

UGM PUKAT Corruption: Problematic Process and Substance in the Bill of "Cipta Kerja"

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The Job Creation Bill approval as a part of Law on Monday (5/10), bringing many various parties' responses. The UGM Center for Anti-Corruption Studies (PUKAT) also revealed its assessment regarding the Law's issue, in which the draft was regarded not in favor of workers. UGM PUKAT Corruption highlighted that the Omnibus Law on the Job Creation Bill has flaws both formally and materially.

"The Job Creation Bill has been problematic both in terms of process, method, and substance," said the Head of PUKAT UGM, Dr. Oce Madril, in a release received on Tuesday (6/10).

Oce Madril said that creating the Job Creation Bill process has been extremely fast, closed, and has minimal public sharing. In its preparation, it was difficult for the public to provide input due to fast access to the draft Job Creation Bill. Public access to this billing document will only be available after the government's draft is completed by the government and then submitted to the DPR.

He also continued that the DPR and government proceeded to discuss this controversial bill amid the Covid-19 pandemic. Discussion meetings were held behind closed doors, and progress on the draft

discussion was not assigned to the public. He also urged that the next discussions during the pandemic without maximum public participation only frequently showed the DPR's indifference to public votes and input.

"The lack of openness and public participation in drafting the Job Creation Bill is inclined to be infiltrated by particular interests which only gave benefits for a handful of parties," explained the lecturer at the Faculty of Law UGM.

He said that the Job Creation Bill was not a solution to regulative problems in Indonesia. Many of the power delegations in this bill did not portray the simplification and harmonization of laws and regulations.

In substance, the Job Creation Bill managed to centralize power, which is prone to potential corruption. This bill gave great powers to the central government, which could reduce decentralization in Indonesia. Excessive centralization is prone to potential corruption, one of which is due to the lack of supervision.

"The concentration of jurisdiction on the president (president heavy) can raise the problem of how to ensure the president's control over that authorization," he said.

He further said that there was a potential for misuse of authority in discretionary prerequisites in the Job Creation Bill. This bill removed the requirement of "not contradicting the law," which previously occurred in the Government Administration Law. This case made the scope of discretion very broad and vulnerable to abuse. Furthermore, Indonesia does not yet have precise guidelines in determining the limits of discretion.

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