

Labor Rights: Legal Protection and Social Justice Aspects in Indonesia

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ABSTRACT

Legal protection for workers is a key aspect of ensuring that workers' rights are protected and social justice is achieved in the employment relationship. Basic labor rights, such as the right to decent work and equal pay, freedom of association, safety and health protection, and the right to legal protection, must be guaranteed and enforced by the legal system. This study discusses the importance of labor legal protection in Indonesian labor law. Article 27(2) and Article 28D(1) and (2) of the 1945 Constitution list the basic rights of workers as part of human rights principles that must be respected and safeguarded. However, there are challenges in realizing effective protection for workers, especially in the informal sector. For this reason, there is a need for efforts to raise awareness among workers about their rights, strict law enforcement against violations, and improved regulations and procedures to ensure that labor rights are fairly respected and protected. In this way, the legal protection of labor can contribute to the achievement of social justice towards employment relations and the welfare of workers more broadly.

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PRELIMINARY

In order to implement development, there are several factors that are very important and interrelated, for example, capital, natural resources, and labor. These factors have important roles in supporting development and cannot be separated from one another. The labor component has a very important role, especially with a large population as an important capital.¹ For this reason, focused attention is given to the protection and

¹ Venables, A. J. (2016). Using Natural Resources for Development: Why Has it Proven so Difficult?. *Journal of Economic Perspectives*, 30(1), 161-184.

development of labor justice in order to create welfare related to their labor. Legal security will always be closely related to the role of the law for regulation and those who protect and care for the interests of society.² Protection of labor aims to enhance human dignity, provide opportunities for self-development, and ultimately improve their quality of life so that they can live a secure life as human beings. To achieve this goal, labor security requires a comprehensive, integrated, and sustainable plan and implementation.

One of the reasons for the birth of Law No. 13 of 2003 concerning manpower is the existence of regulations that are no longer relevant to the demands of the current era and future requirements. This law aims to uphold and guarantee the protection of labor, the implementation of international instruments regarding labor rights, and the obligation to comply with the Universal Declaration of Human Rights. Social justice in the field of employment can be realized through the protection of workers from the unlimited authority of employers using the means provided by the law. These protections include various labor rights, such as the right to labor, decent wages, the right to join associations, health protection, and the right to privacy. Business owners also have rights, such as making employment regulations and terminating employment.³ However, the relationship between workers and employers is often unequal. Some barriers include regulatory factors, culture, and the ability of companies to fulfill labor rights. To address this issue, the government needs to improve regulation, supervision, and more effective law enforcement. When there is a conflict in labor relations, the resolution must be fair and consider the rights and obligations of all parties involved.

Constitutionally, the state has the responsibility to maintain security and prosperity for all citizens and achieve prosperity for the people of Indonesia. The welfare of the people is one of the important parameters, and the welfare of laborers is also a major concern. Fair, prudent, and non-discriminatory treatment of workers is a reflection of the state's commitment to safeguard workers, who are an integral part of society and the state. This principle is in line with Article 28D paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which affirms the right for laborers to work, receive fair compensation, and receive appropriate treatment in employment relationships.

Legal protection of workers is an effort to fulfill the fundamental rights guaranteed and protected by the constitution, as stated in Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which affirms the right of every citizen to a decent livelihood in accordance with humanity. This is also corroborated by the first part of Article 33, which emphasizes that the country's economy must be organized as a whole in the spirit of kinship.

The law No. 13 of 2003 concerning employment has a very important role in establishing a legal framework that provides protection for workers in Indonesia. This law confirms the government's commitment to constitutional principles, which include basic workers' rights and the principle of equal opportunity in the world of employment. By considering these two aspects, this law creates a balanced legal basis, accommodates economic development, and takes into account the interests of entrepreneurs. One of the things that needs to be appreciated about Law No. 13 of 2003 is its harmony with the constitutional norms that underlie this country. This law provides guarantees and protection for workers' fundamental rights, such as the right to work, the right to decent wages, and guarantees for safety and health in the workplace. Not only that, but this law also ensures that there is no discrimination against workers on any matter, including gender, religion, or

² Qamar, N. (2017). Peranan Bahasa Hukum dalam Perumusan Norma Perundang-Undangan. *Jurnal Ilmiah Kebijakan Hukum*, 11(3), 337-347.

³ Heywood, M. (2009). South Africa's Treatment Action Campaign: Combining Law and Social Mobilization to Realize the Right to Health. *Journal of Human Rights Practice*, 1(1), 14-36.

origin. However, it is also important to recognize that Law No. 13 of 2003 also considers economic aspects and the interests of entrepreneurs. This is reflected in efforts to create a supportive and competitive business environment. By providing legal certainty and minimizing risks for entrepreneurs, this law seeks to encourage investment and economic growth, which ultimately also contributes to the creation of more jobs. For this reason, Law No. 13 of 2003 concerning employment can be considered a balanced and comprehensive legal instrument. It recognizes the rights and interests of both parties, workers and employers, and seeks to create a legal framework that supports sustainable economic growth. As a result, this law plays an important role in regulating labor relations in Indonesia, along with the country's economic growth and development.

Although in Pancasila Industrial Labor Theory, the positions of workers and employers are considered equal and partners, in practice there is often an imbalance. Employers with capital tend to have a stronger position than laborers. For this reason, the role of the government as a provider of legal security is very important to ensure that justice in labor relations can be achieved more quickly. Legal protection for workers is not only about following the existing laws but also about providing effective protection of workers' rights, overcoming the power imbalance between workers and employers, and creating a fair and equitable working environment for all parties involved.

Against this background, this research will further examine the implementation of legal protection of labor rights and social justice and identify the obstacles and efforts needed to provide better legal protection of labor rights in Indonesia's labor force.

Here are research problems based on the provided, first, How can legal protection for migrant workers be ensured within the framework of labor laws in Indonesia?. And second, What are the labor rights that need to be guaranteed and realized in the context of social justice in employment relations in Indonesia?

METHOD

This study involves a normative juridical approach, which involves inventorying, reviewing, analyzing and understanding the law as a regulatory tool or positive norms contained in the existing system of laws on regulations for life. This study focuses on the description and analysis of existing problems, with descriptive analytical research characteristics that aim to describe the process of information dissemination and analyze existing problems descriptively. The data used in this study is secondary data, including library materials on the research topic. This secondary data includes various types of legal materials, such as primary legal materials (laws and regulations), secondary legal materials (interpretative documents or legal analysis), and tertiary legal documents (references or legal sources).

Data collection in the study to conduct execution through literature studies which include the process of reviewing reference sources that are still relevant according to the conflict to be researched. The data found will then be analyzed with a normative-qualitative approach, which focuses on the interpretation and understanding of the content of the law.

RESULT AND DISCUSSION

Reasons and Basis for Legal Protection of Workers' Rights

Labor law holds the main objective of providing a legal framework that provides comprehensive protection for all parties involved, especially workers, who often occupy a more vulnerable position in employment relationships. This principle is attached to the

spirit of social justice, which is a fundamental pillar in the dynamics of labor relations. It recognizes that in an employment-based society, all individuals, although equal in human rights and dignity, can have significant differences in terms of their socio-economic position and status. For workers, their efforts to earn an income are largely dependent on cooperation with employers. In this context, the purpose of the principle of social justice in employment is to provide security against potential abuses of power that may be committed by employers.⁴ Mechanisms to achieve this can be found through available legal channels. This protection is not just limited to restrictions against unfair behavior or abuse of power but also includes fundamental rights such as appropriate wages, guaranteed welfare, and safe working conditions. By providing a strong legal framework, labor law builds a solid foundation for balanced and fair working relationships where the rights and obligations of all parties are respected and carefully safeguarded. For this reason, labor law plays an important role in building the foundation of social justice in the sphere of employment relations. Through clear and effective legal provisions, workers can feel safer and more protected to carry out their productive activities, while generating a positive impact on economic dynamics and overall community welfare.

Indonesia, a *rechtstaat* and rule of law country, affirms its commitment to the principles of legal protection as the main pillar to provide legal certainty and justice for the entire community. The goal is for every citizen to experience sustainable welfare and prosperity. In this context, applying the law fairly and safeguarding human rights are two crucial elements. Equitable law enforcement is the foundation of a fair and transparent legal system. It relies on the consistent and impartial application of the law, where every individual, regardless of background or social standing, is subject to the same rules. Equitable law enforcement ensures that the rights and obligations of every citizen are recognized and respected fairly and proportionately. Meanwhile, the protection of human rights is the principle underlying the dignity and freedom of every individual. This includes fundamental rights such as the right to life, the right to express opinions, and humane treatment. In the context of a state based on law, the protection of human rights is a critical foundation to ensure that every citizen can live with dignity and without fear of oppression or discrimination. Both the rule of law and the protection of human rights build a strong foundation for the state. They reflect Indonesia's commitment as a civilized and modern nation to the creation of a secure legal environment for the growth, welfare, and prosperity of society. By upholding the law and protecting human rights, Indonesia proves that it prioritizes the welfare of its people and establishes itself as a member of the global community that upholds universal values of justice and human dignity.

Protection of labor can be found in the preamble of the 45th Constitution and several relevant articles, such as Article 27 paragraph 2, Article 28 D paragraph 1, and paragraph 2. This emphasizes the importance of protecting labor rights in the country's basic law. Juridically, based on Article 27 of the 45th Constitution, the position of laborers is considered equal to that of employers. However, in socio-economic reality, the position of the two is not always the same. This inequality can cause employers to tend to dominate in determining the content of agreements by prioritizing their interests over those of workers. To prevent this potential inequality, it is imperative that the government provide the necessary legal protection.

Protection for workers aims to ensure the fulfillment of fundamental rights for a worker and to ensure equality of opportunity and treatment without discrimination. This protection can be carried out in various ways, including providing guidelines, compensation,

⁴ Purnomo, S. H. (2019). *Pekerja Tetap Menghadapi Pemutusan Hubungan Kerja*. *Jurnal Hukum Bisnis Bonum Commune*, 2(2), 137-150.

and increasing recognition of human rights, as well as protecting the physical and social economic aspects regulated by applicable legal regulations.

Forms of Legal Protection for Laborers

The industrial relations system in Indonesia is based on Pancasila and the 1945 Constitution. In this system, all parties participating in industrial relations are considered human beings with dignity and equality. They are expected to communicate, coordinate, and consult easily. Within this framework, every problem, no matter how small, is expected to be anticipated, and differences of opinion can be resolved through community discussion. Strikes or lockouts are not desirable under this system. To realize these characteristics of the industrial relations system, there needs to be active involvement from all parties involved, namely the government, employers, and trade unions and labor unions, in accordance with their respective roles, functions, positions, rights, and obligations. This includes effective and synergistic collaboration in order to achieve common goals in the industrial relations system.

According to Article 1, paragraph (16), regulating industrial relations is defined as a system of relations arising between individuals involved in the production of goods and services. This system consists of three main elements, namely employers, laborers, and the government. The existence and interaction of these three elements are the foundation of the dynamics of the industrial relations system. This system is based on the values of Pancasila and the 1945 Constitution of the Republic of Indonesia, which make the principles of justice, equality, and welfare the main foundation of the interactions within it. The government plays a key role in overseeing, managing, and directing the industrial relations system. Its functions include ensuring that rules and regulations are in accordance with the principles of law and justice. Not only that, the government is also responsible for facilitating dialogue and conversations between employers and trade unions and ensuring that the interests of all parties are fairly represented. Employers have the role of initiator and executor in the production of goods and services. They are responsible for creating a safe, fair, and productive work environment. In addition, employers also have the right to protect their business interests but are also obliged to comply with applicable regulations and fulfill the rights of workers. Trade unions are organizational platforms that aim to fight for the rights and interests of workers. They play an important role in ensuring that workers' voices and aspirations are heard and respected. Trade unions act as partners in the negotiation process with employers and the government and ensure that fair and decent working conditions are met. With the active involvement of these three parties, the industrial relations system can function optimally and achieve desired goals, such as creating a balanced work environment, advancing the welfare of workers, and supporting sustainable economic growth. For this reason, the collaboration of the government, employers, and labor unions is key to the success of an effective and sustainable industrial relations system.

The government has a role to play in creating policies, providing services, implementing supervision, and taking action for violations of the Labor Law on Industrial Relations.⁵ Other than that, employment relations are regulated through various mechanisms, including trade unions or labor unions, employers' organizations, cooperation bodies between workers and employers, collaboration bodies involving workers, employers, and the government, internal company rules, collective labor contracts, regulations

⁵ Noviar, I. (2015). Peranan Pemerintah Daerah dalam Memberikan Perlindungan Terhadap Hak-Hak Pekerja/Buruh Terutama Berupa Pemenuhan atas Upah Yang Layak (Studi Di Kabupaten Sanggau). *Jurnal Nestor Magister Hukum*, 2(2), 209834.

stipulated in the Manpower Law, and conflict resolution bodies in employment relations.⁶ In terms of resolving industrial relations disputes, there are several steps that must be taken, such as:

1. Bipartite negotiations: Disputing parties try to reach an agreement through negotiation.
2. Industrial relations mediation: If bipartite negotiations are unsuccessful, a neutral mediator may try to facilitate the resolution of the dispute.
3. Industrial relations arbitration: If mediation does not result in an agreement, the dispute may be submitted to an arbitrator, who will render a binding award.
4. Industrial relations tribunal: If all previous stages fail, the dispute can be submitted to the Industrial Relations Court to be resolved through judicial channels.

Although the procedures for resolving industrial relations disputes are well regulated, there are still obstacles to realizing effective protection for workers. Protection of workers is often inadequate due to a limited understanding of labor as a profession and social category. This can result in very weak protection for workers.

Labor Rights to be Guaranteed

Overall, there are several rights that are considered by workers to be fundamental rights that should be guaranteed. However, their implementation is highly dependent on the economic, socio-cultural, and legal developments of the society or country in which an entity operates. These rights include:

1. Right to Work
This right is recognized as a human right, and Indonesia has included and guaranteed all of these rights to work, as stated in the second part of Article 27 of the 1945 Constitution, which states that every citizen has the right to work and a living that is worthy of humanity.
2. The Right to Fair Wages
Every individual has the right to fair wages, which are commensurate with the contribution of his or her labor.
3. Right to Association and Assembly
Workers have the right to associate and gather to fight for their rights and interests, especially the right to fair wages.
4. Right to Health and Safety Protection
This right is a basic right related to the right to life. Occupational protection, safety, and health must be guaranteed as an integral part of company operations.
5. Legal Rights
This kind of right applies where a worker has been accused or faces the threat of punishment for a particular alleged offense or wrongdoing. Workers have the right to defend themselves and prove the truth or falsehood of the allegations.
6. Rights to be treated equally.
No discrimination is permitted in companies based on criteria such as skin color, gender, ethnic origin, religious beliefs, and others. All workers must be treated fairly and equally in terms of attitude, treatment, salary, career opportunities, training, and further education.
7. Right to personal secrets
A worker has the right to maintain the privacy of their personal documents. Although companies have certain rights to access certain data, there is personal information that workers must keep confidential.

⁶ Widyastuti, T. V., G. Irawan, & A. D. Hapsari. (2019). Peranan Lembaga Kerjasama Bipartit Perusahaan di Kota Tegal Sebagai Upaya Pencegahan Perselisihan Hubungan Industrial. *Diktum: Jurnal Ilmu Hukum*, 7(1), 82-96.

8. Right to Freedom of Conscience

It is not permissible for a worker to be forced to carry out actions that are considered unethical, such as corruption, misappropriation of company funds, or lowering product standards for the sake of company profit.

Article 1603 of the Civil Code (KUHPerdota) regulates the obligations that must be complied with by laborers and employees in the context of employment relations. The following are the details of these obligations and their explanation in detail:

1. The obligation of the worker to perform his own work and not be replaced by a third person without the employer's permission This obligation emphasizes that workers have the responsibility to complete their own tasks. They are not allowed to substitute themselves for others without the permission of the employer. This aims to ensure that the work performed by workers is done with dedication, skill, and personal responsibility.
2. The obligation of workers to comply with regulations and instructions given by employers This obligation emphasizes the importance of workers' discipline and obedience to regulations and instructions given by employers. Workers must heed all policies and procedures that apply in the workplace. This includes working hours, rules, safety procedures, and all matters related to the performance of their duties. Obeying the employer's instructions is key to maintaining order and efficiency in the work environment.
3. The obligation of workers to pay fines if they do harm on behalf of the entity, either intentionally or negligently. This obligation indicates that workers are responsible for actions or decisions that may cause harm to the company. If workers intentionally or negligently commit harmful acts, they may have to pay compensation or fines as set by the company. This aims to encourage workers to act carefully and consider the impact of any actions they take.

By complying with and understanding these obligations, workers can maintain a healthy and productive working relationship with their employer. In addition, it also helps ensure that the work environment remains organized, fair, and efficient for all parties involved in the production or service process. For this reason, it has a number of positive implications for the fairness of workers' rights and obligations:

1. Balance between labor rights and obligations Rights and obligations are two sides of the same coin in an employment relationship. By complying with their obligations, workers support this balance. They demonstrate their commitment to not only claim their rights but also fulfill the obligations mandated by the law and employment contracts. This creates a healthy work environment where rights and obligations are considered fairly and equally.
2. Healthy and productive working relationships by complying with their obligations, workers build the foundation for a positive working relationship with their employer. They demonstrate professionalism and a commitment to work with dedication. This opens the door for better communication, mutual understanding, and more effective cooperation. As a result, productivity and efficiency in the workplace can increase.
3. Organized, fair, and efficient. Complying with obligations helps keep the work environment organized, fair, and efficient. When every worker follows the rules and procedures, the production or service process runs smoothly and is structured. This avoids confusion or ambiguity in the work environment.
4. Benefits for All Parties Involved Compliance with obligations is not limited to benefiting the workers but also the employer and other involved parties. Employers can count on a reliable and high-quality team, while other parties to the production or service process also benefit from a structured and efficient work environment.

Therefore, understanding and complying with their obligations helps workers play an important role in creating a healthy, productive, and competitive work environment. A

balance between rights and obligations is the foundation of a positive working relationship, which in turn brings benefits to all parties involved.

Policy Aspects of Social Justice for Workers

Social justice policy aspects for workers include a number of measures designed to ensure the rights and welfare of workers in the workplace. The following are some of the key aspects of labor and social justice policies:

1. **Legal Protection of Labor:** Provides a strong legal foundation to protect workers' rights, including the right to fair pay, comfortable and healthy working conditions, and protection against discrimination or harassment in the workplace.
2. **Fair Wages:** Ensure that workers are paid a wage that is sufficient and appropriate for the work they do and take into account the minimum wage standards that apply in a particular region.
3. **Equality and Non-Discrimination:** Ensuring that all workers are treated fairly and equally without regard to gender, ethnicity, religious beliefs, or other backgrounds.
4. **Reasonable Working Hours:** Set reasonable limits on working hours and provide appropriate rest and leave entitlements to ensure work-life balance.
5. **Safe and Healthy Working Conditions:** Ensure that the working environment is safe and free from physical, chemical, or biological hazards that could endanger the health and safety of workers.
6. **Health and Employment Insurance Rights:** Provide workers with access to health insurance coverage and coverage for work-related accidents or illnesses.
7. **Right to Join a Labor Union:** Provides freedom for a worker to join a trade union or other labor organization and secures the right to collective bargaining.
8. **Education and Training:** Providing workers with access to education and training necessary to improve their skills and abilities in the workplace.
9. **Protection against Unfair Termination:** Ensure that termination of employment is only done on legitimate and fair grounds and provide compensation or other rights to terminated workers.
10. **Protection of Child Labor and Migrant Workers:** Ensure that children are not engaged in hazardous work and provide special protection to migrant workers.
11. **Access to Social Security:** Provide workers with access to social security, such as health insurance, pensions, and other benefits that can improve their and their families' welfare.
12. **Law Enforcement and Sanctions:** Ensure that laws and regulations related to labor rights and welfare are monitored and enforced, including sanctioning violators.

Social justice policies for workers are an essential commitment for employers to ensure that workers' rights and welfare are guaranteed and protected in the workplace. This includes the right to fair wages, reasonable working hours, and to work in a comfortable and healthy work environment. Respecting labor rights is a form of business ethics that reflects a company's humanitarian responsibility to society and its employees. Providing economic security for workers and their families is inseparable from social justice policies. This right includes aspects such as health security, humanitarian security, and protection against unfair termination of employment. Along with providing economic security, it is also important for employers to create a safe and healthy working environment. This includes providing protection and surveillance against occupational hazards and ensuring that work facilities and equipment meet established safety standards. Apart from the economic aspect, it is also important for employers to ensure that employees are free from discrimination and harassment. This commitment is an integral part of the business ethics that employers

should strive for. Discrimination based on gender, race, religion, or other factors should not be tolerated in the work environment. Promoting diversity and inclusion in the workplace is an important step towards creating a fair and open environment for all employees. In this case, active involvement from management to ensure the implementation of social justice policies is a must. Management should set a good example by respecting labor rights and promoting a fair work culture. In addition, improving the skills and qualifications of employees is part of the social justice policy to provide equal opportunities for career growth and development. This includes providing relevant training and education as well as access to information and resources that enable skill development. Listening to and considering employees' aspirations and feedback is a business ethics practice that strengthens employees' sense of ownership and engagement with the organization. Employers should value employee unity and ensure that the right to form trade unions is respected. Recognizing and providing reasonable compensation for outstanding contributions and performance is an important step towards ensuring economic justice in the workplace. This includes providing incentives or rewards to employees who have made significant contributions to the success of the organization. Finally, ensuring openness and transparency in communications with employees is an important component of a business ethic that supports social justice policies. Employers should commit to meeting all legal obligations related to labor rights and ensure that internal policies reflect social justice principles. By prioritizing social justice policies for workers, employers ensure that a fair, safe, and productive work environment is created, benefiting both employees and long-term business growth.

CLOSING

Conclusions regarding legal protection of labor, labor rights, and social justice can be elaborated as follows:

1. **Legal Protection of Laborers:** Legal protection for laborers is a basic need in a society based on the rule of law. Labor law is present to provide protection for laborers and workers in terms of their basic rights while working.
2. **Labor Rights and Social Justice:** Labor rights are recognized as human rights that must be guaranteed and respected. These rights include the right to decent work, fair wages, the right to organize, the right to safety and health protection, the right to be treated fairly, the right to privacy, and the right to freedom of conscience. Social justice in employment relations is the principle that encourages these rights to be realized in society to achieve prosperity for all.
3. **Legal Foundation:** The legal foundation for labor protection in Indonesia includes Pancasila, the 45th Constitution, and legal regulations such as the Labor Law. Pancasila and the Constitution emphasize that workers are human beings with dignity and have the same rights as other people.
4. **Industrial Relations System:** The industrial relations system in Indonesia is based on Pancasila and the 45th Constitution, in which the parties participating in industrial relations are considered equal human beings. Dispute resolution in industrial relations is emphasized through consensus, with the aim of avoiding strikes or company closures.
5. **Dispute Resolution:** Settlement of industrial relations disputes can be done through several mechanisms, such as bipartite negotiations, mediation, arbitration, and industrial relations courts. These mechanisms are designed to achieve a fair and lawful settlement.

Based on the conclusions of the research discussion, the suggestions that can be given to further strengthen the legal protection of workers, workers' rights, and social justice are that increasing education and awareness of workers' rights should be a priority. Workers need to know their rights and how to protect themselves. Education programs and awareness campaigns can help with this. It is important to ensure strict enforcement of laws against

labor rights violations. Law enforcement agencies should work with trade unions and civil society organizations to ensure that violations are dealt with fairly. Trade unions should be given a stronger role to protect labor rights. They can advocate for and assist workers in dispute resolution with employers.

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