

Government Intervention in Employment in Indonesia Based on Welfare State Theory

DOI: <https://doi.org/10.47175/rissj.v4i3.746>

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ABSTRACT

The emergence of the theory of the welfare state provides wider intervention to the state, in this case the government, especially in seeking the welfare of society, including in terms of employment. The Indonesian Constitution affirms philosophically that promoting public welfare is the responsibility of the government so that its role in employment is very much needed. The relationship between workers/laborers and employers arises from existence of a working agreement. The nature of the prevailing work assention is decided by the boss straightforwardly putting the position of the worker/laborer as the frail party. Therefore, even though at first the employment relationship only involved workers/laborers and employers, it needs to be regulated and supervised by the government as a form of protection for workers/laborers who are always in a disadvantageous position. The presence of the government as the maker and implementer and supervisor of employment policies is a form of implementation and development of welfare state concept. This concept emphasizes that the state does not only maintain law and order but is mindful for looking for the welfare of the individuals. The presence of the government as the maker and implementer and supervisor of employment policies is a form of implementation and development of the concept of the Welfare State. This concept emphasizes that the state does not only maintain law and order but is responsible for seeking the welfare of the people. The presence of the government as the maker and implementer and supervisor of employment policies is a form of implementation and development of the concept of the Welfare State. This concept emphasizes that the state does not only maintain law and order but is dependable for looking for the welfare of the people. This welfare state hypothesis was received within the introduction to the 1945 Structure of the Republic of Indonesia. So that inside the scope of work relations it cannot be isolated from the part and destinations of the State.

KEYWORDS

Government intervention in employment; welfare state theory; worker/laborer; employers

INTRODUCTION

Work improvement has numerous measurements and positive linkages. This linkage isn't as it were with the interface of the workforce amid, some time recently and after the working period but too with the interface of the manager, government and society. For this reason, a comprehensive and comprehensive course of action is required, which includes developing human assets, expanding efficiency and competitiveness of the workforce and

cultivating mechanical relations. The advancement of mechanical relations made by the government. Therefore, State intercession in business, particularly in work relations, is seen through the government's part.

The constitution in Indonesia itself has stated that the relationship between the state and citizen. The state is very clear that it exists and should be a legal basis that must be implemented by the government as an obligation. In general, the state's obligations are implicit within the Introduction of the 1945 Structure, to be specific within the fourth passage which emphasizes that the state is obliged to secure the whole Indonesian country and all of Indonesia's slaughter, advance open welfare, teach the nation's life, and carry out world arrange based on opportunity, peace, eternity, and social equity (Andriyeni et al, 2015).

The paradigm regarding the part and work of the state within the field of work in particular the concept of the welfare state is proposed to be continuously strengthened (Mirza Nasution, 2005: 99-100). The realization of welfare in the field of manpower must continue to be carried out in order to ensure the correct to work and a better than average living for all Indonesian citizens, as emphasized in Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia. The Preamble of the 1945 Constitution, namely "advancing general welfare" to realize "social equity for all Indonesian individuals". This goal is a philosophical basis for state administrators to try to make it happen.

National improvement made within the setting of the improvement of the Indonesian individuals as a entirety and the advancement of Indonesian society as a entire to realize a society that's affluent, fair, affluent, impartial, both tangibly and profoundly based on Pancasila and the 1945 Structure of the Republic of Indonesia. In carrying out the advancement of the workforce encompasses a part and critical position as on-screen characters and objectives of improvement. Corresponding to the division and location of the workforce, workforce improvement is necessary to enhance the quality of the workforce and is concerned with improving and expanding workforce safety, workforce and their families in human understanding nobility and status.

Work is a basic need for every citizen as one of the concrete efforts to make strides the welfare of the individuals of that country. However, Jobs must be humane in essence. Through work, a human being ought to be able to appreciate an expanded quality of life, which isn't as it were measured by fabric accomplishments. Nor is it limited to the welfare of oneself but also the family which is part of an individual's social life.

Work has an critical meaning in human life so that everybody needs it. Work can be translated as a source of pay for a individual, it can too be deciphered as a implies to actualize oneself so that a individual feels his life gets to be more important for himself, his family and his environment, also work makes people prosperous. As well as providing income, work also paves the way for broader economic and social betterment which in turn strengthens individuals, families and communities. The meaning of The right to work is an inherent human right that must be protected and respected.

Work is an activity that is the right of all people (men and women) when living. Article 27 (2) of the 1945 Constitution stipulates that every citizen has the right to work and a decent living for humanity. Article 1 (2) of the Manpower Law No. 13 of 2003 states that: "Labor is everyone who is able to do work to produce goods and/or services to meet their own needs and that of society". Article 1 (3) states that: "Worker/labourer is any person who works by receiving wages or other forms of remuneration". In the provisions of the new Manpower Law, there is no mention of informal workers, but the word "everyone" certainly applies to both male and female informal workers. So Law No. 13 of 2003 should also be used as a legal umbrella for homeworkers.

According to Fithriatus Shalihah, even though legally the position of workers and employers is equal, so they must get equal treatment before the law, but in a sociological study this is not easy, considering that besides the employer, it is the party who owns the money, but also the percentage of job opportunities and the community or the number of laborers who require work is never adjusted. This is what triggers the bargaining position of workers in labor relations practices to be weak. Given the position of workers/laborers who are always in a lower position than employers, it is necessary to have a third party, namely the government, to guarantee the protection of the normative rights of workers/laborers and the harmony of industrial relations.

RESEARCH METHODS

The strategy utilized in this investigate is standardizing juridical. In normative juridical law research, there will be a prescriptive interpretation of law as an perfect esteem framework, law as a conceptual framework, and law as a positive lawful framework. Auxiliary information incorporates essential and auxiliary and tertiary lawful materials. The essential lawful fabric is within the shape of laws and controls. Auxiliary lawful materials comprise of content books, law diaries, past investigate comes about, conclusions of researchers, and other distributions. Tertiary Lawful Materials which give enlightening or clarifications of essential and auxiliary legitimate materials such as lawful word references, reference books and others.

RESULTS AND DISCUSSION

Welfare State Theory and Labor Law in Indonesia.

The Prelude of the 1945 Structure of the Republic of Indonesia within the fourth passage as is well known has stated that " Then, instead, create an Indonesian state government that guarantees the whole country of Indonesia and all massacres in Indonesia and promotes public welfare, teaches the life of the nation, and participates in the practice of perform public agreements based on opportunity, interminable peace and social justice". The fourth passage of the opening of the 1945 Structure of the Republic of Indonesia has pronounced Indonesia as a nation that follows to the concept of the welfare state. In simple terms, clarifying that Indonesia must have a enormous part to make success for its individuals. This conception moreover permits the state to be included in each portion of people's lives and their every day needs in arrange to attain success. Concretely, the State is capable for giving essential administrations and needs for its citizens to a certain level.

Separated from being a lawful state, it is additionally a welfare state, as expressed within the opening of the 1945 Structure, passage 4 (four), that the State of Indonesia, separated from being in charge of regulating the government, is additionally obliged to organize open welfare. As with the task of organizing public welfare, this includes justifying the state's interference in the field of labor life. The consequence of Indonesia as a welfare state is that the state must intervene in people's lives, including interfering in the field of employment.

Kranenburg, as an disciple of the hypothesis of the welfare state, emphasized that the point of the state isn't only to preserve law and arrange, but moreover to be dynamic in seeking after the welfare of its citizens. Welfare in this case covers different areas, so that the objectives of the nation should be called plural, that's , endeavors to attain the objectives of the nation are based on evenhanded and adjusted equity . This welfare state theory was adopted in the preamble to the 1945 Constitution of the Republic of Indonesia. So that within the scope of work relations it cannot be isolated from the part and goals of

the State. This can be clearly seen in article 27 section (2) of the 1945 Structure of the Republic of Indonesia which states, "Each citizen has the proper work and live that is worthy of humanity". In other words, employers' arbitrary actions against workers/laborers in an employment relationship can be avoided. Workers/laborers as weak parties who are synonymous with limitations must receive legal protection, apart from their constitutional rights as citizens who are entitled decent work and life for mankind.

Government Intercession in Work in Indonesia

In hypothesis, in Pancasila Mechanical Labor relations, there's a legitimate rule which says that specialists and managers have an rise to position. Agreeing to labor terms, it is called a work accomplice. Be that as it may, in hone, the positions of the two were not rise to. Business visionaries as proprietors of capital have the next position than specialists. This is often apparent within the creation of different company arrangements and directions (Healthy Damanik, 2006). Entrepreneurs pay more attention to the expansion and profits of the company than the welfare of workers/labourers. Meanwhile, workers/laborers have no choice but to work to make ends meet and continue their lives. So workers/labourers prefer to keep doing their jobs even though their normative rights may be neglected rather than being unemployed.

In quintessence, lawfully talking, the position of workers/laborers and managers is adjusted in carrying out work relations as emphasized by Article 27 of the 1945 Structure, that each citizens have an equal position in law and government , but sociologically fundamentally the positions of workers/laborers and employers are not equal. will ever be one level. Entrepreneurs as employers always have a higher bargaining position than workers, therefore what happens is not coordination in work relations but subordination (F. Shalihah, 2016: 70-100). Furthermore, based on the provisions of article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia confirms that each citizen has the proper to work and a not too bad living for humankind. Article 27 is the constitutional basis to protect workers in Indonesia.

Article 102 paragraph (1) of Law no. 13 of 2003 concerning Labor states that "In carrying out mechanical relations, the government has the work of setting up approaches, giving administrations, carrying out supervision, and taking activity against infringement of labor laws and controls". Moreover, workers/labourers have work does the job by accepting their commitments, taking into account the progress of the generation, channeling desires in a law based way, creating aptitudes and skill and partaking in progressing the company and fight for the well-being of individuals and their families. In the performance of mechanical relationships, companies people have the work of making associations, creating businesses, growing business openings, and giving workers/laborers' welfare in an open, law based and reasonable way.

The purpose of drafting labor laws is to ensure the protection of the normative rights of workers/laborers as a party whose position is weak in the employment relationship. Each employment regulation aims to supply lawful assurance to workers/laborers, as well as to form welfare for all Indonesian individuals, in this case to realize the welfare of business visionaries, welfare of workers/employees and welfare of society. The extreme objective of the mechanical relations legitimate framework is to open or extend business openings, keep up, increment work progression and keep up, increment existing salary, or in the long term aim to increase per capita income of the Indonesian people. In line with this, Koko Kosidin stated that: "Indonesia is a legal state in a broad sense (a welfare state) which is very concerned about legal protection for every citizen, and as a welfare state, Indonesia is

also very concerned about efforts towards creating the welfare of its people” (Koko Kosidin, 1996).

SF Marbun said that the duty of the rule of law in this modern age is to directly carry out the public interest and people's welfare (SF. Marbun, 2021). The main obligation of the government in the industrial relations system is to regulate the industrial relations system. This arrangement is intended so that the implementation of industrial relations between workers/laborers and employers can run harmoniously and in a balanced and fair manner. Another function of the government is as a law enforcer, and a fair arbiter in resolving disputes between employers and workers/labourers in order to preserve the progression of a generation handle and more extensive interface, specifically the coherence and maintainability of the national financial improvement program.

The consequence of Indonesia as a welfare state is that the government or the state has the authority to intervene in the regulation and implementation of industrial relations in Indonesia. The purpose of this government intervention is so that the implementation of the relationship between workers/laborers and employers can run in a harmonious, balanced and fair (harmonious) manner, but because Indonesia is not only a welfare state, but also a rule of law country, the government's interference in industrial relations, must be based on the pertinent laws and controls (SF. Marbun, 2021: 12).

Legal protection for workers over the power of employers or employers can be carried out properly if laws and regulations or other implementing regulations issued by the minister of manpower or agencies related to employment have regulated or stipulated an obligation that must be carried out by companies or employers work to carry out their commitments in agreement with what has been controlled within the appropriate laws and directions, these things must truly be actualized by all parties since in legitimate legitimacy it cannot be evaluated juridically but is evaluated sociologically and insightfully. (Asri Wijayanti, 2012: 210-217).

One of the targets of labor advancement is to supply security to workers/laborers in realizing success, namely as stipulated in Article 4 letter c of the Manpower Law which includes protection of workers' basic rights, protection of Occupational Safety and Health, protection of Guarantees Social Labor and protection of wages. According to Adrian Sutedi, the frame of security given by the government is by making controls that tie workers/laborers and bosses, giving direction, and carrying out mechanical relations forms. Mechanical relations is essentially a prepare of cultivating communication, consultative considerations and arrangements and is bolstered by the tall capacity and commitment of all components inside the company.

Government intervention in labor is a very important factor because through government intervention in labor law it can create justice for the parties in industrial relations. Upholding labor law is carried out by the government through labor review. In line with Article 1 number 32 of Law Number 13 of 2003 concerning Manpower, it emphasizes that Labor inspection is the activity of monitoring and controlling the application of laws and regulations in the field of labor. This means that the purpose of labor inspection is monitor and enforce the implementation of laws and regulations. Labor sceptors are carried out by competent and independent labor inspectors to ensure the application of laws and regulations. Labor inspection guarantees the implementation of each activity in accordance with the objectives that have been set. The establishment of a labor inspectorate to control the execution of labor laws and directions, give data and guidance to employers and workers regarding issues that may warrant law enforcement and controls within the field of labor.

CONCLUSION

1. Government intervention in employment in Indonesia cannot be separated from the emergence of the Welfare State Theory which is seen in the government's interference in employment.
2. The presence of the government in worker/labor relations and employers in the framework of establishing policies and enforcing labor regulations.

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