that is normative (legal research). Therefore especially in the context of carrying out the analysis, it prioritizes a library research approach by prioritizing secondary data support, namely in the form of laws and regulations consisting of primary, secondary, and tertiary legal materials relating to the central theme and formulation of the problems presented in this journal (Rony, 2007).

## DISCUSSION

Researching and based on and referring construction of the central theme and the formulation of the problem that will be presented in this journal is how the paradigm of the construction ecosystem of legal politics in carrying out the process of forming laws and regulations in the perspective of the Post-Constitutional Constitutional Court Decision Conditional on Law Number 11 of 2020 concerning Job Creation related to the Implementation Economic Recovery from the Impact of Covid 19, in the analysis and/or discussion section in this journal, according to the author, there are several essential and fundamental sections for further discussion, namely as follows: Special Legal Arrangements Regarding the Design of Legal Political Ecosystem Paradigm Construction in Implementing the Process of Formation of Legislation in Perspective Post-Constitutional Constitutional Court Decisions on Law Number 11 of 2020 concerning Job Creation related to the Implementation of Economic Recovery from the Impact of Covid-19. Taking into account the content which will be further analyzed in this subsection, which is related to the construction of the ecosystem paradigm in the context of carrying out the design of legal, political construction after the Constitutional Court decides on Law Number 11 of 2020 concerning Job Creation as referred to, previously in the opinion of the author, it will be presented the meaning is etymologically related to the notion of paradigm and ecosystem. Paradigm vocabulary Meaning is a pattern. The word paradigm in Latin is written

with "*paradigm*," and in English, it is written with "*paradigm*". Paradigm vocabulary, which contains the meaning of the pattern, was first put forward by Thomas S. Khun in the 1940s. Furthermore, Khun said, the paradigm he interpreted with the pattern must contain two understanding elements. The first element in interpreting the paradigm in question is the totality of the constellation of one's thoughts. It must contain values, beliefs, and techniques adopted academically and practically to account for the truth. As the second element, Khun further said that the paradigm he meant the pattern was to answer the secrets of knowledge.

Hence forth, it is deemed appropriate to provide meaning and/or definition of Ecosystem vocabulary. Etymologically, what is meant by an ecosystem is an ecology that moves in rhythm in a complete and integrated circle of systems that have reciprocal relationships, which are synergistically moving and integrated and interrelated between one subsystem and other subsystems. This means that all elements that are subsystems in a circle and/or form the complete system in its implementation are not allowed to be implemented partially. The main objective is that all the elements and/or subsystems referred to are moved in a rhythmic and integrated manner thoroughly and comprehensively so that the function of a particular element can realize the expected results in one form of an integrated system (Prasetyo & Barkatullah, 2012).

Based on the notion of paradigm and ecosystem as explained in the section above, in the context of implementing the realization of the ecosystem paradigm, especially those associated with the process of forming laws and regulations (law-making process), after the decision of the Constitutional Court Law Number 11 of 2020 Regarding job creation, in which the decision is given a paradigmatic juridical note, namely with conditional and unconstitutional vocabulary, in the author's opinion, it is primarily aimed at institutions that have the authority to form statutory regulations after the decision of the Constitutional Court in question, in its implementation, it must refer to and based on to the postulates of a complete ecosystem paradigm based on the mandate and orders of the constitution and constitutionalism.

For the Indonesian nation and state, especially integrated with forming laws and regulations, special mandates to form laws and regulations after the said Constitutional Court decision, the basis for reference is constitutionalism. It is complete and final. This means that the ecosystem paradigm in the context of carrying out the formation of legislation, in the author's opinion, must consistently and responsibly refer to and be based on the mandate and commandments of Pancasila as the basis of the state, soul, and way of life of the Indonesian nation and state. These are ontologically referred to as paradigmatic philosophical matters (paradigm philosophy). Meanwhile, the ecosystem paradigm in the constitutional paradigm approach must refer to and be based on the mandate and orders of the constitution, namely, based on the 1945 Constitution of the Republic of Indonesia (Soebagio & Slamet, 1992).

Another essential and fundamental part, especially in the context of realizing the ecosystem paradigm based on the constitutional mandate, then to all parties from/or institutions authorized to form laws and regulations that are integrated after the decision of the Constitutional Court, consistently and responsibly must be based on the mandate of Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia which affirms that sovereignty is in the hands of the people, is implemented according to the constitution. This means that constitutionalism in carrying out all the processes informing the intended law is obligatory to affirm the principle of people's sovereignty. In line with this, it must also realize the mandate and instructions of Article

1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which stipulates that Indonesia is a constitutional state. The meaning is that all parties and elements in the context of organizing all aspects of public services in the dimensions of the National Life System (Sistas). Which covers the fields of Ideology, Politics, Economy, Socio-culture, and National Security Defense (Ipolek-sosbudhankamnas) and includes implementing the process of establishing laws and regulations that must be carried out by affirming the principles and characteristics of the rule of law to realize Indonesia is a state? (Rasjidi & Sonia, 2016).

Relevant to the explanation above, especially in the context of affirming Indonesia as a state of law which is one of the basic foundations in carrying out the entire series of processes for forming laws and regulations (law-making process), in a scientific approach. They are usually referred to as mainstreaming to a paradigmatic juridical approach (juridical of the paradigm). Another thing that is also fundamental and important, especially in carrying out a series of processes for the formation of laws and regulations after the decision of the Constitutional Court, is primarily aimed at institutions having the authority to make such laws and regulations. Number 39 of 2019 concerning One Indonesian Data (Junaedi & Salistia, 2020).

According to the author, this should be implemented as soon as possible empirically in the field. The collection of Indonesian data related to forming the said law must be carried out concretely and responsibly. Its implementation starts from making an Academic Manuscript (NA). Regarding this matter, it has been regulated and stipulated in such a way in Law Number 12 of 2011 concerning the Establishment of Legislation, LN. The year 2011 Number 82, TLN. Number 5234 in conjunction with Law Number 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning the Establishment of Legislation, LN. The year 2019 Number 183, TLN. Number 6398. That is which is concrete and can be effectively implemented, integrated, and does not conflict with other statutory products (Idham, 2005).

Relevant to this matter and at the same time an essential part of the ecosystem paradigm in designing the construction of legal norms for the process of forming laws and regulations, and related to efforts to improve Law Number 11 of 2020 concerning Job Creation and integrated with efforts to restore economic growth due to the impact Covid 19, after the said Constitutional Court decision, is required to realize the foundation of the noble character paradigm. Furthermore, at the same time embodying the legal theory of Jeremy Bentham, who is famous for the theory of the law of happiness (Utilitarianism) and at the same time realizing the theory of Philippe Nonet and Philip Selznik, who is famous for the theory of Responsive law (Mahfud, 2017).

Implementation Related to the Design of the Construction of the Legal Political Ecosystem Paradigm in Implementing the Process of Formation of Legislation in Perspective Post-Constitutional Constitutional Court Decisions on Law Number 11 of 2020 concerning Job Creation related to the Implementation of Economic Recovery from the Impact of Covid-19 (Salman, 1999).

In the next stage, namely in a more concrete stage that is implementation, related to the construction of the legal politics ecosystem paradigm design in the context of carrying out the entire series of processes for the formation of laws and regulations (law-making process) after the decision of the Constitutional Court referred to, in the following section will be analyzed by prioritizing the systems approach. The meaning and meaning of the vocabulary system, which contains the meaning, is a device or element that is regularly interrelated to form an integrated

totality in the constellation of legal politics Indonesia. The system is also defined as an orderly arrangement of views, theories, principles, etc (Soemitro, 19990; Idham, 2013)

Referring to and based on the ontological meaning of the system vocabulary as mentioned in the section above, in the author's opinion, especially in the context of implementing the whole series of processes for the formation of laws and regulations (law-making process), especially after the decision of the Constitutional Court against the Act. Law Number 11 of 2020 concerning Job Creation, which in its decision was given Conditional and Unconstitutional notes, especially integrated with the impact of economic growth and recovery due to the Covid 19 pandemic, therefore the existence and meaning of the vocabulary of the system, empirically has an essential meaning, especially in the context of forming the legislation (Kusumaatmadja & Sidharta, 2000).

In the author's opinion, this is intended primarily aimed at institutions that have the authority to form the legislation in question. They must have a permanent and upright commitment to implement them responsibly and with integrity in the future. That is, empirically, in the context of carrying out a series of processes for the formation of laws and regulations, the analysis to produce norms in a draft law that will be formed must be integrated with all aspects and dimensions of the National Life System. Its implementation is not allowed to be forced part by part (partial) but in forming a legal norm referred to in the Draft Law in question must be formulated using and realizing an integrated systems approach (Juju, 1999).

In connection with this and taking into account the claim from the applicant in the series of the Constitutional Court's decision process on Law Number 11 of 2020 concerning Job Creation, one of the contents that became the reason for the applicant to file a lawsuit with the Constitutional Court was related to the wrong consideration in its application. In this regard, the author releases based on notes from the Public Relations of the Constitutional Court of the Republic of Indonesia, which notes that the Constitutional Court (MK) has partially granted a formal review request for the first time since its establishment. The Constitutional Court of Justice affirmed that Law Number 11 of 2020 concerning Job Creation (Law on Job Creation) is formally flawed. Therefore thus the decision of the Constitutional Court Number 91/PUU-XVIII/2020 was read out in the verdict hearing, which was held on Thursday (11/25/2020) afternoon. In the verdict read by the Chief Justice of the Constitutional Court Anwar Usman, the Court partially granted the petition filed by Migrant CARE, the Coordinating Board for the Customary Density of Nagari West Sumatra, the Mining Kabau Customary Court, and Muchtar Said. To declare that the establishment of the Job Creation Law is contrary to the 1945 Constitution of the Republic of Indonesia and does not have conditionally binding legal force as long as it is not interpreted as not being corrected within 2 (two) years since this decision was pronounced. To declare that the Job Creation Law remains in effect until the formation is corrected by the grace period as determined in this decision (Bungin, 2007).

It is further stated in the 448-page decision that the Court also orders the legislators to make improvements within a maximum period of 2 (two) years after the decision is pronounced. If no repairs are made within that time limit, the Job Creation Act is permanently declared unconstitutional. Parallel to the things mentioned in the section above and by referring to the source Kontan.co.id-Jakarta, it is stated that the Constitutional Court (MK) in one of the decisions of the formal test of Law Number 11 of 2020 concerning Job Creation, stated to suspend all actions/policies that are strategic and have a broad impact. It is also not permissible

to issue new implementing regulations relating to Law Number 11 of 2020 concerning Job Creation. The ruling is the decision of point 7 of the Constitutional Court's decision Number 91/PUU-XVIII/2020, which was pronounced on November 25, 2021 (Monika, 2019).

Meanwhile, Professor of the Faculty of Law, Universitas Gadjah Mada (FH UGM) Prof. Maria SW Sumardjono said that the Constitutional Court (MK) is an institution established based on the Republic of the 1945 Constitution the Republic Indonesia. The Constitutional Court's decision is final and binding, so it must be obeyed as a moral and legal obligation of the government. If the government does not comply with the decision of the Constitutional Court as the only institution that has the right to interpret the constitution, then where will we see?, said Maria when contacted by Kontan. Co.id, Tuesday (25/1) (Asshiddiqie, 2010).

Henceforth, it will be released in such a way concerning other sources, which clearly show the juridical record in a paradigmatic manner on the decisions of the Constitutional Court contained in the ruling Number 91/PUU-XVIII/2020, stating in essence:

1. The establishment of Law Number 11 of 2020 concerning Job Creation is contrary to the 1945 Constitution of the Republic of Indonesia and does not have conditionally binding legal force as long as it is not interpreted as "*no correction is made within 2 (two) years since this decision is pronounced*";
2. To declare that Law Number 11 of 2020 concerning Job Creation is still valid until the formation is corrected by the grace period as determined in this decision;
3. Orders the legislators to make improvements within a maximum period of 2 (two) years from the date this decision is pronounced, and if within that time limit no corrections are made, then Law Number 11 of 2020 concerning Job Creation becomes permanently unconstitutional;
4. To state that if within 2 (two) years the legislators are unable to complete the revision of Law Number 11 of 2020 concerning Job Creation, then the Act or articles or material content of the law which has been revoked or amended by the Act Law Number 11 of 2020 concerning Job Creation is re-affirmed; and
5. Declaring to suspend all strategic and broad-impact actions/policies is also not justified to issue new implementing regulations related to Law Number 11 of 2020 concerning Job Creation.

About the above, YLBHI and 17 LBH throughout Indonesia further stated:

1. From this decision, it is clear that the government and the DPR have made a mistake, namely violating the constitution and violating the principles of making laws, even though the decision is conditionally unconstitutional where the government is allowed to correct it. However, the Constitutional Court's decision illustrates a principal error;
2. From the Constitutional Court's decision, the government cannot first enact Law Number 11 of 2020 concerning Job Creation and stop all making and implementing its derivative rules. The government has lost legitimacy in implementing/implementing Law Number 11 of 2020 concerning Job Creation. The Job Creation Law has been enacted along with its derivative Government Regulations. It is therefore important to immediately stop this law and all of its derivative government regulations in order to prevent casualties from society and the environment;
3. Requesting the government to immediately stop national strategic projects that have robbed people of their rights and damaged the environment;
4. Long before the Constitutional Court declared that the Job Creation Act violated the constitution, various community groups in many areas with various occupations and backgrounds in the Omnibus Law Job Creation Law violated the constitution, but the government did not budge. The government and the DPR must be aware of mistakes. There are fundamental problems in forming laws and regulations and not repeating them because mistakes are also made in the KPK Law, Minerva Law, Constitutional Court Law, and many other laws and regulations. Both procedurally and in content;



5. On the other hand, mistrust of the Constitutional Court has been answered. This verdict is a compromise decision. This decision states that the petitions of Petitioner I and Petitioner II cannot be accepted and only partially grants Petitioner III, IV, Petitioner V, and Petitioner VI. Even though it stated that it was against the 1945 Constitution of the Republic of Indonesia, the Constitutional Court gave a decision that hung or did not dare to be straight and firm with legal logic and the Constitutional Court Law. The Constitutional Court should have decided by stating "cancel" only not to confuse and tolerate violations. It also creates conditions that are not easily met. Moreover, it creates legal uncertainty. Four of the nine judges declared dissenting in the sense of arguing that the Job Creation Act was by the constitution.

Listening, examining and based on several notes released from the sources above, related to the decision of the Constitutional Court, integrated with Reflections on the Conditional Constitutional Court Decision on Law Number 11 of 2020 concerning Job Creation and the implementation of economic recovery from the impact of Covid 19, on In the following section the author provides notes of his opinion, First, to the Government and the DPR who have the constitutional authority to form laws and regulations in Indonesia, this incident should have captured a constructive signal from the start as a lesson and at the same time intends to take all corrective actions, and/or take all steps of constructive work and constitutionalism in the context of making improvements to carry out the process of forming the Law after the said Constitutional Court decision, as well as taking the right steps in the context of carrying out the formation of all forms of statutory regulations as a source of positive law for realize the implementation of public services in all dimensions of the National Life System in an effort to realize the acceleration of achieving a just and prosperous society, the welfare of the people and the people based on the mandate and orders of the fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia. As well as taking the right steps in the context of carrying out the formation of all forms of legislation as a source of positive law to realize the implementation of public services in all dimensions of the National Life System in an effort to realize the acceleration of achieving a just and prosperous society, the welfare of the people physically and mentally based on the mandate and the fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia. As well as taking the right steps in the context of carrying out the formation of all forms of legislation as a source of positive law to realize the implementation of public services in all dimensions of the National Life System in an effort to realize the acceleration of achieving a just and prosperous society, the welfare of the people physically and mentally based on the mandate and orders of the fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia. Welfare of the people physically and mentally based on the mandate and orders of the fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia. Welfare of the people physically and mentally based on the mandate and orders of the fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia.

Second at is hoped that the government and the DPR in the context of carrying out all series of processes for the formation of laws, of course, in this case including making improvements to the job creation law after the decision of the Constitutional Court in question, should have an obligation to act uprightly and with integrity to embody the mandate of the ecosystem paradigm in design the construction of legal politics, and at the same time carry out the construction of legal norms in law that must refer to, and be based on the mandate and orders of Pancasila as the State Foundation, the soul and view of the life of the Indonesian nation and

state, and by it must also be based on the mandate and orders The State Constitution is the 1945 Constitution of the Republic of Indonesia.

Third, to the government and the DPR, in the context of carrying out the entire process of the formation of laws and regulations, of course, there is no exception in terms of making improvements to the Job Creation Law after the decision of the Constitutional Court, in the process of its formation it must prioritize a grounded system approach by prioritizing the integrated support of one Indonesian data related to the process of forming laws and regulations, which operates in a big data circle and called Big Data Indonesia, which is integrated comprehensively and holistically. In all aspects and dimensions of the National Life System, which includes the fields of Ideology, Politics, Economy, Social Culture, and National Security Defense (Ipoleksosbudhankamnas)?

Fourth, to the government and the DPR, especially in the context of implementing the revision of the Job Creation Law after the said Constitutional Court decision, the special envoy in carrying out a series of planning processes must be supported by the preparation of a comprehensive Academic Paper (NA). The process of making the Academic Manuscript must be carried out carefully, focused, and thorough by involving all relevant stakeholders, with the realization of a planned scheduled dissemination to absorb all aspirations, suggestions, the input of thoughts and opinions from all stakeholders related to a populist approach humanist and participatory.

Fifth, it is hoped that the government and the DPR in the context of carrying out the entire series of processes and stages for the formation of laws and regulations and no exception to the process of improving the job creation law after the decision of the Constitutional Court, in its implementation, it is obligatory to prioritize affirming the principle of people's sovereignty and at the same time affirming Indonesia is a state of law. This has been concretely and explicitly mandated in Article 1 paragraph (2) and Article 1 paragraph (3) in a constitutional paradigm based on the 1945 Constitution of the Republic of Indonesia.

Factors Constraints, Barriers, and Solutions in the Context of Implementing the Construction Design of the Political-Legal Ecosystem Paradigm in Implementing the Process of Formation of Legislation in Perspective Post-Constitutional Constitutional Court Decisions on Law Number 11 of 2020 concerning Job Creation Related to the Implementation of Economic Recovery from the Impact of Covid 19.

Henceforth, in this section, an analysis will be presented regarding the constraints/obstacles and solutions related to the efforts that the government and the DPR must make in the context of carrying out the process of establishing laws and regulations, in particular about Law Number 11 of 2020 concerning Job Creation, after the Constitutional Court's decision, whose decision was conditionally unconstitutional as stated in the Constitutional Court's decision above, and associated with the implementation of economic recovery from the impact of Covid 19.

Relevant to the explanation above, the author previously provided notes and construction of opinions, that during the process of forming Law Number 11 of 2020 concerning Job Creation, actually at that time the Indonesian state and even other countries in the world were hit by a very terrible disaster in the humanitarian field, namely the outbreak of the Covid 19 pandemic. In situations and circumstances like that, especially in the economic field, a mighty tsunami wave ravaged all aspects and dimensions. National economic growth and at the same

time, this situation destroys the strength and resilience, and sovereignty of the people's economy, which in essence paralyzes the joints of people's lives.

From such situations and circumstances, the author fully understands and understands the good intentions of the government, which are very constructive to immediately take fast-paced steps to overcome the economic recovery from the impact of Covid 19. One of the national strategic steps, the government is moving quickly to implement the process of forming laws and regulations, namely by issuing Law Number 11 of 2020 concerning Job Creation.

The government's step in implementing development in the field of law related to job creation is to implement a national strategic policy in the field of legal development by implementing the Omnibus Law policy program. This program is concretely based on the issuance of Law Number 2 of 2020 concerning State Financial Policy and Financial System Stability for Handling the Covid 19 Pandemic, which is intended to protect people's lives which are very seriously threatened by the spread and spread of Covid 19, both from the safety aspect. Life and safety and the social and economic life of the community. All policies in Law Number 2 of 2020, especially policies in the field of state finance that have been implemented, have been based on an assessment and using factual data on the impact of the threat of Covid 19 on society and the country. Meanwhile, by the explanation expressed by the Minister of Finance Sri Mulyani Indrawati, who was present to convey the President's preliminary statement on the request for a review of Law Number 2 of 2020 concerning the Stipulation of Government Regulation instead of Law (Peru) Number 1 of 2020 in the Constitutional Court Session held online on Thursday (8/10).

The government thinks that Law Number 2 of 2020 does not harm the constitutional rights of the Petitioners. Thus, the Petitioner cannot fulfill the five cumulative conditions related to the loss of constitutional rights and/or authority to file for judicial review by the Court. On the contrary, the enactment of Law Number 2 of 2020 is an effort to fulfill the petitioners' constitutional rights to receive protection and a decent living in the event of an extraordinary disaster due to Covid 19, explained the Minister of Finance.

On this occasion, the Minister of Finance explained the background of the issuance of Peru Number 1 of 2020. The extraordinary or extraordinary conditions prompted various countries to take extraordinary steps to save the people and their economy, such as carrying out fiscal expansion policies monetary policies and of a loose nature, lowering Central Bank interest rates accompanied by pumping liquidity or quantitative easing measures, as well as relaxing regulations in the financial sector. These efforts are made to maintain and protect people's lives and the economy.

The economy in Indonesia has been under severe pressure even with the commencement of Large-Scale Social Restrictions (PSBB) in mid-March 2020. This move caused economic growth in the first quarter to decline to only 2.97% from the usual 5 percent range, said the Minister of Finance. The global financial market turmoil caused capital outflows from the Indonesian financial market amounting to 148.8 trillion, an increase in the ten-year SUN yield of more than 8 percent, the JCI weakening by almost 28%, the rupiah exchange rate touching Rp. Sixteen thousand per US dollar, and depression 17.6 percent year to date at the end of March 2020.

This is one of the obstacles and obstacles faced by the nation and state over the Covid 19 pandemic from the dimensions and aspects of Indonesia's financial and monetary sector. The

point is that due to the Covid-19 impact, according to the government at that time, rapid steps and movements had to be taken to implement the various policy steps that were followed in the field of legal development, namely the issuance of Government Regulation instead of Law Number 1 of 2020. In line with this, if integrated with the issuance of Law Number 11 of 2020 concerning Job Creation, especially from the legal drafting dimension at the point of consideration considering that in the author's opinion, it is sufficient, namely based on the mandate and orders of the constitution of the 1945 Constitution of the Republic of Indonesia, namely based on Article 4, Article 5 paragraph (1), Article 18, Article 18A, Article 18B, Article 20, Article 22D paragraph (2), Article 27 paragraph (2), Article 28D paragraph (1) and paragraph (2), and Article 33 of the Law the 1945 Constitution of the Republic of Indonesia; Decree of the People's Consultative Assembly of the Republic of Indonesia Number XVI/MPR 11998 concerning Economic Politics in the Context of Economic Democracy; Decree of the People's Consultative Assembly of the Republic of Indonesia Number IX/MPR/2001 concerning Agrarian Reform and Natural Resource Management.

In line with the explanation above, even though at that time the Indonesian nation and state were hit by the Covid-19 pandemic, the government and the DPR should not only rely on and based on the constraint factors caused by Covid 19, especially in the context of carrying out the entire series of processes and stages of the formation of the law. Number 11 of 2020 concerning Job Creation in question. For this reason, the government and the DPR have to be more careful in responding to it, especially in terms of carrying out the process of forming Law Number 11 of 2020 concerning Job Creation. As the basis and foundation that must be used in the context of the formation of the Job Creation Act,

Responding to the obstacles/obstacles that occurred at that time, namely the outbreak of the Covid 19 pandemic for the Indonesian nation and state, especially in the context of carrying out the entire series of processes and stages of the formation of Law Number 11 of 2020 concerning Job Creation, it must be interpreted more fully wisely and carefully by the government and the DPR, which has constitutional authority in making laws. This means that in the epistemological dimension (process) to carry out the formation of the said law, it cannot be ruled out and/or cannot be justified to ignore paradigmatic constitutional matters, for various reasons that exist empirically in the field (due to Covid-19). Especially about carrying out the entire series of processes and stages when the formation of Law Number 11 of 2020 concerning Job Creation was carried out. The government, together with the DPR in the context of forming the law, must take steps and or actions that are fast-paced, measurable, and scheduled by carrying out more comprehensive and comprehensive dissemination activities involving the active participation of all relevant elements of stakeholders of the Indonesian people (Law, 2020). This is intended so that in terms of the preparation and or formation of the construction of the content of the consideration to consider, remember and pay attention to what is a very fundamental and paradigmatic basis in a breath and form of legislation, the process of its formation must be constructed in a constructive legal norm, based on the mandate and orders of the dimension of constitutionalism. At the same time, this last phrase is a form of the solution suggested by the author in the context of carrying out the entire series of processes and phasing out efforts to establish laws and regulations (law-making process). Whose primary purpose is to strengthen the principle and/or understanding of people's sovereignty and at the same time to

strengthen Indonesia, is a state law based on Article 1 paragraph (2) and Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia.

## CONCLUSION

In line with this, it must also be realized based on the mandate and orders as has been confirmed in a constitutional paradigm based on the 1945 Constitution of the Republic of Indonesia and at the same time affirming the understanding of people's sovereignty and the understanding that Indonesia is a state of law (juridical of the paradigm). All the actions referred to must prioritize the foundation of the noble character paradigm by embodying the theory of Jeremy Bentham, who is famous for his theory of the law of happiness (Utilitarianism) and at the same time embodying the theory of Philippe Nonet and Philip Selznik, who are famous for his theory of Responsive law.

## Suggestion

In its implementation, it must prioritize and at the same time prioritize a systems approach that is supported by the readiness of integrated data relating to all dimensions of the National Life System (Ipoleksosbudhankamnas). It is also recommended to prepare an academic paper (NA) by conducting scheduled, measurable dissemination involving all relevant stakeholders, citizens of the Indonesian nation, and state. This is intended so that all legal norms that will be constructed on the improvement of the Job Creation Act after the decision of the Constitutional Court can be realized a legal norm construction that meets the standards of the ecosystem paradigm as described above and is also by the mandate and orders based on the Act. Number 12 of 2011 concerning the Establishment of Legislation, LN. The year 2011 Number 82, TLN. Number 5234 in conjunction with Law Number 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning the Establishment of Legislation, LN. The year 2019 Number 183, TLN Number 6398. Number 5234 in conjunction with Law Number 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning the Establishment of Legislation, LN. The year 2019 Number 183, TLN. Number 6398. Number 5234 in conjunction with Law Number 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning the Establishment of Legislation, LN. The year 2019 Number 183, TLN. Number 6398.

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