

The Omnibus Law on Job Creation and its potential implications for rural youth and future farming in Indonesia

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Abstract: *Indonesian rural youth face challenges accessing farmland and sustaining an agricultural livelihood while their labour is not necessarily absorbed by other sectors. In that context, the Omnibus Law on Job Creation (Law 11/2020) promises to liberalise trade and investment across multiple sectors, including agriculture and food security. Combining legal research and political economy approaches to youth and agrarian challenges, we identify amendments to legislation that reduce safeguards for the environment, workers' and farmers' rights and their livelihoods. If fully implemented, the legislative amendments could further narrow youth's options both for secure formal work and futures in farming by accelerating the expansion of infrastructure, industrial plantations and extractive industries that utilise low-wage labour and huge areas of land. This exposes inconsistencies in the government's approach to increase future food security by promoting intensification of agriculture and attracting youth to farming, while enabling agro- and resource extraction that absorbs land yet offers limited and precarious employment prospects.*

Keywords: *agriculture, deregulation, Indonesia, omnibus law, precarity, youth*

Introduction

Uneven and highly differentiated political economies influence the uncertainty and labour precarity of youth (Sukarieh and Tannock, 2016), limiting rural youth's entry into farming. In the last decade, Indonesian policy frames have highlighted concerns about youth leaving farming, while seeking to enrol more youth to adopt modern farming techniques to enhance productivity and future food security (Toumbourou *et al.*, 2023). These selective accounts framing Indonesian youth and young

farmers as innovative and entrepreneurial overlook the structural obstacles to youth's farming and employment pathways (Sunam *et al.*, 2021; White, 2021; Toumbourou *et al.*, 2023). Throughout Indonesia and rural Southeast Asia, expanding infrastructure, industrial plantations and extractive industries have reduced access to farming, but provided inadequate compensation and limited job opportunities for rural youth and farming families (Hall, 2011; Li, 2011, 2017a; Park and White, 2017; McCarthy, 2019; Kelley *et al.*, 2020; Sinaga, 2021). Meanwhile, the COVID-19

pandemic has accentuated young people's uncertainty and the overall labour precarity of Indonesian workers (Beta, 2020; Nurlinah and Sukri, 2021).

Indonesia's Omnibus Law on Job Creation (Undang-Undang Cipta Kerja, Law 11/2020) was enacted during the COVID-19 pandemic, when physical distancing regulations limited civil society scrutiny and comments. It promises to liberalise trade and investment across multiple sectors, including agriculture and food security (Amanta, 2020). The Consideration and the General Elucidation states that the Omnibus Law aims to create job opportunities by relaxing laws and regulations to attract investment and business; protect and empower cooperation and micro, small and medium enterprises (MSMEs); boost government investment and accelerate strategic national projects; and enhance worker protection. Its revision of labour, tax and environmental laws is intended to cut through vested and sectoral interests, simplify administrative rules, overcome regulatory bottlenecks and reduce opportunities for corruption (Baderi, 2020). The Omnibus Law is also intended to reduce legal obligations on companies and create a more 'flexible' job market (Mahy, 2022). With specific reference to youth, proponents have argued that the Omnibus Law will create job opportunities for Indonesia's large number of unemployed youth, in particular rural youth, and support young people to become entrepreneurs, which will in turn build Indonesia's economy and improve labour force productivity (Antara News, 2020; Gizind, 2021; Infopublik, 2023; Khoirunnisa, 2023). However, these claims have been contested within Indonesian society, and the legislative amendments introduced with the Omnibus Law are not yet fully implemented.

Critical legal analysis is emerging on labour and environmental protections as well as the democratic processes that were followed in the drafting and enactment of the Omnibus Law (A'yun and Mudhoffir, 2020; Sembiring et al., 2020; Mahy, 2022). But none so far has focused on the implications for youth in agriculture, despite this being a major state and non-state policy focus for addressing food insecurity in Indonesia (Toumbourou et al., 2023). In this paper, we contribute to an improved understanding of the Omnibus Law's potential

implications for Indonesian rural youth to inform policy debate around employment and agricultural industrialisation. We ask, how are rural youth potentially implicated by the Omnibus Law's deregulation of labour and capital in the agricultural sector?

Our analysis of the Omnibus Law is informed by, and contributes to political economy literature identifying the need for diverse theoretical, methodological and/or empirical approaches in youth studies (Sukarieh and Tannock, 2016; Kelly, 2018). Sukarieh and Tannock (2016) emphasise that political economy approaches do not solely concentrate on individual perspectives (but can be complementary to youth sociological approaches that do so) and examine the social, political and economic configurations shaping youth transitions, education and job opportunities. This literature provides a critical entry point to examine the potential implications of the Omnibus Law for rural youth and future farming in Indonesia. It places attention on issues of law and governance, including how the state prioritises and distributes power and resources, which influence the choices and opportunities for young people. In the following literature, it also helps to conceptualise youth and precarity related to issues of access to land and capital for farming, labour and investment.

Indonesian rural youth and agrarian challenges

As evident elsewhere in rural Southeast Asia (Rigg et al., 2018, 2020), there is a growing trend of youth exiting farming in Indonesia (White, 2020). National survey data indicates that 61% of farmers in Indonesia are aged 45 years old and over with a higher median age in rural areas of Indonesia (Arifin and Anata, 2016; Utomo et al., 2019). Yet these statistics do not take into account youth mobility and immobility in certain contexts such as poverty (Schewel, 2020) and labour migration and remittances to sustain rural households (Kelley et al., 2020). These dynamics do not provide a straightforward narrative of rural youth exit but show local variability, livelihood diversification and intergenerational cooperation.

In rural Indonesia, households often maintain some agricultural activities while diversifying livelihoods (McCarthy, 2019), and rural youth

may return to farming at different life stages, depending on their access to land, capital, education and employment now and in the future (Huijsmans *et al.*, 2021; White, 2021; Griffin *et al.*, 2023). Non-linear education-employment transitions involve pragmatism in the face of hardship and the layered responsibilities of rural youth within their communities (Schut, 2019, 2021). Multi-local livelihood practices of combining nonlocal income and small-scale farming have been observed among rural migrant communities (Elmhirst, 2012; Elmhirst *et al.*, 2017). These forms of occupational multiplicity are common to Indonesia and rural Southeast Asia (Rigg *et al.*, 2020). Intergenerational cooperation is also seen in Africa and other Global South contexts in which family and social networks are important to how youth navigate farming risks and employment pathways (Yeboah *et al.*, 2020). These studies indicate that rural young people will often attempt to keep their options open in response to the challenges and risks of farming.

Youth studies and agrarian studies literature highlights multidimensional and material constraints on young people's lives (Cooper *et al.*, 2019). Literature from and concerning the Global South reveals the challenges facing rural youth to sustain a livelihood as farmers or find work in other sectors (Bezu and Holden, 2014; Bossenbroek *et al.*, 2015; Cooper *et al.*, 2019; Yeboah *et al.*, 2020). It underscores the precarity of farming, insecure work and rural disadvantage.

The deskilling and devaluation of rural life, government neglect of small-scale farming and rural infrastructure, increased farming risks and production costs and limited access to land and capital, unfolding across Indonesia's regions, affect the livelihood options and choices of rural youth and farming futures (White, 2012, 2015, 2020). In heavily populated Java, for example, historically asymmetrical landholding structures have left the majority of youth with little hope of inheriting or acquiring land while still young (White, 2020:48–49). In other regions, government hopes that infrastructure projects and expanding industrial peri-urban fringes will act as 'reservoirs' for absorbing rural–urban migrants (Naafs, 2018). However, local workers in industrial zones faced premature layoffs during the early stages of the

COVID-19 pandemic (Nurlinah and Sukri, 2021), and the formal labour market provides limited and insecure work for many Indonesian youth and migrant workers (Schut, 2019, 2021; Beta, 2020; Sunam *et al.*, 2021).

Large-scale expansion of oil palm, pulp and paper and extractive industries has been underpinned by the ease of obtaining land and low-wage labour (Sawit Watch, 2018). The highly deregulated and opaque ownership structure of foreign and domestic investments in oil palm and mining companies has enabled the financial benefits to flow to predominantly domestic investors and politico-business affiliated actors (Warburton, 2017). Inadequate compensation has been paid to displaced farming households and communities (McCarthy, 2010), and the interactions of land use change, environmental degradation, climate change and global volatilities have increased local food poverty and livelihood precarity (McCarthy and Obidzinski, 2017; McCarthy, 2019). The subsequent narrowing of land access has also made it difficult for the children of farming families to inherit or open nearby land for farming (Li, 2017a).

Plantations and extractive industries often attract poor migrant workers from Java and other parts of Indonesia, while the children of dispossessed households enter into cycles of leaving and returning to agrarian homes in search of job opportunities (Kelley *et al.*, 2020). Referring to Indonesian migrant vulnerability, precarity has been used to describe the 'processes leading to uncertain, unstable, and insecure work, where workers are subject to risk and are entitled to limited, if any, social benefits' (Sunam *et al.*, 2021:2). In labour geography more broadly, precarity is employed as a multidimensional concept covering migration, education, technological change and people's wages and working conditions (Mosoetsa *et al.*, 2016; Strauss, 2018). Precarity is intersectional, disproportionately affecting already marginalised social identity groups (i.e., across dimensions of gender, ethnicity, age/generation and class) to worsen inequalities (Berckmoes and White, 2014; Batchelor *et al.*, 2020; Anwar and Graham, 2021).

Youth's uncertainty and precarity are worsened when large industries and agribusinesses

absorb land, and yet offer limited jobs to employ farmers made landless (Li, 2011, 2017a, 2017b). When smallholder land is accumulated for industrial plantations, the labour absorbed is often physically debilitating, low-paying (many plantations pay only minimum wage or below, see Sinaga, 2013), and highly ‘casualised’ in contrast to formal, permanent and/or unionised labour. Intergenerational displacement, intensified household reproductive work for women, and the exploitation of youth and women’s labour have been documented throughout Indonesia’s plantations and impacted surrounding regions (Li, 2011, 2017a, 2017b; Elmhirst et al., 2017; Levien, 2017; Toumbourou and Dressler, 2020).

For displaced young people who face growing land shortages and leave home in search of urban employment, or to take jobs in palm oil and extractive industries, their social networks and limited formal education often restrict them to unskilled and short-term (non-permanent) jobs (Naafs and Skelton, 2018; White, 2020; Sinaga, 2021). Their precarity is heightened when plantations and extractive industries no longer need their labour, or when plantation work does not provide a living wage (Li, 2017c).

Methodology: Interpreting ‘youth’ in the Omnibus Law

This understanding of youth and precarity has informed our analysis of the Omnibus Law. We combined political economy approaches in youth studies (Sukarieh and Tannock, 2016; Kelly, 2018) with legal research methods. Doctrinal legal research involves a staged process of assembling relevant documents; identifying and analysing legal issues; reviewing background materials; locating primary source materials (including legislation, implementing regulations and case law, if any); and synthesising the findings to form tentative conclusions (Hutchinson and Duncan, 2012; Minow, 2013).

Referring to the steps (outlined above) in doctrinal legal research, the Omnibus Law is the primary source material in conjunction with other relevant legislation and youth and agricultural policies. We did not conduct interviews to confirm the understanding or interpretation of

lawmakers and other proponents but instead focused on the text of the Omnibus Law to understand its potential interpretation and implications for rural youth and future farming in Indonesia. Our analysis and conclusions are ‘tentative’ because at the time of writing, there is no relevant final judicial interpretation to the provisions that we are investigating. Without a judicial interpretation (as in applied by a court), law is applied as it is understood by the government/the executive/administrator, thus open to interpretation within different sectors and levels of government.

Social research methods such as interviews and field-based observations enable insight into youth’s own perspectives and experiences, then making connection to policy debate when relevant to do so. Sociological approaches provide in-depth examination of young people’s lives but are less suited to identifying and analysing legal issues. The emphasis on close reading of the content of law in doctrinal legal research is methodologically suited to anticipating future risks (‘potential implications’) – affecting youth’s farming and employment pathways – as in the case of the partially implemented Omnibus Law.

Our intensive focus on the text of Omnibus Law provides a different starting point to a direct focus on youth’s own perspectives or specific youth policy and programmes. Even when a law has been fully implemented and is less complex, in its aims and content, than the Omnibus Law, it is hard to attribute its specific impact on youth issues. The contribution of doctrinal legal research here lies in scrutinising the legislative amendments to tease out a broad set of issues, offering openings for debate and scrutiny, and not in attempting to pinpoint the future impacts of the Omnibus Law on rural youth.

The Omnibus Law: Logics, chronology and legal manoeuvrings

The Omnibus Law is an extensive legal document. It comprises 10 clusters of legislative amendments and 15 chapters containing 186 articles. The 10 clusters are: (i) relaxation of licensing requirements; (ii) investment requirements; (iii) employment and labour conditions; (iv) ease (e.g., in obtaining permits);

(v) empowerment and protection of MSMEs; (vi) ease of doing business; research and innovation; (vii) government administration; (viii) imposition of sanctions and penalties; (ix) land procurement; government investment and national strategic projects; and (x) economic zones. While introducing a small number of new general principles on business-related licensing, the majority of the Omnibus Law contains the amendment of 78 Statutes/Laws (i.e., existing national laws are revised in a single document). This type of ‘omnibus’ umbrella framework is more often found in common law systems, whereas Indonesia’s civil law system does not have an established tradition of enacting them (Mahy, 2022).

The Omnibus Law has been framed as a transformative breakthrough, shifting from an incremental and conventional path to review and reform individual laws to a complex package of legal revisions. In a speech, on 20 October 2019, President Joko Widodo identified the need for a new regulatory approach for his second term (2019–2024), paving the way for the Omnibus Law. It followed earlier statements about his administration’s second-term priorities to expedite infrastructure development; strengthen human capital development; attract investment for job creation; streamline bureaucratic processes; and improve state budget efficiency.

The Omnibus Law states its objectives as boosting investment and creating jobs and reducing poverty and income inequality (Art. 3). Yet major business groups and their representative organisations, the Indonesian Chamber of Commerce (KADIN) and the Indonesian Employers’ Association (APINDO), who played a major role in developing the law, have shown a general lack of interest in measures to strengthen education, health and welfare systems, despite these approaches being widely recognised as effective means to tackle poverty and inequality (e.g., Arsani *et al.*, 2020). Indonesian businesses have long complained of the difficulty in recruiting skilled local workers to fill professional and management positions. Rather than matters related to education or education quality, their lobbying efforts – which strongly influenced the formation of the Omnibus Law – have focused on a more ‘flexible’

job market and securing various forms of government largesse (see Rosser, 2018).

Lawmakers and other proponents have argued that facilitating business and, among other things, easing access to industrial land use permits for foreign investors will create new job opportunities for domestic workers (Sembiring *et al.*, 2020). Airlangga Hartanto, the Coordinating Minister of Economic Affairs, described the need for an Omnibus Law as a tool to combat the ‘Middle Income Trap’ of rising wages and loss of competitive advantage (quoted in Iannone, 2021). Yet opponents have argued that the Omnibus Law mainly addresses the needs of big businesses and foreign investors, while ignoring the rights of unskilled labourers, poor farmers and rural youth (Nasution, 2020).

Civil society, journalists and academics have pointed to conflicts of interest among ministers and officials involved in the development of the Omnibus Law due to their direct ties to mining and plantation companies (Bersihkan Indonesia, 2020; Greenpeace, 2020; Margiansyah *et al.*, 2020). Environmental and human rights activists and journalists have argued that the legislative amendments, if fully implemented, will reduce environmental protections, corrode labour rights, and widen the gap of land ownership in favour of politico-business affiliated actors and corporations (see environmental activist Arie Rompas in CNN Indonesia, 2020; Jong, 2020, 2021). Indigenous peoples and civil society groups such as the Indigenous Peoples’ Alliance of the Archipelago (AMAN) have pointed to the law’s future risks and worsening inequalities. The AMAN Secretary General, Rukka Sombolinggi, warned that young farmers will be major victims of the Omnibus Law (quoted in Yahya, 2020).

Lawmaking commenced late 2019 and involved mainly business representatives for discussion of the proposed Omnibus Bill. The public had no access to the draft Bill discussed. The Widodo administration then hurriedly submitted the Omnibus Bill to the House of Representatives (DPR) on 12 February 2020. This timeframe coincided with the early stages of the COVID-19 pandemic and physical distancing regulations. The short period of discussion and lack of access to the draft Bill limited the participation of labour unions and civil society groups representing

worker and farmer concerns and environmental issues (A'yun and Mudhoffir, 2020; Hidayat, 2020; Setiawan, 2021). Following DPR's approval on 5 October 2020, this lack of transparency and participation contributed to one of the biggest public demonstrations in Indonesian history after the 1998 protests that ended the Suharto regime.

The Omnibus Law: Requiring revision

The Omnibus Law (Law 11/2020) was enacted on 2 November 2020. Immediately after, labour unions, civil society organisations and individuals, collectively or independently submitted petitions to the Constitutional Court for judicial review. On 25 November 2021, the Constitutional Court issued a judgement requiring revision of the Omnibus Law within two years after which time it would be made permanently unconstitutional. The judgement found that the Omnibus Law did not fully comply with the Indonesian Constitution and violated democratic and legislative principles (Law 12/2011 on the Formation of Law and Regulation) by creating the impression that it is new legislation, although it mostly contains legislative amendments. In response, the House of Representative (DPR) issued Law 13/2022 to address the first part of the Constitutional Court decision by changing Law 12/2011 to accommodate the procedural process already undertaken for the Omnibus Law. However, the second part of the Constitutional Court decision regarding the need for public participation in the legislative process is yet to be fulfilled (Sahbani, 2023).

On 30 December 2022, the Widodo administration issued an Interim Emergency Law (Perpu 2/2022) citing the need for emergency interim measures to respond to the threat of global and domestic economic recession, geopolitical conditions related to the Ukraine-Russia war and other conflicts, and energy, financial and climate change crises (Government of Indonesia, 2022). An Interim Emergency Law (Perpu) issued by the President must be confirmed as Law/Statute or rejected by the House of Representative at its next sitting, and (Perpu 2/2022) passed into Law on 21 March 2023. The revised Omnibus Law (Law 6/2023) has minor changes, including to the labour cluster

on issues of outsourcing and the calculation of the minimum wage. But the legislative amendments are otherwise the same as the original Law 11/2020. To follow up those amendments, the central government has introduced many implementing regulations (mainly to replace regulations referring to the old Statutes/Laws amended by the Omnibus Law).

Under the Indonesian Constitution, the hierarchical organisation of Statutes/Laws established by House of Representatives (DPR) and the President provide the overarching rules that usually require implementing regulations. This means that the Omnibus Law – that revises multiple national laws – must be implemented through hundreds of technical implementing regulations issued by sectoral ministries as well as subnational jurisdictions. Given that labour unions and civil society organisations have submitted petitions for judicial review focusing on the content of Law 6/2023, there is potential – at least legally – for the Constitutional Court to annul one or more provisions in the Omnibus Law. Following the landslide victory of Defence Minister, Prabowo Subianto in Indonesia's 2024 presidential election, the partially implemented Omnibus Law remains shrouded in legal uncertainty and contestation.

The Omnibus Law: What are the potential implications for rural youth?

In what follows, we identify legislative amendments concerning food imports, farmer registration, national strategic projects, rules for investors and labour protections – all aspects of the law that are relevant to rural youth. We do not provide a comprehensive review of each policy area (Table 1) but focus on the potential implications for rural youth, including their access to farming and agricultural work.

Will relaxing food imports further reduce farm gate prices and increase barriers to youth farming?

The Omnibus Law affirms the state's productivist-oriented assumptions that food insecurity is a problem of supply, to be resolved by supporting international trade and allowing the import of food products to provide

The Omnibus Law and its potential implications for rural Indonesian rural

Table 1. Summary of legislative amendments

Topic	Revised law	Section of the Omnibus Law	Potential implications
Relaxing food imports	Law 18/2012 on Food (Art. 14 and 36) Law 19/2013 on Farmers' Protection and Empowerment (Art. 30)	Art. 64 Art. 32	Increased competition and reduced farm gate prices
Registration of smallholder planters/farmers	Law 39/2014 only requires Plantation Licence/Permit for Corporations (Art. 42). Further, its implementing regulation (Minister of Agriculture Regulation 98/2013 on Plantation Permits/Licences) requires District Governments to register smallholders (Art. 5)	Art. 8 introduces a type of business licence (namely NIB) for low-risk/small-scale businesses such as smallholders	Increased administration and reduced access to government financial assistance (for those who cannot meet the administrative requirements)
Extending the grounds to change agriculture land for other uses	Law 22/2019 on Sustainable Farming (Art. 19) Law 41/2009 on the Protection of Sustainable Farmland (Art. 44) Law 2/2012 on Land Acquisition for Development and Public Interest (Art. 10)	Art. 31 Art. 124 Art. 123	Adding large projects could further reduce farmland and land access for smallholder agriculture
Easing obligations of domestic and foreign corporations for agriculture and plantations	Law 39/2014 on Plantations (Art. 58) Law 13/2010 on Horticulture – revisions to domestic investment (Art. 100 (1) (2), (3) and (4))	Art. 29 Art. 33	Reduced corporate assistance (e.g., from palm oil companies) More foreign investment could further reduce farmland in favour of corporations
Weakening of labour protections	Law 13/2003 on Labour – multiple revisions in the labour cluster include relaxing short-term (casual) hiring (Art. 59) and simplifying requirements for foreign workers (Art. 42)	Art. 81	Reduced labour protections for non-permanent ('casual') workers More precarious labour and competition for farming for low-skilled and casual jobs

affordable prices to Indonesian consumers (Vel *et al.*, 2016; Neilson and Wright, 2017). It does so through revision of the safeguards intended to protect domestic farmers from competition with imported goods.

Previously, Law 19/2013 on Farmers' Protection and Empowerment prohibited food importation when domestic consumption and food reserves are sufficient. The revised text (amendment of Art. 30 in Art. 32 of the Omnibus Law) now states that 'the sufficiency for food consumption and food reserve comes from domestic production *and import* while maintaining the

domestic farmer interest' (our emphasis added). The Omnibus Law also amends Law 18/2012 on Food that prohibited the import of staple foods unless domestic production and national food reserves are insufficient to meet domestic needs (Art. 14 and 36) or, in the case of other types of food, if the product cannot be produced domestically (Art. 36). The revised text (amendment of Art. 36 [3] in Art. 64 of the Omnibus Law) stipulates that the government should regulate food imports by considering domestic farmers and fishers through tariff and non-tariff policies. However, it omits the words

'in a way that does not harm farming businesses as well as the welfare of farmers...' (amendment of Art. 39 in Art. 64 of the Omnibus Law).

Some food imports may be necessary to secure supply and provide affordable food for consumers (especially urban poor in cities) when there is shortage in domestic stocks (Vel et al., 2016; Neilson and Wright, 2017). Recently introduced measures (such as *neraca komoditas* in Presidential Regulation 32/2022) are intended to regulate trade and ensure that domestic markets are not flooded with cheap food imports. However, the above amendments revise the safeguards and shift away from the previous emphasis on food self-sufficiency to relaxing food imports. This shift could reduce farmers' profitability as well as productivity if increased competition makes it more difficult for rural poor and younger generations to enter into micro, small, and medium enterprises (MSMEs), invest in land or purchase farming machines and inputs, and repay loans due to further reductions in farm gate prices for their yield (Redaksi, 2015; Wardah, 2018).

Will enhancing data on farmers discourage young people from agriculture by increasing administrative burdens?

Another proposed change is the new obligation on all types of business – including farmers and smallholders – to have a business registration number (*Nomor Induk Berusaha* or NIB) as a basic requirement to conduct business (Art. 7 Minister of Agriculture Regulation 45/2019 on Electronically Integrated Licensing Services in Art. 8 of the Omnibus Law). Previously, the obligation to collect and maintain data on farmers' registration (known as *Surat Tanda Daftar Budidaya* or STDB) was the responsibility of local governments as smallholders are not required to have permits (Art. 5 Minister of Agriculture Regulation 98/2013 on Plantation Permits/Licences) (Sahputra, 2020).

Farmer registration (through the STDB) can be understood to be a type of formalisation – it shifts the responsibility for compliance from the state (to register farmers) to individuals to directly register to become legally identifiable as smallholder planters/farmers. Failure to obtain a NIB could have serious financial impacts if farmers cannot access government

financial assistance such as subsidised fertiliser and certified seeds, making production costly and potentially unviable. In terms of sustainable palm oil certification (Gottwald, 2018), the requirement to obtain a NIB adds another bureaucratic burden to the registration requirements for sustainability certification that already make it difficult for smallholders to access and benefit from such schemes (EIA, 2020). Failure to comply, for example, prevents independent smallholders from selling their produce directly to mills and instead forces them to sell through an intermediary at a lower price (Yayasan Keanekaragaman Hayati Indonesia, 2019: 38–39).

Acquiring an online business registration (NIB) is not likely a lengthy process, but all farmers must register through an online platform known as Online Single Submission (OSS). The document requirements include a business plan, tax number and tax facility request plan. Young people from educated backgrounds will likely be able to access the online platform and have the support networks and financial literacy to obtain an online business registration number (NIB). But rural poor and smallholder farmers with limited formal education (including many rural youth) will likely need government or civil society support to fulfil this new obligation for registration. Adding bureaucratic hurdles may disadvantage certain groups (particularly older generations and those with limited education), and rural youth among those from poor and marginalised farming backgrounds could lose access to financial assistance for farming if they cannot meet the new requirement.

Changing agricultural land use, for what and for whom?

Previously, Law 22/2019 on Sustainable Farming aimed to ensure the sufficiency of farmland for domestic production as well as respond to increasing population and economic activities. According to Law 22/2019, rezoning the function of agricultural land to other types of land use can only be done when there is an identified 'public interest' (*kepentingan publik*) with some requirements for land assessment and exchange. Such change cannot be done in farmland where irrigation systems have been established (Art. 19). A similar provision is

stipulated in Law 41/2009 on the Protection of Sustainable Farmland (Art. 44).

The Omnibus Law eases the above conditions by allowing such change when there is a 'Strategic National Project' to improve growth and equality for public welfare and regional development as defined in Presidential Regulation 3/2016. It adds six new projects that constitute 'public interest'; stipulated in Law 2/2012 on Land Acquisition for Development and Public Interest to include, among others: areas for technology development, food estates, tourism or an industry that is initiated and/or managed by the central and local government, or state-owned companies (amendment of Art. 10 in Art. 123 of the Omnibus Law). This expanded list of national strategic projects is aligned to President Widodo's priorities for infrastructure and economic development.

State-owned or state-facilitated projects such as to establish tourism and other industries (Special Economic Zones) are typically proposed in a strategic position with access to markets and infrastructure. These types of projects must be proposed by government and business representatives and historically have benefited elite interests rather than local needs (e.g., Warren, 2013). Rural young people in these locations might receive jobs and/or other economic benefits, but those wanting to establish or scale up farming businesses, either as individuals or small groups, could be negatively impacted if land prices go up and available farmland is reduced in favour of large projects (Li, 2010).

While the Omnibus Law relaxes the conditions on food imports, a nationalist interpretation of food security, food self-sufficiency and food sovereignty (Vel *et al.*, 2016) is at the same time strengthened by adding food estates to the list of national strategic projects. This addition affirms policy objectives for increasing food security (Hamilton-Hart, 2019) and the bolstered influence of the military in food production and distribution, including large food projects (Afiff, 2020; Graham, 2020) that historically have not achieved their production aims (Obidzinski *et al.*, 2013). Like the requirement on farmers to obtain a business registration number (NIB), this might appear only tangential to rural youth and future farming in Indonesia. But the legal mechanisms enabling land

acquisition for national strategic projects mark a shift in (or a strengthening of) development priorities that enable and legitimise large infrastructure and forms of displacement. These priorities interact with other policy measures and agro-industrial models that reduce land access for smallholder agriculture as a viable livelihood option for rural youth.

Will easing the obligation on investors and corporations further reduce farmland?

The Omnibus Law reduces palm oil companies' obligation to build local communities' plantations, known as 'plasma' – comprising 20% of a plantation concession area (as set out in Law 39/2014 on Plantations). This obligation was first introduced in Ministry of Agriculture Regulation 26/2007 on Plantation Permits/Licences and later affirmed in the Law 39/2014 on Plantations (Art. 58) to reduce power inequalities and redistribute benefits, as well as garner local support for corporations (Vebri, 2019). The Omnibus Law reduces its applicability to companies that obtain cultivation rights for areas zoned as state forest area (*Kawasan Hutan*) (amendment of Art. 58 of Law 39/2014 on Plantations in Art. 123 of the Omnibus Law). It is no longer applicable to concessions granted over locations that were originally 'non-forest area' (*Areal Penggunaan Lain*) with the right to own and cultivate land; that is, primary agricultural locations where this type of support is needed. Thus, future or ongoing benefit that local people might have once derived from releasing land for palm oil is now removed with these changes, sharpening impacts for future generations who face land shortages and limited work opportunities in plantation systems (Li and Semedi, 2021).

Another significant change in the Omnibus Law concerns foreign investment. Previously, Law 13/2010 on Horticulture encouraged domestic investment (Art. 100 (1)). Large businesses were permitted a maximum foreign investment of 30% (with the remaining 70% to be owned by a domestic partner); and foreign investors were required to place funds in a national bank with a prohibition on borrowing money from local banks (Art. 100 (2), (3) and (4)). To attract more foreign investment, the Omnibus Law omits these limitations and requirements, and simply states that the

procedure for such investment is to be regulated by law and regulation concerning investment (amendment of Art. 100 of Law 13/2010 on Horticulture in Art. 33 of the Omnibus Law) which, presumably, will be relaxed.

The Omnibus Law does not include any significant provision for improvement in tenure security nor for landless farmers (including youth) to gain access to suitable farmland. Further, the administrative burden for corporations is lifted with the Omnibus Law's revocation of licences, including environmental licences (Sembiring and Anindarini, 2020). Reducing so-called 'green-tape' burdens, along with easing the limitations on foreign investment, will likely make it easier for domestic and foreign invested agribusinesses to acquire more private land from farmers to establish a plantation. By comparison, as discussed above, for domestic farmers, there is an increased administrative burden of registration. The legal revisions interact with other policy measures that constrain youth's access to viable agricultural livelihoods while, as we elaborate below, potentially increasing the limited and precarious employment available in plantations and other large industries.

Who will benefit from job creation in plantation and related sectors?

Mahy (2022) provides detailed legal analysis of the labour cluster, noting that the Omnibus Law 'downgrades' the detailed rules and calculations in Law 13/2003 on Labour (*Ketenagakerjaan*) to Government Regulations that are within the domain of the executive government and thus more susceptible to future change. We focus on two labour provisions most likely to affect rural youth and (mainly unskilled) workers in the agriculture sector: short-term hiring (casualisation) and the allowances for foreign workers.

Law 13/2003 on Labour strengthened the rights to minimum wage and other protections for permanent workers, while casual workers (temporary workers without contract) are not afforded the same protections (Li, 2017b). The 2003 Labour Law stipulated an allowance for companies to hire short-term (non-permanent) labour for seasonal, one-off work or short-term work to a maximum of 3 years (Art. 59).

Plantation owners and managers took advantage of this allowance and increasingly moved to a model of using casual or contract-based labour for short periods, bypassing the minimum wage and other protections required for permanent workers (Li, 2015:36–37). It has been estimated that around 70% of plantation workers are casually employed (Sawit Watch, 2018). Short-term labour is often paid by the output, such as per tonne of oil palm fruit bunches harvested. These casual workers are exposed to unsafe conditions without the protections of insurance, health care and other benefits (Sinaga, 2021).

The Omnibus Law will likely increase this casualisation by removing the provision concerning the maximum duration for short-term labour to be determined in Government Regulation (amendment of Art. 59 in Art. 81 of the Omnibus Law). This newly enacted regulation extends the duration a company can hire labourers on casual terms to five years (Art. 8 (1) Government Regulation 35/2021). It also creates a new broad category of casual work to get around requirements for permanent labour, in instances where work time and volume fluctuates, or where workers are paid on an attendance basis (Art. 10 (1) Government Regulation 35/2021). For this new category of work, a company, in principle, can hire short-term labour for as long as they want, possibly deepening the precarious position of poor and rural youth (particularly those landless) among those who depend on this type of work.

The Omnibus Law's further weakening of labour protections for domestic workers is combined with the easing of restrictions on foreign labour. The 2003 Labour Law stipulated that foreign workers are only permitted to work in positions with certain (high) qualifications (Art. 42(4) and (5)); and need to have written permission from the government (Art. 42(1)). Although the Omnibus Law (Art. 81) omits the requirement for written permission, companies are still required to provide a plan to hire foreign workers, which will be assessed and legalised/approved by the government. Referring to Government Regulation 34/2021 of the Use of Foreign Workers (as the implementing regulation of the Omnibus Law), such plan and assessment only addresses broad information such as the total number of foreign workers needed,

reasons, plan to absorb Indonesian workers, and so on (see previously Ministerial Regulation 228/2019 on the positions that can be held by foreign workers such as managers or specialist/technicians).

Precariously employed casual workers often risk their health and safety to make enough income to survive. The potential entry of foreign workers, including low-skilled foreign workers, could create competition for the already limited and low-paying jobs in plantations (or indeed in mines and related industries). This could further limit the options for rural poor and youth to use these jobs to accrue sufficient wealth to purchase land or other businesses, adding more precarity to the livelihood complexes in which farming risks, employment pathways and youth transitions are negotiated.

Youth implications and reflections on the Omnibus Law

The Omnibus Law amends the legislation that worked to protect workers' rights, the environment and farmers' rights and their livelihoods. It layers over the increasingly corroded labour conditions in large industries such as oil palm plantations (Li, 2011, 2015, 2017b). Some measures – such as the requirement for a business registration number (NIB) and expanding (national) 'public interest' claims to accommodate more strategic projects – superficially have tangential relevance to rural youth. However, it is important to observe the compounding effects of increasing administrative burdens, insecure work and the potential for widening the gap of access to land and capital in agriculture.

Lawmakers and other proponents of the Omnibus Law work from an assumption that large industries and businesses will provide job opportunities to those needing employment, and that Indonesia's large youth population will meet the demands of business owners and investors for increasing labour force productivity and economic competition to achieve the stated objectives of the Omnibus Law. This positioning of youth is reflected in Indonesian government policy and practice. It tends to focus on individual youth capacities for innovation and entrepreneurial skills (White, 2012, 2021; Beta, 2020), yet generates contradictions by

placing rural youth and young farmers in insecure work, competitive markets, and low-cost production systems. This is seen in the selective accounts of young farmers and youth capacities to enhance food and agricultural productivity (Toumbourou *et al.*, 2023), which prioritise self-responsibility and self-actualisation of youth. But in reality, Indonesian government support to its young labour force is limited (Beta, 2020; cf. Pimlott-Wilson, 2017 observing similar trends in the UK context).

Consistent with policy research on rural youth and other critical studies on Indonesian youth (Beta, 2020; White, 2021; Toumbourou *et al.*, 2023), our analysis points to limitations and contradictions in the policy rhetoric calling for job creation with reference to Indonesia's unemployed youth. It is possible that skilled and educated youth may find job opportunities in new markets and emerging industries. Yet, low-paying jobs most accessible to poor and rural youth are susceptible to further casualisation of working conditions. This is compounded by the Omnibus Law's reduction of labour rights, particularly for 'casual' (non-permanent) work as well as relaxing the restrictions on foreign workers. The potential entry of foreign workers, including low-skilled foreign workers, could increase competition for already highly casualised jobs in plantations (or indeed in mines and related industries). Driving down the costs of maintaining production systems could further enable plantations and mines to expand, and in the process, to absorb remaining farmland with little compensatory benefit (i.e., jobs or regular financial payments from oil palm companies – known as 'plasma').

If fully implemented, the legislative amendments further extend and consolidate agro-industrial models utilising low-wage labour, including ease of access to, and low prices paid for, land. This clashes with the government's stated long-term goal, to enrol more youth into farming to increase agricultural productivity and future food security (Toumbourou *et al.*, 2023). It could further close off the opportunities for rural youth who will not inherit land and lack the financial capital to purchase land, who are unable to navigate complex new systems of formalisation, and who lack the social networks and formal qualifications to transition to well-paid and permanent jobs (White, 2020). These

potential implications and future risks are evident in youth's growing labour precarity and the patterns of land use change, displacement and labour migration seen in Indonesia and rural Southeast Asia (Kelley et al., 2020). These dynamics – referring to the partially implemented Omnibus Law – frame and shape the options for future farming and the lives of rural young people in complex and contradictory ways.

Our analysis is broadly consistent with legal arguments about the weakening of environmental and labour protections, and the need for scrutiny of lawmaking and legal instruments such as omnibus laws in the Indonesian context (A'yun and Mudhoffir, 2020; Sembiring et al., 2020; Mahy, 2022). We underscore the importance of inclusive and deliberative processes to anticipate future risks around insecure work and agricultural industrialisation, and to strengthen the policy measures that support poor and rural youth among farmers lacking in education and financial capital, and those lacking in tenure security. Our study demonstrates the contribution of doctrinal legal research to improve understanding of youth and precarity in political economy literature and more broadly (Sukarieh and Tannock, 2016; Kelly, 2018). We hope that our analysis encourages further debate and scrutiny of the legislative amendments concerning the stated objectives, assumptions, and who benefits from this novel and controversial reform.

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Conflict of interest

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