Omnibus Law in the Job Creation Bill-Making Process: An Online Natural Language Process Analysis

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Abstract: This study aims to: 1) capture the discourse of omnibus law on online media, 2) analyze the differences of omnibus law discourse on online media coverage, and 3) the government’s political communication in the policy-making process. Descriptions were identified through a content analysis performed using NVivo 12 Plus to the four online medias that reported the omnibus law the most during the first 6 months of the policy making process, they are Kompas.com, Detik.com, Tempo.co, and Vivanews.com. The result indicates that there are similarities and differences in online media reporting about the omnibus law policy-making process through the Job Creation Bill. First, the similarity lies in the dominant roles and interests of the government in the policy-making process. Second, there were different issues discussed and different news sentiments by online media, such as critical, positive, and proportional sentiments. Third, to achieve its goals, the government seems to be trying to approach the legislative, which plays crucial roles in the passing process from bill to law, but not to approach workers and various groups resisting the omnibus law.

Keywords: policy-making process, omnibus law, online media analysis.

1. Introduction

Omnibus law is a policy-making method which simplifies or incorporates various rules to achieve a specific goal [1]–[3]. Based on the experience of other countries such as the United States, Canada, Australia, the Philippines, Vietnam, or Turkey, omnibus laws (also known as omnibus bills) are aimed to increase investment, taxation arrangements, or international trade arrangements [4]–[7]. The principle of omnibus law is to shorten the flow of legislation so that the goal can be achieved with the efficiency of time in the new regulation discussion and ratification of the new law[6], [8], [9].

In Indonesia, omnibus law becomes an attempt to simplify the constraints of investment regulation (deregulation) during the second term of the Jokowi government. In addition to being presented in the Presidential inauguration speech on October 20, 2019, this agenda has been written in one of the National Legislation Program (Prolegnas) Priority Bill 2020, which must be prepared by the government, called as the Job Creation Bill [10]. According to the Minister of Economy, omnibus law is seen as necessary for economic improvement amid the increasingly competitive world [11]. According to Minister of Law and Human Rights, the enactment of omnibus law is expected to advance all sectors and drive the achievement of economic growth target of 5.7% - 6.0%, open up 2.7 - 3 million jobs per year, increase investment by 6.6% - 7.0%, as well as to increase national productivity [12].

The government’s idea on omnibus law ultimately invites the public reactions, both domestically and internationally. On one hand, some people see this policy as a reasonable thing to do, but on the other hand, however, on the other hand, some people see this as a form of unnecessary government interference. The dynamics of the Job Creation Bill's policy-making process became a public issue that was enough to grab the public's attention and color the news on various online media [1], [2]. Waves of demonstrations in various places and by various groups also marked the dynamic of omnibus law discourse in the policy-making process of the Job Creation Bill. The dynamics of omnibus law discourse colored the news coverage on various online media that were constantly updated ever since it was presented to the President [13].

This paper analyzes the dynamics of the policy-making process of omnibus law captured on online
media. This study is expected to explain how the omnibus law discourse is on online media, how the concurrent dynamic of the political process is, and how the government’s political communication is to the relevant stakeholders in order to realize this omnibus law?

2. Literature Review

The omnibus law aims to amend, repeal or implement a variety of actions and is distinguished by the reality that it consists of a number of related but different measures [3]. Abuse of omnibus laws is questioning our interpretation on parliamentary democracy, where voters elect politicians who would consider diverse points of view when introducing, discussing and enacting legislations [4]. When the parliaments abandon this responsibility and merely delegate to the President who prepares government bills, they have failed their legislative duty [2]. Enforcement of omnibus bills, however, poses a legal and political obstacle, as the legislature enjoys the rights to decide its own procedures without the intervention from other government branches [14].

Today’s technologies have given birth to a variety of online media [15]. There are two formats of online media, they are the ones that are based on print media and the ones that are not based on print media, whose information and news are only in digital form. Online media has the advantages of: (1) the information is up to date; the process of presenting information is easier and simpler; (2) information is real-time; and 3) information is practical; it is accessible anywhere and anytime [16].

News, in the view of social construction, is not an event or fact in a real sense. News is a product of interaction between journalists and facts. In the view of the constructionists, media is a construction agent, online media is included. Media is not a free channel, it is a subject that constructs reality with its views, biases and deconstruction [17]. What is presented in the news is a product of the media’s construction [18].

This research aims to look at the framing by online media regarding the omnibus law policy-making process, thus it is appropriate to use the framing analysis model of Zhong Dang Pan and M. Kosicki. This model describes the news framing model in detail. Zhong Dang Pan and Gerald M. Kosicki (1993) in "Framing Analysis: an Approach to News Discourse” divides framing into 4 structural dimensions of news text, they are syntax, script, thematic, and rhetorical [19]. This model assumes that each news story has a frame that serves as the organization center of idea and the frame relates to meaning. In order to analyze the framing of omnibus law debate on media, we used machine learning techniques that have a major role to play in opinion mining that decide whether positive or negative sentiment is expressed [20].

Opinion mining requires a range of pre-processing stages to construct document and extraction functionality, like tokenization, topic detection, part of speech (POS) tagging, and parsing. The following is a brief summary of these strategies. Tokenization is a crucial method for most Natural Language Processing (NLP) tasks [20]. It separates a paragraph or a text into phrases and words. It is trivial for English to divide words into spaces, but some additional knowledge, such as viewpoint phrases, called persons, must be taken into account. Some punctuation marks, such as “the,” “a,” will be omitted in tokenization, as these words provide little valuable information [21].

3. Methodology

In order to examine the dynamics of the omnibus law-making process on online media, this study used a content analysis through the substance of its news contents by NVivo. On online media coverage, manual analysis on discourse is difficult to assess precisely given some weaknesses, such as the absence of language usage standards used, lack of validity of data and information obtained from the source, and lack of relevant media selection. Therefore, with NVivo as a natural language learning process that is part of artificial intelligence has helped to solve problems related to Natural Language Data such as information extraction and text classification related to omnibus law on online media coverage. Through Nvivo, we can understand and analyze unstructured data more effectively and accurately.

The search on Nvivo 12 plus was aimed at the news with the keyword “omnibus law” from October 20 to 2019, when this idea was first presented by President Jokowi in his inauguration speech, until the end of April 2020 because the draft submitted to the House of Representatives in January 2020 was targeted to be discussed within 100 business days so that can be implemented in the second half of 2020. The data sources references in this paper are four online media which used omnibus law phrases the most in six months; they are Kompas.com, Tempo.com, Vivanews.co.id, and Detik.com. The news of an issue or the high citation of a phrase represents a high media attention level to the issue being analyzed.
The result with the keyword omnibus law (word frequency) on online media news since late October 2019 until the end of April 2020 showed that there were 203 news headlines. The number of omnibus law phrases quoted in the news was 479. If the results are grouped based on the largest number of citations mentioned in the online media’s cyber address, then the results are as shown in Table 1.

| No. | Name          | Files | References |
|-----|---------------|-------|------------|
| 1   | Kompas.com    | 70    | 171        |
| 2   | Detik.com     | 37    | 85         |
| 3   | Tempo.co      | 55    | 120        |
| 4   | Vivanews.com  | 41    | 103        |

Source: independent processing of NVivo 12 plus (accessed May 25, 2020).

The table above explains that the online media Kompas.com is the media that mentions the phrase 'omnibus law' the most in its coverage, followed by Tempo.com, Vivanews.com, and Detik.com. Kompas.com and Tempo, which have the largest news about omnibus law, are online media that also have news in print. These four online media are national media that have a vast wide network to the regional level. The breadth of the media network supports the dissemination of information.

4. The Discourse of Omnibus Law on Online Media

The roles and interests of the government dominate the omnibus law-making process. The omnibus law method was chosen by Jokowi to make changes to the Law based on the reason for the hyper-regulation related to investment. There are 8,451 central regulations and 15,985 local regulations governing investment. Too much and stiff regulation makes Indonesia less competitive with other countries, especially in inviting investors to invest in Indonesia [22].

The purpose of the omnibus law is expected to make it easier for investors to invest that will benefit the country. It is expected that the government gets new capital to help the government build infrastructure through omnibus law. Moreover, it would open jobs, progress in fields, increase state income, and support state protection [11]. Based on the World Bank’s EASE of Doing Business 2020 report, Indonesia ranks 73rd out of 190 countries. In 2021, President Jokowi targeted Indonesia to rise to 50th place. One of the rating indicators from EODB is the ease of investing [12]. By this omnibus law, the government hopes that the target can be met and, at the same time, be a solution for the slow legislation process in Indonesia.

On February 12, 2020, the President proposed an omnibus law through the Letter of the President of the Republic of Indonesia Number R-06/Pres/02/2020 dated February 7, 2020, concerning the Job Creation Bill to the Chairman of the House of Representatives accompanied by a document (hard copy) of the academic manuscript and the Job Creation Bill [23] through the Minister of Economy along with other relevant Ministers. However, the omnibus law process did not go smoothly. The counter pros among the public emerged even from the beginning of this notion presented by the President and influenced the process that took place in the House of Representatives. For the pro, omnibus law deregulation is necessary to create a conducive investment climate to increase economic growth and efficiency. As for the cons, omnibus law is a policy that is considered to only benefit groups of investors [24].

The dynamics of the omnibus law-making process through the Job Creation Bill are at least captured on online media coverage and updated continuously since mid-October 2019 [10]. The omnibus law policy package is a reference for businesses to start developing their investments in Indonesia. However, for workers, in the economic policy package, the government is considered to be not in favor of the workers who are severely affected by the enactment of the Job Creation Law. The government itself encouraged the House of Representatives to immediately approve the Job Creation Bill amid the COVID-19 pandemic that began to rise since the end of February, thus it appeared that the government was highly interested in the immediate enactment of this law.

From the online media coverage processed with NVivo 12 plus (Figure 1), it appears that omnibus law is the object of discussion in a political process dominated by the roles and interests of the
government. Simultaneously, workers’ interests are not as well-paid attention to as the government’s interests and demands. The regulation is not much discussed compared to the omnibus law itself, which confirms that stakeholders pay more attention to the political process of discussing omnibus law rather than output (regulation).

Figure 1. The Online Media Coverage Processed with Nvivo 12 Plus

Figure 1 is the result of Nvivo 12 plus word frequency analysis of online media coverage in general. From the picture, it is found that omnibus law is the object of discussion in the political process, which also reveals that the government plays more dominant roles compared to the worker groups. It also confirms that the government’s interests are more discussed in online media than the interests of workers/laborers.

5. Differentiations of Omnibus Law Discourse in Online Media Coverage

Several online media have concern similarities and differences in reporting the issue of omnibus law. Besides, each media also has a difference in their reporting (figure 2). The four online media, Detik.co, Kompas.com, Tempo.com, and Civanews.com, have different news sentiments. As seen in figure 2, detik.com is classified as having the highest critical coverage among the four online media, so it is not surprising when the omnibus law issue in detik.com is more likely to be negative. This is contrary to Tempo.co, which rather views the omnibus law issue as something positive, thus the critical coverage level is the lowest. Kompas.com’s news is the most proportional among other online media in preaching the omnibus law-making process in Indonesia. From the above description, it turns out these online media have common view that the government has leading roles and interest in the Job Creation Bill. However, in terms of sentiment, their coverages have different assessments: critical, positive, and proportional.

Figure 2. Coding by Media Online
6. Government’s Political Communication in Fighting for Omnibus Law

Through the Job Creation Bill, the government's omnibus law policy to increase foreign investment does not always go smoothly. The discussion process received resistance from those who feel harmed by the Labor Bill and it was opposed by parties who disagree with the principle of omnibus law both its ideology, pragmatic, or technical foundation. Therefore, the government made various efforts to approach various parties that they considered to be important for the negotiation process, except for the workers.

Figure 3 explains that the government has done many things to achieve its goals, including building issues to approaching various parties. The issues discussed are issues that have strong relevance to the government (President, Jokowi), country, and law. One of the reasons the government is preparing and discussing the Omnibus Law is to provide more jobs. However, at the same time, the government seems to be keeping its distance and away from the workers and the unions.

Figure 3. Political Communication in Fighting for Omnibus Law

Through omnibus law, the government promised to ease foreign investment because it has simplified regulation and ease of effort in Indonesia. The government also hopes this increased investment will open up a lot of jobs to increase the number and income of workers. However, while the omnibus policy is also intended to workers, the coverage of four online media illustrates that the government did not do its best to communicate with the labor parties. This is the reason why there were so many demonstrations against the bill all over the country.

7. Conclusion

This study illustrates that the omnibus law process is heavily dominated by the government's roles and interests to increase investment through the Job Creation Bill. The omnibus law process, which was expected to pass quickly and is under control due to the government party’s dominance in the House of Representatives, did not go smoothly. From the analysis on the selected online media, the public is not ready to accept the omnibus law. The opposing groups believe that the omnibus law does more harm than good and embodies a new form of colonization because it benefits investors more than the workers. This is amplified by the ineffective communication of the government to the workers whom are most-affected. The policy's success is significantly influenced by how persistent the supporters of omnibus law are to convince or remove the opposing groups. If the latter happens, this phenomenon will reinforce the prejudice that omnibus law is in contrary to democracy.

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References

[1] D. R. Jones, “Party polarization and legislative gridlock,” Polit. Res. Q., vol. 54, no. 1, pp. 125–141, 2001, doi: 10.1177/106591290105400107.
[2] G. S. Krutz, “Tactical Maneuvering on Omnibus Bills in Congress,” *Am. J. Pol. Sci.*, vol. 45, no. 1, p. 210, 2001, doi: 10.2307/2669368.

[3] L. Massicotte, “Omnibus Bills in Theory and Practice,” *Can. Parliam. Rev.*, vol. 36, no. 1, pp. 13–17, 2013.

[4] A. M. Dodek, “Omnibus Bills: Constitutional Constraints and Legislative Liberations,” *Ottawa Law Rev.*, vol. 48, no. 1, pp. 1–42, 2017.

[5] E. Richez, V. Raynauld, A. Agi, and A. B. Kartolo, “Unpacking the Political Effects of Social Movements With a Strong Digital Component: The Case of #IdleNoMore in Canada,” *Soc. Media Soc.*, vol. 6, no. 2, 2020, doi: 10.1177/2056305120915588.

[6] E. Alemán and P. Navia, “Institutions and the legislative success of ‘strong’ presidents: an analysis of government bills in chile,” *J. Legis. Stud.*, vol. 15, no. 4, pp. 401–419, 2009, doi: 10.1080/13572330903302471.

[7] D. Kirchhoff and L. J. S. Tsuji, “Reading between the lines of the ‘Responsible Resource Development’ rhetoric: The use of omnibus bills to ‘streamline’ Canadian environmental legislation,” *Impact Assessment and Project Appraisal*, vol. 32, no. 2, Taylor & Francis, pp. 108–120, 2014, doi: 10.1080/14615517.2014.894673.

[8] A. Verbora, “The Politics of Animal Anti-Cruelty Legislation in Canada: An Analysis of Parliamentary Debates on Amending the Criminal Code,” 2012.