

## IMPLEMENTATION OF OMNIBUS METHOD IN LEGISLATION PLANNING IN INDONESIA (ANALYSIS OF LEGISLATION IN TAXATION)

Wiwin Sri Rahyani<sup>1</sup>, Mella Ismelina Farma Rahayu<sup>2</sup> & Ahmad Redi<sup>3</sup>

<sup>1</sup>Faculty of Law Tarumanagara University, Jakarta

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

<sup>2</sup>Faculty of Law Tarumanagara University, Jakarta

Email: [mellaismelina@fh.untar.ac.id](mailto:mellaismelina@fh.untar.ac.id)

<sup>3</sup>Faculty of Law Tarumanagara University, Jakarta

Email: [ahmadr@fh.untar.ac.id](mailto:ahmadr@fh.untar.ac.id)

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### ABSTRACT

*Indonesia as a state of law causes all aspects of life in society, state, and government to be based on the law as outlined in various laws and regulations. However, there is still hyper-regulation and overlapping arrangements, one of which is legislation in the field of taxation. Therefore, the researcher aims to examine the omnibus method in structuring legislation in Indonesia (analysis of legislation in the field of taxation). The research method used is normative legal research method. The results show that first, the omnibus method as an instrument of structuring legislation can be done with various methods, namely the goulatine approach or regulatory guillotine approach, sunset clause, One-In, One-Out/OIOO (one in one out), the red tape challenge, and moratorium. However, the principle of openness and public participation in every legislative process must be fulfilled. Second, the application of the omnibus method technically and substantively in taxation legislation is needed to fulfill the substance component of laws and regulations that can be easily understood by the public by compiling them in 1 (one) text. Third, the indicators of accuracy in using the omnibus method are guided by Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Laws and Regulations, Regulatory Impact Assessment (RIA) studies, and measurement of effectiveness with comparative tests. Fourth, the omnibus method of the Law on HPP has the potential to increase tax revenue and tax ratio.*

**Keywords:** Law, legislation, hyper-regulation, overlap, taxation

### 1. PREFACE

Indonesia as a state of law causes all aspects of life in society, state, and government to always be based on the law as outlined in various laws and regulations. In the period 2014-2018, there were 8,945 regulations in the form of laws, presidential regulations, and ministerial regulations, which means there are six regulations formed in one day in Indonesia. One of the efforts to organize laws and regulations is through legal harmonization. Indonesia still has problems in structuring laws and regulations. One of them is about hyper-regulation and overlapping rules, namely the number of rules is not followed by harmonization of laws and regulations so that overlapping arrangements are inevitable. Regulatory problems in Indonesia cannot only be resolved through harmonization but require a legal breakthrough, one of which can use the omnibus law method. One of the implementations of the omnibus law method is Law Number 7 of 2021 concerning Taxation Harmonization.

Although omnibus as a method basically incorporates many topics into a law, it becomes a problem when too many laws are amended as is the case in Law Number 11 of 2020 on Job Creation. Law Number 11 of 2020 on Job Creation, whose formation process is considered not in accordance with the law formation process in Law Number 12 of 2011 jo Law Number 15 of 2019, has caused a polemic so that the public has submitted a judicial review to the Constitutional Court. On November 25, 2021, the Constitutional Court of the Republic of Indonesia in Decision Number 91/PUU-XVIII/2020 concerning the formal testing of Law Number 11 of 2020 on Job Creation stated that the Constitutional Court accepted the formal testing as conditionally unconstitutional. Based on the background described above, researchers are interested in conducting research with the title Omnibus Method in Structuring Legislation in Indonesia (analysis of legislation in taxation).

Omnibus is relating to or dealing with numerous objects or items at once; including many things or having various purposes (Bryan, 2009). Then the theory in drafting laws and regulations needs to be considered the principles in drafting laws and regulations, namely the basis or basis for laws and regulations juridically is always laws and regulations and no other law is used as a juridical basis except laws and regulations (Pane, 2019). Furthermore, tax is a mandatory contribution to the state owed by individuals or entities that are compelling based on law, with no direct reward and used for state purposes for the greatest prosperity of the people (Direktorat Jenderal Pajak, 2020).

## **2. RESEARCH METHOD**

The research method used by researchers is normative legal research method. Normative research is a method or method used in legal research conducted by examining existing literature (Soekanto & Mamudji, 2006). Then the data collection method in this research was carried out by literature study and interviews. While the data analysis technique uses a combined kaulitative and quantitative method.

## **3. RESULT AND DISCUSSION**

The promulgation of a policy or regulation in various countries is certainly based on various reasons and considerations, of course by paying attention to the dynamics of community life. It is intended that a rule can be useful or beneficial in practice. Likewise, the omnibus method is applied in Indonesia. Some considerations of the omnibus method in Indonesian regulations aim at ease in harmonizing laws and regulations and speed in the formation of laws (Utomo, 2020).

In the preparation of a tax law, it was previously carried out separately between the material law, namely Law Number 42 of 2009 concerning the Third Amendment to Law Number 8 of 1983 concerning Goods and Services Value Added Tax and Sales Tax on Luxury Goods (VAT Law) and Law Number 36 of 2008 concerning the Fourth Amendment to Law Number 7 of 1983 concerning Income Tax (Income Tax Law) with the formal law, namely Law Number 28 of 2007 concerning the Third Amendment to Law Number 6 of 1983 concerning General Provisions and Tax Procedures (KUP Law).

The discussion between the material law and the formal law was not conducted simultaneously. This causes some provisions that were not previously discussed in the previous law to emerge or appear in the discussion of the following law, resulting in disharmony (an example is the period of submission of the VAT (Value Added Tax) Annual Tax Return (SPT), which in the KUP Law stipulates that the SPT Masa must be submitted before the 15th of the following month, but in the VAT Law it is stipulated that the SPT Masa is no later than the end of the following month), while in the speed of forming a rule, the Tax Law cannot be denied to regulate the economic activities of the community. The more the community's economy develops, it must be balanced with changes in the Tax Law.

Changes to the Taxation Law must always keep up with the rapid economic development of society as a result of technological development. With the omnibus method, the formation of laws can be done quickly. It is also more efficient in discussing certain matters that will be discussed and included in the regulation itself, so that the law or regulation can always accommodate the needs that exist in society. As in its application, this omnibus method is technically and substantially feasible. Judging from the material tax laws: Income Tax Law; VAT Law; Law Number 13 Year 1985 on Stamp Duty (BM Law)) and formal tax laws: KUP Law which is regulated in different laws. So with the omnibus method, the law can be regulated in only one law, so as to create harmonious rules or not contradict one rule with another.

Changes to the Taxation Law must always keep up with the rapid economic development of society as a result of technological development. With the omnibus method, the formation of laws can be done quickly. It is also more efficient in discussing certain matters that will be discussed and included in the regulation itself, so that the law or regulation can always accommodate the needs that exist in society.

As in its application, this omnibus method is technically and substantially feasible. Judging from the material tax laws: Income Tax Law; VAT Law; Law Number 13 Year 1985 on Stamp Duty (BM Law)) and formal tax laws: KUP Law which is regulated in different laws. So with the omnibus method, the law can be regulated in only one law, so as to create harmonious rules or not contradict one rule with another. The Law on General Provisions and Tax Procedures is a formal tax law. It should not absolutely have to be regulated in the Law, but it is also not prohibited to be regulated in the Law. If it has been regulated in the law, the amendments, additions, and reductions must also be amended or must be in the form of a law not in the form of implementing regulations, and the contents regulate rights and obligations, procedures, and sanctions. It is different from material tax law, which contains subjects, objects, tax rates, and absolutely must be placed in other laws (Hasan, 2021).

The advantage of implementing an omnibus law is that the government and parliament do not need to revise laws or regulations one by one, but only one law or one regulation. So that this omnibus law functions as an umbrella law or umbrella act. Of course this is a new breakthrough that will generate support, especially looking at the legal system in Indonesia where making a regulation or one law takes a long time. The omnibus process in the field of taxation focuses on "strengthening the economy", which is certainly not original or pure. The process of drafting a law is inseparable from legal politics. One of the purposes of the establishment of law is to guarantee various interests such as economic interests, protection of personal interests, individual honor, legal political interests, religious interests and so on.

### **Substance of Omnibus Method in Taxation Legislation**

There are several theories related to the substance of legislation in the field of taxation, namely first, the definition of tax. Tax as a contribution and non-penal transfer of resources is defined as dues and fees. Second, Value Added Tax. Value Added Tax (PPN) is a levy imposed on the sale and purchase of goods and services carried out by personal taxpayers or corporate taxpayers who have become Taxable Entrepreneurs (PKP). The government plans to explore the potential for tax revenue by increasing PPN and PPnBM rates through PPN multi-tariff scheme while previously applying a single rate of 10%. This is done in order to create the principle of justice because the VAT rate will be cheaper for certain goods / services and will be more expensive for luxury goods. However, according to research conducted by Copenhagen Economics on the functioning of the PPN system in EU member states in 2007, the implementation of more than one PPN rate has caused member states to experience large fiscal and economic losses. A single rate is considered to create significant compliance with tax administration, reduce irregularities in the internal market, and improve consumer welfare.

Third, Sunset Policy and Tax Amnesty. In Law Number 28 Year 2007, Sunset Policy is a policy of providing tax facilities in the form of elimination of tax administrative sanctions in the form of interest as stipulated in Article 37A of the Law on General Provisions and Tax Procedures. Since the Sunset Policy Program was implemented throughout 2008, it has succeeded in increasing the number of new NPWP by 5,653,128 NPWP, increasing annual tax returns by 804,814 tax returns and increasing income tax revenue by Rp7.46 trillion. The number of individual NPWP is 15.07 million, treasurer NPWP is 447,000, and legal entity NPWP is 1.63 million. So the total is 17.16 million (DGT data, 2010 quarter 1). Meanwhile, according to Law Number 11 of 2016 concerning Tax Amnesty, Tax Amnesty is the elimination of taxes that should be owed, not subject to tax administrative sanctions and criminal sanctions in the field of taxation, by disclosing assets and paying ransom as stipulated in this Law. Tax Amnesty is a means for the government to increase tax revenue and taxpayer compliance. In addition, tax amnesty is a policy that is often implemented by many countries, including Indonesia. The provision of tax amnesty is the government's effort to attract public funds that have been parked in other countries' banks.

However, the implementation of tax amnesty and sunset policy is psychologically very impartial to taxpayers who have been paying taxes. So that if the policy is implemented in a country, there must be

an in-depth study of the characteristics of taxpayers in a country because the characteristics of taxpayers are of course different. The question that arises then is whether the characteristics of taxpayers are indeed many who are not compliant, so that tax amnesty will not offend taxpayers who obey paying taxes. In addition, the tax amnesty pattern like the sunset policy model can only be applied once in a taxpayer's lifetime. The tax amnesty is given for taxes that have never been or have not been fully imposed or collected in accordance with the applicable laws and regulations.

Fourth, Customs Tax. The term and definition of customs duties are contained in Law Number 17 of 2006 concerning Amendments to Law Number 10 of 1995 concerning Customs. The definition of duties is state levies used on some goods that are exported and imported. While for the definition of Excise, it is a state levy used on some specific goods that have the characteristics and characteristics decided in the law. Fifth, Carbon Emissions Tax. A carbon tax, or carbon emissions tax, is a tax levied on the use of fuel based on its carbon content. Hydrocarbon fuels (including petroleum, natural gas, and coal) contain the element carbon that will become carbon dioxide (CO<sub>2</sub>) and other compounds when burned, while referring to the IBFD International Tax Glossary (2015), carbon tax is a tax imposed on fossil fuels. So in simple terms, the implementation of a carbon tax would tax the use of these fuels.

Sixth, Other Pigouvian Taxes. Quoting from the Tax Foundation (2019), a pigouvian tax is a tax on economic activities that create negative externalities. The application of this tax makes those who buy goods made through carbon-intensive production processes bear additional costs. This is because the manufacture of these goods causes environmental damage. The Pigouvian tax is named after British economist Arthur C. Pigou, who was one of the most prominent contributors to externality theory in the early 1900s. Examples of Pigouvian taxes are carbon taxes, fat taxes, luxury taxes, tobacco taxes, alcohol taxes. Seventh, related to the authority of PPNS Investigator within DGT, among others, it needs to be accommodated related to the advancement of information technology. With the advancement of information technology, the collection of information/report/evidence needs to be expanded to include digital evidence/electronic data (open computer system, communication system, embedded computer system). Eighth, related to law enforcement aspect, with the increasing level of public awareness and legal knowledge, the stronger the demand for the creation of a law enforcement system in the field of taxation that is more transparent and supported by legislation products that are clearer, firmer, fairer, and have legal certainty. Ninth, the unregulated criminalization of corporations has caused most tax crimes committed by corporations to not be held accountable to legal entities or companies because they are constrained by the provisions in the Law on KUP which can only ensnare individuals as perpetrators of tax crimes. Tenth, efforts to develop and improve existing regulations, one of which is with material arrangements regarding the types of taxes in the revision of the KUP Bill. Eleventh, to maximize state revenue in line with the reduction of greenhouse gas emissions, it is necessary to also include arrangements regarding carbon tax (carbon levy) in the revision of the KUP Law. Twelfth, with the addition of material substance in the KUP Law and the revision of the KUP Law does not only regulate the tax administration system, so that the title of the revised KUP Law must be adjusted.

In line with continuous tax reform, especially in the aspects of regulation and business processes, it is necessary to adjust tax policy arrangements that are comprehensive, consolidative, and harmonious, so that on October 29, 2021 Law Number 7 of 2021 concerning Harmonization of Tax Regulations (HPP Law) was enacted. This law was drafted using the omnibus law method which regulates general provisions and tax procedures, income tax, value added tax and sales tax on luxury goods, taxpayer voluntary disclosure program, carbon tax, and excise. The HPP Law uses the omnibus method in accordance with the regulated substance, which contains 6 (six) main material groups consisting of 9 chapters and 19 articles, namely amending several provisions regulated in several tax laws, both the General Provisions of Taxation Law (KUP Law), Income Tax Law (PPH Law), Value Added Tax and Sales Tax on Luxury Goods Law (VAT Law), Excise Law, Voluntary Disclosure Program, and the imposition of Carbon Tax.

Indicators of the accuracy of the use of the omnibus method in lawmaking can be done by referring to, namely:

- a. Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Legislation.

Law Number 13 Year 2022 regulates the planning of laws and regulations that use the omnibus method, namely in Article 42A which reads that the use of the omnibus method in the preparation of draft laws and regulations must be stipulated in the planning document. Furthermore, related to the regulation of the omnibus method in the technique of drafting laws and regulations is regulated in Article 64, namely the preparation of draft laws and regulations is carried out in accordance with the technique of drafting laws and regulations. In the preparation of draft laws and regulations, the omnibus method can be used. The omnibus method is a method of drafting laws and regulations with: (a) contains new content material; (b) changing content material that has a connection and/or need that is regulated in various laws and regulations of the same type and hierarchy; and/or (c) revoking laws and regulations of the same type and hierarchy, by merging them into one law and regulation to achieve certain objectives. Furthermore, Law Number 13 Year 2022 also stipulates in Article 97A that the content material regulated in laws and regulations that use the omnibus method can only be amended and/or revoked by amending or revoking the laws and regulations that use the omnibus method.

- b. Regulatory Impact Assessment (RIA)

RIA is an option that can be used in regulatory drafting methods that involve scientific studies that can be academically accounted for. As a method that can project the effects and influence of a regulation on its subjects and objects, the formation of regulations using the RIA method is believed to reduce the risk of sociological inapplicability of regulations. RIA is a policy evaluation tool, a method that aims to systematically assess the negative and positive effects of regulations that are being proposed or are currently running. RIA also functions as a decision-making tool, a method that systematically and consistently assesses the effects of government actions, and communicates information to decision makers.

The Organization for Economic Co-operation and Development (OECD) explains that RIA is a process that systematically identifies and assesses the intended impact of a proposed law with consistent analytical methods. RIA is a comparison process based on regulatory objectives that have been set and identify all possible policies that affect the achievement of policy objectives. All available policy alternatives must be assessed with the same method in order to inform decision makers of effective and efficient options so that they can systematically choose the most effective and efficient option.

The stages of RIA according to the OECD are: (a) defining the policy context and objectives, especially identifying systemic problems that cause the need for regulation by the government; (b) identify and define all regulatory and other policy options to achieve the policy objectives to be set; (c) identify and quantify the impacts of the options considered, including costs, benefits, and distributional effects; (d) develop an enforcement and compliance strategy for each option, including evaluating the effectiveness and efficiency of each option; (e) establish a monitoring mechanism to evaluate the success of the chosen policy and inform future regulatory responses; and (f) systematic public consultation to give all stakeholders the opportunity to participate in the regulatory process. This stage provides important information on the costs and benefits of all alternatives including their effectiveness.

Based on this RIA method, the formation of laws that use the omnibus method must use RIA as an initial study in the formation of laws which is part and support in preparing the academic paper of a law.

### c. Accuracy Indicator with Lon F. Fuller Theory

In addition to using RIA indicators of the accuracy of using the omnibus method, it can use the theory described by Lon F. Fuller. According to Lon F. Fuller, there are 8 (eight) things that can determine the formation of law. The product of the law produced by the legislator whether good or bad is determined from 8 (eight) reasoning. In his sub-title "The Consequences of Failure" states: (a) laws and other legal regulations must be general, should not apply specifically or certain individuals; (b) every legal regulation should be publicized. If laws/regulations are convoluted and change frequently, it is difficult to know what the law is; (c) laws and regulations should not apply retroactively; (d) laws must be understandable, the language easy to understand and not convoluted; (e) the legal system should not contain contradictory regulations; (f) laws must be affordable for citizens to fulfill. A law that commands something that cannot be implemented is not good as a law and is even unjust; and (g) laws must have a certain stability over time. If the rules change, the legal system cannot function properly. This happens in countries where governments change frequently because political parties lose or win elections.

The indicators above are guidelines in the formation of laws using the omnibus method. After the formation and promulgation of the law using the omnibus method, it is urgent to measure the effectiveness of the implementation of the law. This is because laws are rules that regulate life in society and the state. Then referring to Article 5, Article 20, Article 21, and Article 22 of the 1945 Constitution of the Republic of Indonesia, the subjects entitled to form laws and regulations are the President and Members of the Indonesian House of Representatives, both of which are part of the elements of political parties (executive and legislative). Meanwhile, the community is the object that will be regulated in the legislation. One of the objects that has been regulated in the law is the obligation of the community to pay taxes. Article 23A of the 1945 Constitution explicitly states that taxes and other compelling levies for state purposes are regulated by law. But in fact, the community has not fully participated in the tax system. This is reflected in the ratio of taxpayer compliance that has not reached the ideal condition of 100 percent (Table 1).

**Figure 1**

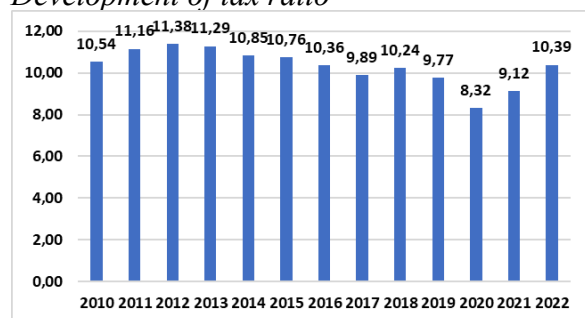
*Taxpayer compliance ratio*

Uraian	2021	2020	2019	2018	2017
Wajib Pajak Tendaftar Wajib SPT	19.002.585	19.006.794	18.334.683	17.653.046	16.598.887
a. Badan	1.652.251	1.482.500	1.472.217	1.451.512	1.188.488
b. Orang Pribadi Karyawan	13.279.644	14.172.999	13.819.918	13.748.881	13.446.068
c. Orang Pribadi Nonkaryawan	4.070.690	3.351.295	3.042.548	2.452.653	1.964.331
SPT Tahunan PPh	15.976.387	14.755.255	13.394.502	12.551.444	12.047.967
a. Badan	1.012.302	891.877	963.814	854.354	774.188
b. Orang Pribadi Karyawan	13.110.613	12.105.833	10.120.426	9.875.321	10.065.056
c. Orang Pribadi Nonkaryawan	1.853.472	1.757.545	2.310.262	1.821.769	1.208.723
Rasio Kepatuhan	84,07%	77,63%	73,06%	71,10%	72,58%
a. Badan	61,27%	60,16%	65,47%	58,86%	65,14%
b. Orang Pribadi Karyawan	98,73%	85,41%	73,23%	71,83%	74,86%
c. Orang Pribadi Nonkaryawan	45,53%	52,44%	75,93%	74,28%	61,53%

In addition to the compliance ratio, Indonesia's tax ratio has also not reached the ideal figure. According to the Division Chief of the Indonesia and Philippines Division of the Asia and Pacific IMF Luis E Breuer, the tax ratio for a nation as big as Indonesia should reach 15 percent. Indonesia's tax ratio during the 2010-2022 period only reached an average of 10.31 percent (Figure 1), which is still far from the ideal 15 percent.

**Figure 2**

*Development of tax ratio*



The ratio of taxpayer compliance and tax ratio that has not reached the ideal condition indicates that there is ineffectiveness in the implementation of tax laws. Whereas legal effectiveness is that people actually act in accordance with legal norms as they should act, that the norms are actually applied and obeyed. This means that the law (legislation is part or subsystem of the legal system) has not been effective in making all registered people actively participate in the tax system, so that the tax ratio still does not reach the ideal value. Measuring effectiveness by reaching the ideal value is something that will be difficult to achieve. Therefore, an approach is needed to measure the effectiveness of law (legislation). According to Lubis and Husain in Masihin et.al (2021), there are 3 (three) main approaches in measuring effectiveness, namely the resource, process and target approaches. Of the three approaches, the target approach is relevant for measuring the effectiveness of laws, especially tax laws. In the consideration letter b of Law Number 7 of 2021 concerning Harmonization of Tax Regulations (Law on HPP) explicitly states that to increase sustainable economic growth and support the acceleration of economic recovery, a fiscal consolidation strategy is needed that focuses on improving the budget deficit and increasing the tax ratio, which, among others, is carried out through the implementation of policies to improve tax revenue performance, tax administration reform, increase the tax base, create a tax system that prioritizes the principles of justice and legal certainty, and increase taxpayer voluntary compliance. Thus, the tax ratio is one of the targets to be achieved in the Law on EFT. So that the measurement of the effectiveness of the Law on Tax HPP can use the tax ratio indicator.

Measurement of effectiveness with the tax ratio is certainly not only looking at the real nominal, but measurement with a comparative analysis. Comparative analysis is an analytical technique used to see the average tendency of two or more sample groups (Edi Riadi, 2016). So that the measurement of effectiveness with a comparative analysis aims to analyze whether the tax ratio after the enactment of the Law on HPP is higher and significant (meaningful) than the tax ratio before the enactment of the Law on HPP. This analysis is not limited to after and before the enactment of a law, but a comparative analysis can be used for a government policy, such as comparing the tax ratio of the era of Preisden Susilo Bambang Yudhoyono's administration in the 2010-2014 period with the era of Joko Widodo's administration in the 2015-2019 period. The comparative analysis that can be used is the analysis of variance (anova) or Kruskal Wallis test. The anova test is carried out if the tax ratio data is normally distributed and homogeneous, but on the contrary, if one is not fulfilled, the comparative analysis uses the kruskal wallis test. Because the Law on COGS was issued on October 29, 2021, so that its implementation is only available with a single data, namely 2022, so that the measurement of the effectiveness of the tax ratio after the enactment of the Law on COGS cannot be drawn a conclusion because there is no comparative data in other years.

However, as an illustration of the comparative analysis, the comparative analysis can be used to compare the tax ratio during the era of Preisden Susilo Bambang Yudhoyono's administration in the 2010-2014 period with the era of Joko Widodo's administration in the 2015-2019 period. The results of the analysis of the tax ratio with the ANOVA test concluded that there was a significant difference ( $P=0.010 < 0.05$ ) between the tax ratio of the era of the administration of Preisden Susilo Bambang Yudhoyono in the



2010-2014 period and the era of Joko Widodo's administration in the 2015-2019 period. Thus it can be said that the tax ratio in the era of the Susilo Bambang Yudhoyono administration in the 2010-2014 period with an average tax ratio of 11.04 percent is higher and significant than the era of the Joko Widodo administration in the 2015-2019 period with an average tax ratio of 9.87 percent. This means that Joko Widodo's administration in the 2015-2019 period was not effective in increasing the tax ratio. Then a comparison analysis was also carried out to compare the tax ratio of the Joko Widodo government era in the 2015-2019 period with the 2020-2024 period. The results of the tax ratio comparison analysis with the anova test concluded that there was no significant difference in the tax ratio between the Jokowi government era in the 2015-2019 period and the 2020-2024 period ( $P=0.112>0.05$ ). This means that the Joko Widodo administration for the 2020-2024 period is not effective in increasing the tax ratio. Comparison analysis during the era of Presiden Susilo Bambang Yudhoyono's administration in the 2010-2014 period with the era of Joko Widodo's administration in the 2015-2019 period and the era of Joko Widodo's administration in the 2015-2019 period with the 2020-2024 period can be used to measure the effectiveness after the enactment of the Law on HPP.

Although the measurement of effectiveness with the tax ratio in the omnibus method of the Law on Tax HPP cannot be done because the available data is only data for 2022, the omnibus method of the Law on Tax HPP has the potential to increase the tax ratio. The potential is first, in Article 2 paragraph (1) of the Law on Tax HPP explicitly states that the Taxpayer Identification Number of individuals who are residents of Indonesia uses the Population Identification Number (NIK). With the application of NIK as a Taxpayer Identification Number, the number of registered taxpayers required to file tax returns will increase greatly. As of 2021, the number of registered taxpayers for individual tax returns has only reached 17,350,334 taxpayers. Meanwhile, the total number of Indonesian residents who have population data (NIK) for Semester II 2021 is 273,879,750 people, so the potential increase in taxpayers can increase sharply based on NIK. However, it is not certain that all of these people have jobs, so the NIK approach is the number of workers. According to BPS data in 2021, the number of workers reached 131,050,523 people. This means that with NIK as a Taxpayer Identification Number, the increase in taxpayers should potentially be 131,050,523 taxpayers. Furthermore, the results of data analysis of the relationship between taxpayers and tax revenue show that every 1 percent increase in taxpayers, state revenue will increase by 1.18 percent or Rp1.18 trillion.

Second, the expansion of the carbon tax base. Article 13 paragraph (1) of the Law on Carbon Tax states that carbon tax is imposed on carbon emissions that have a negative impact on the environment. Then in paragraph (5) it is also emphasized that carbon tax subjects are individuals or entities that purchase goods containing carbon and/or conduct activities that produce carbon emissions. This carbon tax is a relevant solution to increase state revenue, especially tax revenue. According to the results of research by Frimansyah et al (2022), the potential for carbon tax revenue in Indonesia has been calculated with a carbon tax imposition scheme with the lowest rate of IDR 30 per kilogram of carbon dioxide equivalent (CO<sub>2</sub>e), and with the amount of carbon emissions increasing by 3.57% each year. The calculation results show that the government can obtain potential Carbon Tax revenue from the energy sector worth IDR 23,651 trillion in 2025 (Table 2).

### Figure 3

*Potential carbon tax revenue from energy sector in 2019 – 2025*

No	Tahun	Jumlah Emisi Karbon (Gg Co <sub>2</sub> e)	Tarif Pajak Karbon Minimal (Rp/kg Co <sub>2</sub> e)	Potensi Penerimaan (Rp juta)
1	2019	638.808	30	19.164.240
2	2020	661.603*	30	19.848.088
3	2021	685.211*	30	20.556.338
4	2022	709.622*	30	21.289.861
5	2023	734.985*	30	22.049.559
6	2024	761.212*	30	22.836.366
7	2025	788.375*	30	23.651.249

Third, the excise tax on e-cigarettes. Article 14 of the Law on Excise Tax explicitly states that tobacco products, which include cigarettes, cigars, leaf cigarettes, sliced tobacco, e-cigarettes, and other tobacco



processing products, regardless of whether or not substitutes or auxiliary materials are used in their manufacture. The shift in consumption of conventional cigarettes to e-cigarettes has shown an increasing trend. The prevalence of e-cigarette smoking rose from 0.3 percent in 2011 to 3 percent in 2021. Although e-cigarettes are as harmful as conventional cigarettes, this increase in prevalence is a potential for excise revenue. The potential is that every one percent increase in the average percentage of cigarette consumption will increase the amount of tobacco excise revenue by 0.126 percent.

#### 4. CONCLUSION AND SUGGESTIONS

In the mechanism of the omnibus method as an instrument of structuring legislation, it can be done with various methods, namely the goulatine approach or regulatory guillotine approach, sunset clause, One-In, One-Out/OIOO (one in one out), the red tape challenge, and moratorium. The omnibus method can be one of the methods adopted in the formation of legislation in Indonesia because several laws and regulations in Indonesia have used this method with different formats. The application of the omnibus method technically and substantively in taxation legislation is needed to fulfill the substance component of laws and regulations that can be easily understood by the public by compiling them in 1 (one) text. Then the indicator of accuracy in using the omnibus method is that it needs to refer to the second amendment to Law Number 12 of 2011 concerning Law Formation, namely the enactment of Law Number 13 of 2022, analysis with Regulatory Impact Assessment (RIA) and analysis with the theory of Lon F. Fuller. In addition, the measurement of effectiveness with the tax ratio is certainly not only looking at the real nominal, but the measurement with the comparison test. The measurement of effectiveness with the comparison test aims to analyze whether the tax ratio after the enactment of the Law on Tax HPP is higher and significant (meaningful) than the tax ratio before the enactment of the Law on Tax HPP. Then the omnibus method of the Law on EFT has the potential to increase the tax ratio, namely NIK as a Taxpayer Identification Number has the potential to generate IDR 1.18 trillion, carbon tax has the potential to generate IDR 23,651 trillion in 2025, and e-cigarette excise has the potential to generate an increase in tobacco excise revenue of 0.126 percent for every 1 percent increase in prevalence.

Based on the results of the analysis and discussion that has been carried out, the researchers provide suggestions to the government and the DPR RI, namely: (a) it is necessary to standardize in a guideline the indicators of the accuracy of the use of the omnibus method in the formation of laws and regulations both using the RIA method, the theory of Lon F. Fuller, and the existence of Law Number 13 of 2022 concerning. The indicators described in this dissertation can be the initial basis in the preparation of indicators of the accuracy of the use of the omnibus method in the formation of laws and regulations by the legislator; (b) the application of the omnibus method technically and substantively in tax legislation, especially with the existence of Law Number 7 of 2021 concerning Harmonization of Tax Regulations (HPP Law), is expected to be an important part of tax reform to build a fair, healthy, effective, and accountable tax foundation, in the medium/long term. The HPP Law, which uses the omnibus method formally or the process of forming laws, is also taken into consideration after the Constitutional Court Decision Number 91/PUU-XVIII/2020, namely that in forming laws using the omnibus method, it is necessary to consider the discussion time for the formation of laws between the DPR and the President, if changes are made to several laws, it will take a long time compared to using the omnibus method which can combine several tax laws so that the discussion of laws is relatively faster.

#### REFERENCES

- Bryan, G. (2009). *Black's law dictionary. Ninth edition*. West Publishing Co.
- Direktorat Jenderal Pajak. (2020, September 1). *Istilah umum perpajakan*. DJP. <https://www.pajak.go.id/id/istilah-umum-perpajakan>.
- Fuller, L. F. (1975). *The morality of law, revised edition*. Yale University Press.
- Hasan, D. (2021). Drafting of General Provisions and Tax Procedures Bill: The Urgency of Its Improvement, FGD in the context of the Urgency of the Formation of the Bill on General

Provisions and Tax Procedures, Expertise Agency of the House of Representatives of the Republic of Indonesia: April 6, 2021.

Masihin, B. S., Suradinata, E., & Khairi, H. (2021). Efektivitas pengelolaan dana desa di Kecamatan Gunungputri Kabupaten Bogor Provinsi Jawa Barat. *VISIONER: Jurnal Pemerintahan Daerah di Indonesia*, 13(2), 309-322. <https://doi.org/10.54783/jv.v13i2.435>.

Pane, E. (2019). *Legal drafting*. Harakindo Publishing.