



## POLITICAL CONFLICT AND COMPROMISE IN THE JOB CREATION BILL DISCUSSION

By

M. Masad Masrur<sup>1</sup>, Umaimah Wahid<sup>2</sup>, Morissan<sup>3</sup>

<sup>1,3</sup>Universitas Sahid Jakarta

<sup>2</sup>Universitas Budi Luhur Jakarta

Email: <sup>1</sup>[masadmasrur@gmail.com](mailto:masadmasrur@gmail.com), <sup>2</sup>[umaimah.wahid@budiluhur.ac.id](mailto:umaimah.wahid@budiluhur.ac.id), <sup>3</sup>[morissan@yahoo.com](mailto:morissan@yahoo.com)

### Article Info

#### Article history:

Received Jan 25, 2024

Revised Feb 12, 2024

Accepted Mar 22, 2024

#### Keywords:

Job Creation Bill, Political Party Fractions, Political Compromise

### ABSTRACT

Regulatory reform by amending various provisions in dozens of laws into a single Omnibus Law on Job Creation has been rejected because it is considered to eliminate protection for workers/labourers, and expand the dominance of employers. The wave of rejection continues to strengthen, raising questions about the process of political communication, conflict and negotiation, and political compromise between political forces in the DPR (Parliamentary Institutions). With a constructiveist paradigm and case study method, and supported by several theories from political science, political communication, negotiation theory, conflict theory, as well as several concepts regarding political compromise, the results showed that political communication in the discussion of the Job Creation Bill took place systematically by placing the authority of political parties as decision makers. Political conflict occurs due to inflexible negotiations. Political negotiations carried out through a principle-based negotiations approach, although it can accelerate the discussion process, is unable to guarantee the effectiveness of political compromise. The Job Creation Bill comes as an orthodox legal product and was declared unconstitutional by the Constitutional Court. Four things that become the findings of this research are (1) the dynamics of political communication are strongly influenced by the presidential-multiparty political system that produces majoritarian power, so that it has consequences for political alignments; (2) political conflicts that arise due to polarisation of political support have presented inflexible political communication, (3) principle-based political negotiations are pragmatically able to accelerate discussions but do not guarantee resistance/rejection by the public; and (4) political compromise through the stages of strategy development, relationship management, and decision making, cannot be a form of agreement that can accommodate all parties

*This is an open access article under the [CC BY-SA](https://creativecommons.org/licenses/by-sa/4.0/) license.*



### Corresponding Author:

M. Masad Masrur

Universitas Sahid Jakarta

Jl. Jend. Sudirman, 10220,

Email: [masadmasrur@gmail.com](mailto:masadmasrur@gmail.com)

### 1. INTRODUCTION

In order to realise Indonesia's Vision 2045 as a top five world economic power, the government is focused on promoting economic growth, especially through regulatory reforms to remove investment barriers such as long bureaucracy, hyper regulation and inconsistencies between central and regional regulations. The government is committed to reforming regulations through the Omnibus Law method, which is changing various provisions in various laws into one law without having to repeal the entire law. (Kemenko Perekonomian, 2019). Although using the concept of omnibus law which is newly known, but as stipulated in the 1945 Constitution of the Republic of Indonesia, the implementation of the legislative function takes place in 4 stages: (1) submission which is done through the planning and drafting process, (2) discussion which consists of Level I and Level II Discussion, (3) approval and ratification which is done after going through Level II Discussion, and (4) promulgation after the president's signature. Without negating each of these processes, the most important stage in the legislative process is the deliberation stage, both Level I and Level II deliberations, which is a joint agreement between the DPR (Parliamentary Institutions) and the Government (Syamsuddin, 2021).

Since the announcement of the planned Job Creation Bill, there have been protests and demonstrations by various labour groups, students, activists, and civil society. Some of these actions were both peaceful and anarchic (*Tempo* 00034/12-18 Oktober 2020). There has been intense public debate regarding the Job Creation Bill in various media, both mass media and social media. Groups supporting and opposing the Job Creation Bill are presenting arguments, opinion campaigns, and conducting advocacy to influence the views of the public (*Tempo* 00049/27-Jan/2 Feb. 2020). According to Razy and Fedryansyah (2020), the discussion of the Job Creation Bill has even been mapped as a political conflict. Some of the parties involved in the conflict are the Executive Institution, Legislative Institution, Political Parties and Employers, the Task Force (Satgas) led by the Chairman of KADIN (Chamber of Commerce and Industry), and the Civil Society Movement, which is a movement built by the community such as NGOs (Non-Government Organisation), Trade Unions, student activists and other elements of society.

Razy and Fedryansyah (2020) consider that the Academic Paper (NA) and Draft Bill on Job Creation prepared by the government are genuine proposals from entrepreneurs who are members of the Task Force formed by the Government and KADIN for the Omnibus Law Public Consultation. The minimal involvement of other parties, such as labour/workers, academics, and other civil society movements, raises the suspicion that the omnibus law is a source of disagreement and conflict between various state institutions, political parties, and various community groups.

Notwithstanding these differences of opinion and conflicts, the government explained that the omnibus law is part of an effort to conduct regulatory reform. Regulatory reform is an effort to improve or simplify the legal and regulatory system by combining various regulations into one comprehensive regulation. The aim is to improve the investment climate, encourage economic growth, and accelerate the development process by reducing bureaucracy and regulatory barriers. The omnibus law is expected to create legal clarity, increase efficiency, and reduce administrative costs for both the government and businesses.

The Academic Paper of the Job Creation Bill evaluates and analyses 81 laws with a presentation grouped into 11 clusters. They are (1) Simplification of Business Permits, (2) Investment Requirements, (3) Labour, (4) Ease and Protection of Micro, Small and Medium Enterprises, (5) Business Facilities, (6) Research and Innovation Support, (7) Government Administration, (8) Application of Sanctions, (9) Land Provision, (10) Investment and Government Projects, and (11) Special Economic Zones (Kemenko Perekonomian, 2019). The Employment Cluster by Tuegeh, et al. (2021), is considered to be the cluster that has the most influence on workers/labourers and has caused various criticisms and rejection. The changes that emerge in the Labour Cluster are also considered to narrow the space for labour to fight for their rights and provide employers to dominate labour. The regulation of the Labour Cluster is considered unbalanced in terms of investors/businessmen investing in Indonesia and the interests of workers/labourers who are trying to improve their welfare (Putri, 2021).

Some faction members consider that with the passing of the Job Creation Bill, the political communication that took place during the discussion has reached the expected compromise. However, by some other faction members, the compromise has not been reached, because there are members or factions of political parties who refuse. The rejection did not only take place in the superstructure subsystem, which is limited to the political discussion of state institutions, but also in the socio-political sphere that occurs in the political life of the community. Several community groups filed a lawsuit through the Constitutional Court (MK) through a judicial review mechanism.

In the Labour Cluster, there are several significant changes that can be seen in the Bill that became Law Number 11 of 2020 concerning Job Creation. *First*, the principle of changing articles on foreign workers (TKA) is the centralisation of permits to the Central Government and simplifying the requirements for planning/use of foreign workers to changes in the provisions of foreign workers who can/cannot work in the country.<sup>1</sup> *Secondly*, the concept/principle changes in the material of PKWT (Specified Time Work Agreement) are to remove the maximum time limit for the completion of work that is not too long to add provisions on compensation in PKWT.<sup>2</sup> *Third*, the principle of the changes to the articles on outsourcing is that the Job Creation Law still regulates outsourced labour relations, but does not limit the scope of work that can be outsourced.<sup>3</sup> *Fourth*, the principle of the amendments to the articles on working time, rest periods, and leave is that the implementation of working time, rest periods, and leave should be flexible hours, determined in work agreements, company regulations, or collective labour agreements.<sup>4</sup> *Fifth*, the principle of change regarding wages is essentially that articles on wages are no longer directed at protection, but are based on agreements between companies and workers/labourers or on laws and

---

<sup>1</sup> Article 42(1) and Article 45.

<sup>2</sup> Article 59 and Article 61A.

<sup>3</sup> Abolish Articles 64 and 65 of the Labour Law.

<sup>4</sup> The implementation of working hours is regulated in work agreements/company regulations with the principle of flexible hours (Article 77 paragraph (4)), as well as the delegation of the regulation of overtime working time, overtime pay (Article 78), and rest and leave time (Article 79) to PP from the previous regulation at the Ministerial Decree level.



regulations.<sup>5</sup> *Sixth*, the principle of changes to the articles on termination of employment (PHK), in essence, is that the settlement of disputes in industrial relations becomes clearer so that companies do not easily lay off workers.<sup>6</sup> The *seventh* amendment, the principle of the changes to the severance pay article, is the certainty of severance pay obtained by workers/labourers of 19 times the wage, although this amount has decreased from 32 times the wage, which in practice has never been obtained by workers/labourers.

The changes to the articles with the principle of each material received various responses, especially from the labour community. Grigorius (2022) suspects that there was a lack of seriousness in the discussion, considering that the 6,652 DIM (List of Inventory Problems) were only discussed in less than a year.<sup>7</sup> Soon after the Job Creation Bill was approved, various demonstrations in various regions took place in waves and caused damage to public facilities. Several trade union confederations filed a judicial review of the Job Creation Law to the Constitutional Court. The result of the judicial review, which was read out a year later (25 November 2021), confirmed that the Job Creation Law was formally flawed and conditionally unconstitutional.<sup>8</sup> In response to the Constitutional Court's demands, the first step of the DPR and the government is to amend the Bill on the Formation of Legislation. The second step is that the House of Representatives and the government did not amend the Job Creation Law as demanded by the Constitutional Court, but instead approved Government Regulation in Lieu of the Law (Perppu) Number 2 of 2022 on Job Creation.

In the Level I Discussion, seven factions approved the implementation of the Perppu on Job Creation as a solution to economic legal uncertainty, while the Democratic Party and PKS factions rejected it with several reasons, including that the national economic recovery is relatively stable and Indonesia does not show any potential for recession, crisis, or the threat of high inflation, so the requirements for the presence of a Perppu are not met. The failure of the implementation of the Job Creation Law due to the Constitutional Court's decision and the approval of the implementation of the Perppu on Job Creation, raises questions on the political communication that has been passed, especially political compromise, including conflict and negotiation events that took place, during the Level I Discussion of the Job Creation Bill.

Although the Job Creation Law aims to overhaul business licensing regulations in the hope of increasing investment and creating jobs, controversy and protests from various parties continue to emerge. In this context, it is necessary to answer the questions raised in this research: (1) How does the political communication process between political forces in the House of Representatives affect the quality of the deliberation of the Job Creation Bill? (2) How does the conflict process and the effectiveness of political negotiations between political forces in the House of Representatives affect the deliberation of the Job Creation Bill? (3) How can a political compromise between political forces in the House of Representatives be produced through political stages/strategies in the deliberation of the Job Creation Bill?

## 2. LITERATURE REVIEW

This research combines concepts and theories from various fields, such as political science, political communication, negotiation theory, and conflict theory, as well as the concept of compromise in politics. So, this brings novelty by providing a more comprehensive understanding of the political dynamics in the DPR during the discussion of the Job Creation Bill. Thus, this research provides a holistic analysis of the bill deliberation process, especially at the stages of communication, conflict, negotiation, and political compromise among political forces in the DPR.

### 1. Political System Influence

The political landscape in post-reform Indonesia adopts a highly fragmented multiparty system. Post-reform Indonesia has many political parties that are quite fragmented, meaning that political power is spread among several different parties. Political parties are fragmented by the existence of different internal interests, such as trying to represent the diverse political views of their diverse support base, or the existence of different political interests among their members. In the presidential-multiparty combination, according to Mainwaring (1993), there is a tendency to have a minority president with weak legislative support. The president will face an antagonistic legislature that is unable to move the government agenda properly, which will paralyse the government system. Dual legitimacy in the presidential system can trap the executive and legislature in tension, especially if the majority political party in the legislature is different from the president's political party (Isra,

<sup>5</sup> Articles 88, 88A, 88B, and 88C.

<sup>6</sup> Articles 151 to 157.

<sup>7</sup> As a comparison, the Criminal Code Bill with a total of 2,394 DIM, and discussed since 2015, was completed on 22 December 2022.

<sup>8</sup> Constitutional Court Decision Number 91/PUU-XVIII/2020.

2013). On the other hand, if the majority of political parties in the legislature are in the majority or equal to the president's supporters, then the presidential government is easily trapped in the confines of authoritarianism. Lijphart (2008) argues that: majoritarianism means the concentration of political power in the hands of the majority, and if the presidency is the repository of this power, it means a very powerful president; in other words, the logic of presidentialism is that it implies a very strong, perhaps even overbearing, president.

The emergence of the dominance of political parties in coalition with the government has led to a majoritarian tendency in any product that is negotiated and ultimately compromised between factions in the DPR (Junaidi and Reininda, 2020). In the context of political products such as bills discussed by political parties together with the government, majoritarian tendency can mean that the interests and preferences of the majority are prioritised over the interests of the minority.

Political fragmentation in Indonesia is the result of complex systemic, ideological and structural factors. These influence political dynamics and affect political stability and the government's ability to formulate and implement policies effectively (Hanan, 2014). As explained in *Governing Systems and Executive-Legislative Relations: Presidential, Parliamentary, and Hybrid Systems*, the character of the legislative function in the presidential-multiparty system of government also raises the potential for greater assertiveness in the legislature, but its actual realisation depends on other conditions such as the dynamics of political party coalitions with the government that can change in the context of powersharing (Junaidi and Reininda, 2020).

Legal products produced in the process of political communication in parliament are always influenced by certain political configurations that will give birth to certain legal product characters (Mahfud. MD, 1999). *First*, a democratic political configuration is one that opens up opportunities for the potential role of the people to actively participate in determining state policy. *Second*, authoritarian political configuration is a configuration that places the government in a very dominant position with an interventionist nature in determining and implementing state policies so that the potential and aspirations of the community are not aggregated and articulated proportionally. *Third*, responsive/ autonomous legal products are legal products whose character reflects the fulfilment of demands, both individuals and various social groups in society, so that they are better able to reflect a sense of justice in society. *Fourth*, conservative/orthodox legal products are legal products whose character reflects the political vision of the power holder, so that their making does not invite serious community participation and aspirations. If such procedures exist, they are usually more of a formality (Mahfud MD, 1999).

## 2. Political Communication Theory

King & Zeckhauser (2020), reveal that all laws are born from negotiations. Politicians are negotiators, but they also act as “agents”, with constituents and other politicians as their “principals”. The terms principal and agent are used to describe the relationship between voters (principals) and representatives or elected officials (agents). Principals in the context of principal-agent theory are parties who have interests or preferences and choose or contract agents to act on their behalf. Principals are voters or groups of voters who authorise agents to represent their interests in political decision-making. Agents are individuals or groups appointed or selected by principals to act on their behalf. Agents act to implement policies or decisions in accordance with the wishes of the principal, but there are potential conflicts of interest or asymmetric information that can influence the agent's behaviour.

The theory generally details how voters, who are principals, can ensure that their elected agents (representatives or elected officials) act in accordance with their interests and preferences. In the context of principal-agent theory, the main concern is with the issue of agents who may not always act in accordance with the interests of the principal. This can be caused by asymmetric information, where the agent has access to more or better information than the principal, as well as by potential conflicts of interest.

The Principal-Agent Relationship Political Communication Theory from King & Zeckhauser (2020) can provide an overview of the members of factions in the House of Representatives in discussing the Job Creation Bill, both in their position as agents representing the public they represent (workers/labourers, employers, or other interest groups) or in a position to represent the commitments of their supporting political parties (who are bound to a coalition agreement or in opposition to the government). In his position as an agent, it is possible that a legislator will be critical in correcting the government's proposal in the DIM of the Job Creation Bill, but commitment to a political party can hold his idealism as an agent hostage, so that the final decision in the discussion of the bill is still determined by the policies of his supporting political party. The policies of the supporting parties can be based on party ideology and coalition agreements with other parties. This is reinforced by research by Fudika, et al. (2022) which explains that although factions of political parties in the DPR have ideological differences, ideological differences are not dominant in influencing decisions on the discussion of the Job Creation Bill.



---

### 3. Conflict Theory and Political Negotiation

Conflict and negotiation theory include several important concepts, such as power, goals, strategy, and communication. As Fisher et al. (2011), Thomas (1992), or Deutsch, (1974), power is considered an important factor in conflict, and can be defined as the ability of a person or group to influence the actions of others. Farber (2017) describes several models in political conflict and suggests some possibilities for improvement, such as increasing information sharing between actors and providing enforcement mechanisms for negotiated outcomes.

For example, the game of chicken is modelled as a contest between two drivers, who agree to crash into each other. Whoever turns first loses. In the wars of attrition model, conflicts can be resolved by making agreements or (as in the game of chicken) by co-operative action. The wars of attrition model do explain why wars (or political conflicts) start and end, but it does not explain why many political conflicts end with a negotiated agreement instead of continuing until one side wins. In the war and peace model, Farber (2017) explains that if conflict resolution is possible through negotiation, the conflicting parties should be able to make the same agreement from the beginning to save conflict costs. However, it is possible that the conflicting parties have asymmetric information, so no one knows how much the other party is willing to give in or how hard they will fight to get the desired outcome. In this situation, conflict can be avoided only if the stronger party can communicate its power credibly.

In dealing with conflict, Fisher et al. (2011) introduced the interest-based negotiations approach, which later became the foundation for many modern negotiation approaches. This concept views negotiation as a process in which the parties involved seek a common solution by considering their respective interests through the concept of "best alternative to a negotiated agreement" (batna). This concept emphasises the importance of considering other alternatives that may exist if the negotiations are not successful in reaching the desired agreement. In this concept, a negotiator is considered to have power in negotiations if he has the best alternative to a negotiated agreement, which is better than the offer of the other party in the negotiation. However, in the context of the discussion of a bill that is full of interests and influenced by the political system, the concept of batna often does not produce the best alternative. In addition, Fisher et al. (2011) also developed a principle-based negotiations approach that aims to reach fair and sustainable agreements in complex and problematic situations. This approach emphasises the importance of separating people from the problem, focusing on the interests of each party, looking for options to meet mutual interests, and setting objective criteria for problem solving.

Fisher (2011) proposed the term "zone of possible agreement" (zopa) which refers to the range or region where an agreement can be reached between two parties. The zone of possible agreement describes the area where preferences and offers from both parties overlap, but there is still room to reach an agreement that satisfies both parties. In the context of zopa, there are 3 (three) possible scenarios: *first*, the no agreement zone. If the parties' preferences and offers do not overlap, or if there is no area where they can agree, it falls outside the zopa and it may be difficult to reach an agreement. *Second*, the possible agreement zone, where there is an overlap between each party's offer and preferences and where there is potential to reach an agreement that benefits all parties. *Third*, the unfavourable agreement zone, where if an agreement proposed by one party is outside the zopa and cannot meet the preferences or needs of the other party, the agreement may be considered unfavourable and difficult to reach.

By understanding and identifying zopa, parties can work towards an agreement avoiding potential conflict. A negotiation strategy involves a deep understanding of zopa and an attempt to find a solution that maximises benefits for all parties involved. In the context of the discussion of the Job Creation Bill, negotiations carried out by political communicants, both the government and factions in the DPR, can offer the concept of reservation price in the form of the lowest limit that can be accepted by the parties in reaching an agreement. In the context of Fisher's (2011) negotiation theory, the reservation price concept relates to the lowest limit that can be accepted by the parties in reaching an agreement.

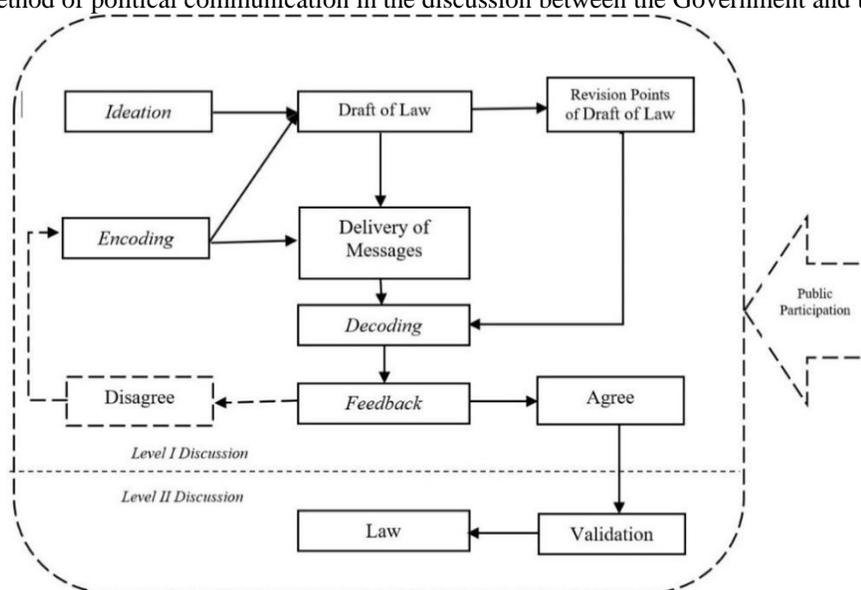
### 4. Negotiation of Legal Drafting

The formation of laws and regulations, consisting of planning, drafting, discussion, ratification, and enactment, is called legislative drafting. In a more technical scope, there is the term legal drafting which is defined as the drafting of laws and regulations. The broad definition of legal drafting is a legal practice activity that produces regulations. Literally legal drafting can be translated freely, namely the drafting of laws and regulations. When viewed from a legal approach, legal drafting in general, can be interpreted as legal practice activities that produce regulations (Syamsuddin, 2021).

Legislation is a written regulation that contains legal norms that are binding in general, and is determined by state institutions through procedures that have been determined in statutory regulations (Law 11/2011). According to Putri (2015), there are 2 forms of communication process in the formation of norms in a bill,

namely political communication and juridical communication. *First*, political communication in the discussion of a bill by factions in the DPR with the Government is at least carried out through methods/processes. Namely, the process of creating ideas (ideation), the process of forming messages/norms (encoding), the encoding process in the form of giving important points, the process of interpreting/interpreting messages/norms (decoding), and the feedback process, which allows the chairman of the session to reconsider the messages/norms that have been conveyed to members of the DPR (Putri, 2015). The political communication process between factions eventually led to a decision or decision to pass the bill. This is part of the process of forming the norms of the bill. *Second*, juridical communication is closed, consisting of Level II Discussion (approval), ratification, stipulation and promulgation.

The concept of omnibus law is a new paradigm as a reform programme in the field of law. A bill with the concept of omnibus law is proposed because thousands of regulations spread across various institutions will be streamlined by law. In the context of the discussion of the Job Creation Bill, the planning and drafting stages are carried out by the bill initiating institution, namely the government, which is submitted to the DPR. The discussion process in the DPR is carried out after the DPR officially receives the draft bill which is continued through Level I Discussion (political communication process) while Level II Discussion is carried out in the DPR Plenary Session with the final result of passing the bill (juridical communication process). Figure 1.1 shows the method of political communication in the discussion between the Government and the DPR.



**Figure 1. Political Communication Model of Bill Discussion in DPR (Putri, 2015)**

The ideation process involves stages to produce concepts that will form the basis of the law. The encoding process is a process at the level of the communication source, namely how the symbol is determined before it is formed as political information containing certain political messages (Gono, 2020). In the process of making a law, encoding appears to address the ideation process as part of the creation of messages/norms and points in the bill (Putri, 2015). In the context of discussing a bill, the decoding process refers to the understanding and interpretation carried out by message recipients of the content and meaning of the bill. In the ideation process up to the decoding process, the political communication patterns that take place are primary communication patterns (one-way communication) and secondary communication patterns (Putri, 2015).

However, in the feedback process up to decision-making, the political communication pattern between factions that occurs is a circular communication pattern (multiple step flow communication). In this circular communication pattern, the political communication process is continuous, with feedback between the session leader and members of the House. In the circular political communication pattern, the feedback mechanism that occurs in the political communication process is interplay between the session leaders and members of the House. Session leaders and other DPR members communicate with each other in order to find the best formulation of the bill, which can be used as well as possible for the continuity of people's lives (Putri, 2015).

**5. The Concept of Political Compromise**

Compromise refers to an attempt to achieve conflict resolution by finding a middle point or agreement that is acceptable to all parties involved. In compromise, each party gives and takes some aspects of their demands or



desires, in the hope of achieving a mutually acceptable outcome (Thomas & Kilmann, 2004). Thomas & Kilmann (2004) allude to compromise as an agreement obtained through negotiation, taking into account political interests and power. Political compromise can occur when different political groups have opposing interests and none of them has enough power to force their will.

In accordance with Thomas (1992), compromising shows an attitude of looking for a middle ground or a solution that is acceptable to all parties, including an agreement in which each party gives up part of their demands to reach a mutually acceptable agreement. In principle, compromising is minimally acceptable to all and relationship undamaged. However, compromise can also result in an agreement that is not ideal or only provides limited satisfaction for both parties. Therefore, in the political communication of legislation, it is important to carefully consider the outcome of a compromise, whether it can be maintained in the long term and still result in a good relationship between the parties involved (Asshiddiqie, 2020). Thus, compromise as a form of conflict resolution through negotiation is an inevitable choice for political actors in discussing a bill.

In existing studies, political compromise is carried out through several stages. According to Barge (2009), there are three important and interrelated communication activities in the concept of negotiation towards political compromise, namely (1) framing, (2) strategy development, and (3) relationship management. Meanwhile, according to Grunig and Hunt (1984) there are five specific groups of lobbying activities that lead to political compromise, namely (1) coalition building, (2) research and reports, (3) contact with influential individuals/groups, (4) preparing speakers and expert witnesses, and (5) focusing on debate.

### 3. METHODS

The research was conducted using the constructiveist paradigm and case study method. This qualitative approach to research on communication between faction members in the House of Representatives emphasises an in-depth and interpretative understanding of communication phenomena. Some of the aspects covered in this research are the description of the communication context which may include the organisational structure of the faction, cultural norms in the House, and other contextual factors that influence communication; paying attention to the analysis of the meaning and interpretation of communication messages, examining how faction members give meaning to political issues, rhetoric, and other communication messages; and examining the structure in faction members' communication, including how language is used to shape perceptions, construct arguments, and influence public opinion.

The use of the case study method applied in this research can be explained by several reasons, namely: *Firstly*, it can select a political decision, an inter-faction conflict, or a particular communication strategy, which is considered representative of a particular situation or event to be studied. *Second*, it starts with an in-depth description of the context in which communication between faction members occurs. *Third*, it allows the researcher to analyse the case holistically, covering aspects such as relationship dynamics, communication strategies, and the influence of certain factors on the communication.

### 4. RESULT AND DISCUSSION

King & Zeckhauser (2020) reveal that political actors, to reach an agreement in achieving certain political goals, are carried out while still paying attention to their position (role) as officials representing the people or elected officials (agents) and at the same time representing their constituents (principals). This position is also experienced by politicians who are members of the factions in the Working Committee on the Job Creation Bill.

Some political actors in reality are caught in a tug of war between the position of agent and/or fighting for the interests of the principal. Several members from various factions (especially the government coalition factions) expressed a critical attitude towards the government's proposal even though they were unlikely to change their party's decision regarding the material they criticised (Interview with FPKS Member, 2023). This critical attitude, in correlation with King & Zeckhauser's (2020) explanation, is a reflection of their efforts to realise the ideal (visionary) political mission (mission) which is the political ideal of the general public. In this position, the politician is negotiating on behalf of the public (principal) he represents. He will need greater authority (party or even coalition with other parties) if the negotiations are to succeed, so he must limit his role and act more as an agent than a principal. This theory, in the case of the deliberation of the Job Creation Bill, can be seen for example in the attitude of the Nasdem Party Faction which rejected the Employment Cluster at the beginning of the discussion, but still accepted the entire Job Creation Bill at the end of the discussion (Risalah Rapat. Jumat, 25 September 2020 and Senin, 5 Oktober 2020). This attitude is inseparable from the greater authority (i.e. the commitment of the coalition of political parties).

When looking at the walkout action carried out by the opposition factions, according to Farber (2017), it is illustrated that the political conflict model that occurs is the war and peace model, where the conflicting parties have asymmetric information so that no one knows how much the other party is willing to give in or how hard they will fight to get the desired result. In the war and peace model, Farber (2017) explains that if conflict resolution is possible through negotiation, the conflicting parties should be able to make the same agreement from the beginning to save the cost of conflict. In this situation, conflict can be avoided only if the stronger party can communicate its power credibly. However, in the context of the discussion of the Job Creation Bill, the stronger party (dominant in the government coalition faction) did not communicate its interests flexibly so that the final result of the bill discussion is well known: it was decided based on the number of factions.

Research findings related to political negotiations in the discussion of the Job Creation Bill, show that faction members conduct principle-based negotiations. This principle-based negotiation has proven to be able to speed up the discussion process, including the discussion of the Labour Cluster, where after the principles are determined, the faction members only need to discuss and determine the political stance of these principles before being translated by the legal drafter into the bill norms (drafting the bill/legal language). However, principle-based negotiation also has weaknesses, namely *first*, lower flexibility. *Second*, limited agreement. *Third*, the inability to overcome the differences in values underlying the parties involved. Therefore, the negotiation process in the discussion of the Job Creation Bill can also be extended to the "zone of possible agreement" (zopa) which refers to the range or area where an agreement can be reached between two parties.

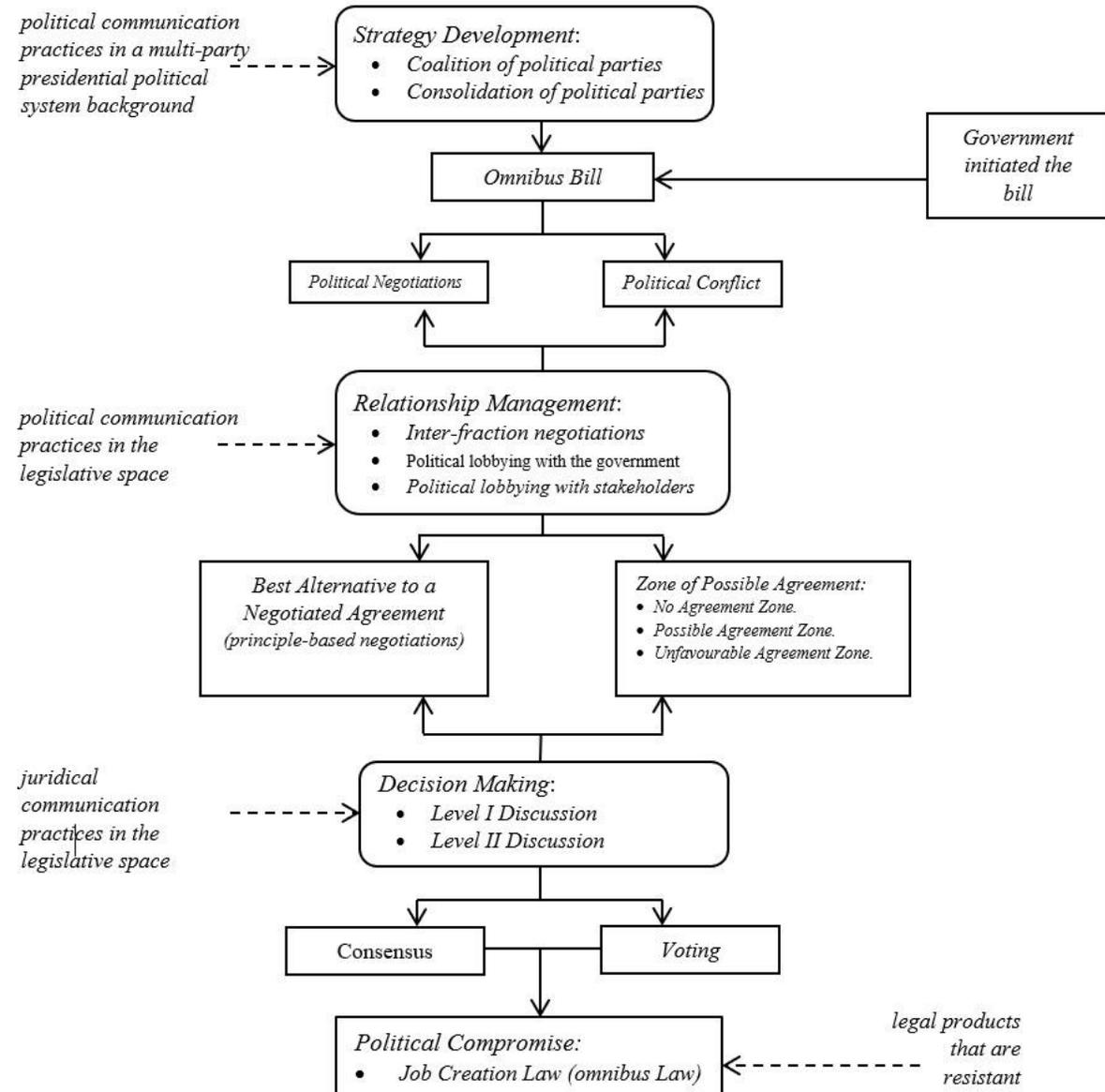
The zone of possible agreement describes the possibility that there are areas of preference between the two parties, so there is room to reach an agreement (Fisher, 2011). These are the no agreement zone where there are no preferences from both parties, making it difficult to reach an agreement; the possible agreement zone where there is potential to reach an agreement; and the unfavourable agreement zone where the proposed agreement does not meet the preferences of the other party, making it unfavourable. In this zone, negotiations conducted by political communicators, both the government and factions in the DPR, can offer the concept of reservation price in the form of the lowest limit that can be accepted by the parties in reaching an agreement (Fisher, 2011). However, in reality, researchers found that principle-based negotiations were chosen to accelerate discussions in a limited time frame, so that in the future, the discussion of a bill needs to continue to accommodate the concept of zone of possible agreement or a combination of both.

In a majoritarian political configuration, short discussion time frames, external pressures, and pandemic conditions that disrupt the discussion, political negotiations are not ideal. The principle-based negotiations method has finally become a solution to political negotiations in the legal drafting process so that discussions take place concisely and quickly. The zone of possible agreement method, which provides wider negotiation space, is no longer an option in the negotiation process between political communicators. As a result, the political compromise that occurs becomes very resistant. The resistance displays the reality that the conflicting parties have asymmetric information so that no one knows how much the other party is willing to give in or how hard they will fight to get the desired result (Farber, 2017). It was noted that 2 (two) political party factions that were in opposition to the government, alternately staged walkouts at Level II Discussions (5 October 2020 and 21 March 2023). Although the political conflict in the legislative space has been resolved with the passing of the Job Creation Bill, the political conflict has shifted to the socio-political sphere, where the Constitutional Court has become an institution that must hold a judicial review of the bill in several series of lawsuits.

Under these conditions, the prospect of achieving political compromise becomes complex and difficult to actually realise. The purpose of the omnibus law as part of the regulatory reform process that supports economic growth towards Indonesia's Vision 2045 is in danger of failing. The tug of war between political forces in the House of Representatives can hold the process of achieving a political compromise on the omnibus law. Regarding the interests between political forces, in the context of the discussion of the Job Creation Bill, researchers identified stages/strategies for political parties in the political communication process of the Job Creation Bill, which starts from: (1) strategy development that forms inter-party coalitions and internal consolidation of political parties, which is influenced by the highly fragmented multi-party presidential political system; (2) relationship management that involves inter-fraction communication in the Working Committee on Job Creation as well as political lobbying, both with the government and various interest groups; and (3) decision making which is the determination of party priorities to achieve goals, taking into account political risks and consequences to voter support, party image, and future political opportunities. These stages/strategies for political parties are a response to the complexity of political communication faced in achieving the necessary political compromises.

Figure 1.2. shows the construction of a complex political compromise process in the discussion of the Job Creation Bill. *First*, the coalition and consolidation of political parties, the majority of which support the government, are present to guard the president's proposed policy, namely the initiative proposal of the omnibus law

bill. *Second*, political compromise takes place pragmatically with principle-based negotiations that do not provide enough room for negotiation, so a zone of possible agreement approach is needed even though it has consequences for the time span of the discussion. *Third*, a compromise decision-making process (through consensus) is difficult to achieve due to the majority political power not accommodating different views and interests, resulting in resistant legal products.



**Figure 2. Scheme of Political Compromise Construction of the Job Creation Bill (Source: Processed by Researchers, 2024)**

Seeing the reality of the construction of political compromise, researchers can convey notes: *first*, the role of political communicators who (still have to) be determined by the authority of political parties (their bearers), which limits their critical attitudes and perspectives, needs to be expanded, so that more space is open for the aggregation and articulation of public/constituent interests as their principal. This is possible considering that the political system in Indonesia (Law 7/2017 on Elections), places political communicators, especially related to regulatory political communication, within the authority of political parties. *Second*, political conflicts in political communication of legislation arise due to a highly fragmented multiparty system, it is necessary to place majoritarian parties to communicate their interests flexibly so that the final result of the discussion of the bill does not always have to be decided based on the majority vote. *Third*, in terms of political negotiations in the discussion of the omnibus law bill, political communicators can choose and/or combine approaches that suit specific needs and dynamics based on the

bill material. The combination of principle-based negotiations (batna) and the agreement zone approach (zopa) is expected to produce an optimal agreement for all parties. This is possible considering that the omnibus law bill contains a very large amount of content material. *Fourth*, decision making by each faction in the DPR in the discussion of omnibus bills that revise dozens of laws can be done gradually and systematically. Decision making can be done per-cluster, per-section, or per-chapter in more detail, so that the public can assess the alignment of each faction through the approval taken on certain content materials in the bill. So that the public does not need to be trapped in the view that political parties have approved/rejected the omnibus law bill (as a whole) without seeing the details of approval/rejection in each of its contents.

In the context of the discussion on the Job Creation Bill, the success or failure of a political compromise is not only determined by the scope of the bill to be agreed upon. It is also influenced by the political power (number of coalition groups) supporting the government, which is very dominant (majoritarian) due to the highly fragmented multi-party presidential political system. As Lijpart (2008) argues, the majoritarian political power, which is easily trapped within the confines of authoritarianism, is confirmed by the discussion of the Job Creation Bill as a form of political compromise. According to Mahfud MD (1999), the Job Creation Bill was finally born with the character of an orthodox legal product, where the making is: centralised - dominating, the content: positivist - instrumentalist, the details of the content: open to interpretation.

## 5. CONCLUSIONS

The results show that the landscape of the multiparty presidential political system in Indonesia affects political communication in the process of discussing the Job Creation Bill. As Arend Lijphart (2008) worries, with political power (the number of coalition factions) supporting a very dominant government (majoritarian with 84.11% of seats in the DPR), it can trap the government in authoritarianism. Under these conditions, the president is very powerful because he has the support of political forces in the DPR in the joint function of discussing a bill. With this support, the Job Creation Bill, which has an Omnibus Law method with a very large content material (11 Clusters and 6,652 DIM), can be discussed in a relatively short time, namely 7 months (5 sessions). In practice, political parties that are fragmented into factions supporting the government coalition and opposition factions, use certain political strategies in achieving political compromise in the discussion of the Labour Cluster as a sample of this research.

1. The political communication process of the Job Creation Bill discussion that takes place in the governmental political sphere is systematic. Several communication elements, such as sender/receiver, message, channel to feedback, as explained by King & Zeckhauser (2020), are influenced by the role position of political communicators as constituent representatives (principal) as well as representatives of the people or elected officials (agent). In his role as a constituent representative as well as a political communicator, a member can be critical and even reject government policies even though the final decision on every material in the Job Creation Bill, especially in the Employment Cluster, is determined by the authority of political parties. The role of the political communicators eventually becomes limited and acts no more as party agents than principals. Most of the faction members in the Working Committee on Job Creation have to comply with political party policies and are held hostage in their position as part of the government coalition party. As a result, political communication between faction members in Job Creation communication is limited to arguments in various persuasive efforts, without determining the final decision. The final decision in the discussion of the Job Creation Bill is determined to remain the authority of each political party.
2. The political conflict over the Job Creation Bill is relatively influenced by ideological differences between members/fractions/political parties; polarisation of support for the government and differences in the interests of members/fractions; the existence of an unclear bill substance; complicated and less transparent procedures for discussing the Omnibus Law Bill; the influence of pressure from workers and employers; and physical distancing (due to the pandemic) which disrupts communication between members/fractions and/or with the government. Looking at the various forms of rejection and walkouts carried out by opposition factions, it illustrates that the political conflict that occurs is a war and peace model, where the parties to the conflict have asymmetric information so that no one knows how much the other party is willing to give in or how hard they will fight to get the desired result (Farber, 2017). The stronger party did not communicate its interests flexibly so that the final result of the bill discussion was well known: it was decided based on the majority vote. Critical opinions expressed by members of the opposition factions were unable to influence/change the final decision of the Working Committee on Cipta Kerja. The conflict that took place in the political superstructure sub-system space widened to the socio-political sphere which resulted in various riots in several regions. Community resistance emerged through various Judicial Review lawsuits at the Constitutional Court. The Constitutional Court's decision that Law Number 6 of 2023 on the Stipulation of Perppu Number 2 of 2022, is constitutional



(there is a dissenting opinion), does not diminish the desire of worker/labour groups to file a judicial review lawsuit again.

3. The formation of the Job Creation Bill, which has an omnibus law method, requires a certain political negotiation strategy, due to the discussion target designed in a short period of time, which is less than 5 sessions. Based on political communication, both through open negotiations (through the Raker and RDP/RDPU media in the context of Level I talks) and closed lobbying (with various parties), political communicators conduct principle-based negotiation (Fisher, 2011). The principles in this negotiation were found through encoding and decoding by simplifying the material changes in the Labour Cluster by the Technical Team and Legal Drafter to obtain negotiation material. Some important issues are outlined in each norm, paraphrased in certain principles so that they can be understood by the discussants, and political decisions are determined by the communicators through message delivery and feedback (Putri, 2015). In reality, the principle-based negotiation approach cannot be implemented on all bill content material, so the zone of possible agreement approach, which allows for a wider area of preference, is needed to open up space for reaching an agreement based on the concept of reservation price on bill materials.
4. Political compromise between political forces in the DPR is determined by various stages/strategies, namely: (1) strategy development that forms inter-party coalitions and internal consolidation of political parties, (2) relationship management that involves inter-fraction communication in the Working Committee on Job Creation as well as political lobbying with the government and various interest groups, (3) decision making in Level I and Level II discussions. Most factions consider that with the passing of the Job Creation Bill, a political compromise has been reached. However, with the rejection of both parts and the whole bill by opposition factions, the achievement of the compromise was not optimal. Political compromise does not focus on mutual acceptance that satisfies and fulfils the interests of negotiators and various interest groups. The Job Creation Bill/Omnibus Law produced through political compromise influenced by a majoritarian political configuration that tends to be authoritarian, as argued by Mahfud MD (1999), is characterised as an orthodox legal product and tends to only fulfil the interests of the government and business groups.

## REFERENCES

- [1] Asshiddiqie, Jimly. (2020): *Omnibus Law Dan Penerapannya di Indonesia*. Jakarta: Konstitusi Press (Konpress).
- [2] Barge, K. (2009): *Negotiation Theory*. In S. W. Littlejohn & K. A. Foss (Eds.), *Encyclopedia of Communication Theory*. Thousand Oakes: SAGE Publications.
- [3] Deutsch, Morton. (1974): *The Resolution of Conflict: Constructive and Destructive Processes*. Yale University Press.
- [4] Farber, Daniel A. (2017): *Racing the clock: Deadlines, Conflict, and negotiation in law-making*. UC Berkeley Public Law Research Paper No. 2728895.
- [5] Feng, Shangbin., Chen, Zilong., Yu, Peisheng., and Luo, Minnan. (2021): *Encoding Heterogeneous Social and Political Context for Entity Stance Prediction*. Association for the Advancement of ArtificialIntelligence (www.aaai.org).
- [6] Fisher. Roger, Ury. William L., & Patton, Bruce. (2011): *Getting to Yes: Negotiating Agreement Without Giving In 3rd*. Penguin Random House.
- [7] Fudika, Moza Dela., Chaidir, Ellydar., dan Syukur, Saifuddin. (2022): Konfigurasi Politik Lahirnya Undang-Undang Cipta Kerja. *Jurnal Legislasi Indonesia* Vol 19 No. 2 - Juni 2022: 185-197.
- [8] Gono, Joyo Nur Suryanto. (2010): Komunikasi Politik Strategis, *Jurnal Forum FISIP UNDIP*, Vol 38. No. 10.
- [9] Grigorius, Evan Samuel. (2022): Keterbukaan Informasi Publik Dalam Proses Legislasi: Studi Kasus RUU Cipta Kerja. *Jurnal Jurist-Diction* Vol. 5 (1) 2022.
- [10] Grunig, James E., & Hunt, Todd T. (1984): *Managing Public Relations*. United States of America: Harcourt Brace Jovanovich College Publishers.
- [11] Hanan, Djajadi. (2014): *Menakar Presidensialisme Multipartai di Indonesia*. Mizan: Bandung.
- [12] Isra, Saldi. (2013): Hubungan Presiden dan DPR. *Jurnal Konstitusi*, Volume 10, Nomor 3. Jakarta: Mahkamah Konstitusi Republik Indonesia.
- [13] Junaidi, Veri. & Reininda, Voilla. (2020): Relasi Presiden dan DPR dalam Pembentukan Undang-Undang pada Sistem Pemerintahan Presidensial Multipartai. *JURNAL JENTERA* Volume 3 No. 1 (2020).
- [14] Kementerian Koordinator Bidang Perekonomian (2019): *Naskah Akademik RUU Cipta Kerja*. Jakarta: Kementerian Koordinator Bidang Perekonomian.

- 
- [15] King, David C. & Zeckhauser, Richard J. (2020): Legislators as Negotiators. Robert H. Mnookin & Lawrence E. Susskind (Ed) (2020) *Negotiating on Behalf of Others: Advice to Lawyers, Business Executives, Sports Agents, Diplomats, Politicians, and Everybody Else*. Publishing Company: SAGE Publications, Inc.
- [16] Lasswell, Harold. D. (1948): The structure and function of communication in society. In L. Bryson (Ed.), *The communication of ideas* (pp. 37-51). New York: Harper and Row.
- [17] Lijpart, Arend. (2008): *Thinking about Democracy: Power Sharing in the Majority Rule in Theory and Practice*. Routledge Taylor & Francis Group. London and New York.
- [18] Mahfud, MD., Moh., (1999): *Pergulatan Politik dan Hukum di Indonesia*, Yogyakarta: Gama Media.
- [19] Mainwaring, Scott (1993): Presidentialism, Multipartism, and Democracy: The Difficult Combination. *Comparative Political Studies*, Vol. 26, No. 2. Sage Publications, Inc.
- [20] Miller, Ofir. (2014): The Negotiation Style: A Comparative Study between the Stated and in- Practice Negotiation Style. *Procedia - Social and Behavioral Sciences*, pp.200–209.
- [21] Putri, Rosiana Eka., (2015): Komunikasi Politik (Model Komunikasi Politik Antar Fraksi dalam Pembentukan Norma UU Pilkada Secara Demokratis). *Jurnal Jurisprudence*, Vol. 5 No. 1 Maret 2015.
- [22] Razy, Muhammad Fakhur., dan Fedryansyah, Muhammad., (2020): Konflik Gerakan Masyarakat Sipil dan Pemerintah dalam Proses Penyusunan Rancangan Undang-Undang *Omnibus Law*, *Jurnal Kolaborasi Resolusi Konflik* Volume 2 Nomor 2.
- [23] Risalah Rapat RUU Cipta Kerja (2020). *Melanjutkan Pembahasan DIM RUU tentang Cipta Kerja*. Jumat, 25 September 2020.
- [24] Risalah Rapat Paripurna DPR RI (2020). Rapat Paripurna DPR RI. Senin, 5 Oktober 2020.
- [25] Syahreza, Mirza. dan Korry El-Yana. (2016): *Etika Komunikasi Politik*, Jakarta: in.
- [26] Syamsuddin, Azis. (2021): *Proses & Teknik Penyusunan Undang Undang. Edisi ke-3*. Jakarta: Sekretariat Jenderal Dewan Perwakilan Rakyat Republik Indonesia 2021.
- [27] Tempo (2020): Gedabrus Omnibus. *Majalah Mingguan Tempo* Edisi: 00049/-27- Jan/2 Feb. 2020.
- [28] Tempo (2020): Dua wajah Omnibus. *Majalah Mingguan Tempo* Edisi 00034 /12-18 Oktober 2020.
- [29] Thomas, Kenneth W. (1992): Conflict and Conflict Management: Reflections and Update. *Journal of Organizational Behavior* Vol. 13, No. 3, Special Issue: Conflict and Negotiation in Organizations: Historical and Contemporary Perspectives (May, 1992), pp. 265-274 (10 pages).
- [30] Tuegeh, Putri Tesalonika., Tangkudung, Fransiscus X., dan Sumampow, Jusuf O. (2021): Kajian Yuridis Undang-Undang Cipta Kerja dan Dampaknya Terhadap Dunia Ketenagakerjaan di Indonesia, *Lex Privatum* Vol. IX/No. 10/Sep/2021.