

Jokowi Affirms Government's Commitment to Implement “Fix” of Omnibus Law

On 25 November 2021, the Constitutional Court of Indonesia (the **Court**) declared that the formation of Law No. 11 of 2020 regarding Job Creation (the **Omnibus Law**) violated the 1945 Constitution of Indonesia due to legislative procedural errors. According to the Court's decision, the Omnibus Law is conditionally unconstitutional, and as a result the law shall have no legally binding effect if the law is not “fixed” (*tidak dilakukan perbaikan*) within two years of the date of the Court's decision. The decision clarified that the Omnibus Law remains in effect until the “fix” is put in place. However, if the legislature fails to implement such fix, the Omnibus Law shall be deemed permanently unconstitutional and cease to be in force as of 26 November 2023. On that date, all laws previously revoked or amended by the Omnibus Law shall be reinstated and/or revert to their previous form. The Court's decision also prohibits the issuance of any new implementing regulations in connection with the Omnibus Law (though existing implementing regulations remain in force for now). Further, the state apparatus (*penyelenggara negara*) (i.e., the Government and the DPR) may not issue any new policies based on the Omnibus Law that are “strategic and have a broad impact” (*strategis dan berdampak luas*). It remains to be seen how the Government and the DPR will carry out the “fix” required by the Court.

On 29 November 2021, President Jokowi stated that his administration respected the Court's decision, and the Government and the DPR would implement the “fix” as soon as possible within the two year term. He asserted that, per the Court's decision, every single provision in the Omnibus Law remains in effect. He further assured all domestic and foreign investors in Indonesia that their investments would continue to be safe and secure, and that the Government guaranteed their investments' safety and certainty.

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