

The Scar of Democracy



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Many ideas have become post-pactum and wounded as of the official draft of the Job Creation Law or what is publicly known as the Omnibus Law was approved on October 5, 2020.

It is post-pactum because the law is nevertheless approved. The attempt to provide corrective inputs are less meaningful had the law been approved.

It is wounded because the public reaction to the approval of this law has been so extreme. Anarchist groups have destroyed public and state facilities. The police forces reacted quite violently, bulldozing anyone and equating the demonstrators with the anarchist groups, that they bear the wound and suffered the grief that is most absurd.

The wound of democracy

We see how this law has disregarded the democratic process very transparently. The rush to pass The Bill of Job Creation to be on October 5 - under the pretext of marking and myth of National Army Day – has become a socio-political hurdle. The movements to object and protest against this law are still ongoing. Not to mention that the amends of the document sparks controversies; how could such legal documents go from 1028, 1035, 812, and now it has become 1,187 pages!

The problem of the amends of document alone has become a sign of confusion and has not been completed in review of the legislative process. In fact, it was alleged that there was a fatal editorial error that showed a reckless pattern in formulating this important law (Kompas.com, 3/11/2020).

First, the time spent to amend resembled an attempt to deceive the public and factions in parliament who had not approved the bill. In the context of democracy, ignoring of the public's desire to comprehend about the law being passed is indeed a democratic flaw. The principle of democracy is transparency and the right to obtain proper information. Both of these things are absent in the drafting process of the bill. Even at the plenary session, participants did not get the final documents that were about to be approved.

Second, in the presidential system and communitarian democracy or Pancasila, the disapproval of the Democrat Party and PKS to walk out of the legislation process of this law can be considered as a failure of consensus in legislating. The House (DPR) leadership should have postponed the bill and not have rushed to approve it before midnight. Midnight politics also shows fear of re-opening the sheets of argumentation and tenacity in diplomacy, a hallmark of democracy in parliament.

This reality also shows that democracy in Indonesia has begun to enter the democracy-for-sale state, when finally the process of emancipation, empathy, and appreciation for different political axis is disappearing. What seems to be widespread is the practice of clientelism that throws political forces outside the government which are quantitatively insignificant. Anyone who does not agree to be included in the clientelism family, in addition to not getting political and economic benefits, can be ignored and marginalized (Aspinall & Berenschot, 2019).

Third, the notion to assume that the public and media have misread over this lengthy law is also another issue of democracy. There are many mainstream media with strong resilience and journalistic ethics that provided criticism on the weakness of this law; it should have been regarded as part of guarding the democracy. The press is the eye of the public's heart in the midst of the pervasive gigantic politics and turning news into such a commercial.

Likewise, expert comments have shown that the political motives of the law are more nuanced of power (global markets and state conglomerates) than public rights such as labor issues, mineral and coal, government projects, investment licensing, etc. (Bivitri Susanti, "Political Law of Omnibus Bill", Kompas, 10/10/2020). The final path of public criticism is that this law is very hyper-neo liberalistic. The public stance is a "democratic narrative" which must be addressed with "state argument", which is equal in level and should not simply be

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