

# Protection of Workers in the Implementation of the Principle of Human Rights Citizens in Indonesia

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## ABSTRACT

Protection of workers in Indonesia is regulated through the provisions of Law no. 13 Year 2003 on Manpower. This provides for general provisions on the rights and obligations of workers and employers. Special arrangements are not only governed by the Ministry of Manpower, the local government regulates the policy of the Regional Regulation, so in providing protection for local workers it is necessary to develop the principles of City of Human Rights. Limitations of discussion are reviewed as follows how the law regulation of protection of workers in Indonesia? How to regulate the principles of the City of Human Rights in Indonesia? how to protect workers in the application of the principles of the City of Human Rights in Indonesia? The research method used is normative juridical using secondary data that is labor regulation and human rights regulation in accordance with research study. Human rights cities are human rights approaches to local governance including democratic principles, participation, responsible leadership, transparency, accountability, non-discrimination, empowerment and rule of law. That the protection of workers is a protection of human rights as regulated in the 1945 Constitution, the Law on Human Rights, so that a national human rights policy action plan that is implemented by the central government and local government through the implementation of the principles of Human Rights City in Indonesia with carrying the 3 pillars of respecting, protecting and fulfilling human rights specifically human rights workers in obtaining basic rights namely the right to obtain employment, protection at work and experiencing termination of employment that can be fulfilled by the local government through the Regional Regulation which is the application of the principle of the City of Rights Human Rights. Protection of workers within the Local Regulation to incorporate the principles of City of Human Rights that the protection of workers is a principle of human rights that must be implemented in the region.

**Keyword:** *Worker, City of Human Rights*

## 1. INTRODUCTION

The concept of Industrial Relations Pancasila on workers and employers based on the principle of kinship and mutual cooperation and the principle of consensus to consensus. In the implementation of the principle that workers and employers are friends in arms in the production process, which means both workers and employers are obliged to cooperate and help assist in the smoothness of business in improving welfare and raise production, even distribution of the company's results meaning the results of the business received by the company enjoyed together appropriate and harmonious parts in accordance with work performance. In the rights and obligations of employers and workers is the obligation of employers in the employment relationship to humanize the work that is by respecting their dignity and dignity. The obligations of the employer are the right of the employee, based on the employment law regulations of the employer's obligations to the employee during the employment relationship as follows: 1) paying wages, 2) giving other non-

wage giving, but payment based on wages; 3) implementing safety and health (K3), 4) establishing company regulations, if the company has no collective labor agreement (PKB), 5) establishing a Bipartite cooperation institution, 6) incorporating workers into Jamsostek program, 7) giving opportunity to worship, 8) providing welfare facilities, 9) acting as a good entrepreneur, and 10) giving certificate when requested by the worker.<sup>1</sup>

In employment the principal obligation of the employer is to pay the wage on time. In large part, the form or time of payment of wages shall be left to the parties to govern itself, either in the employment agreement, company regulations or CLA. If in making a wage contract the contract is not agreed upon, then the wage is given according to local custom or with due regard to justice. Since the enactment of minimum wage provisions, the remuneration stipulated by agreements between employers and workers or unions shall not be lower than the

<sup>1</sup>Syaufii Syamsuddin, *Perjanjian-Perjanjian Dalam Hubungan Industrial*, Sarana Bhakti Persada. Jakarta 2003. hlm 136.

prescribed minimum wage provisions. There are several factors that affect the wage at the company level are:

- a. Education and training;
- b. Labor market conditions;
- c. Proportion of wage costs with other costs
- d. Use of technology;
- e. Company's ability;
- f. The ability of workers' organizations; and
- g. Policy and government intervention of harmonization of industrial relations.<sup>2</sup>

Workers / wage expectations should be able to meet the minimum basic needs. According minimum basic needs as follows:

- a. Basic needs for life, including food, clothing, shelter, water, air, fuel, and others;
- b. Needs that support the welfare of the community and enhance the capacity / productivity of individuals, including education, services, health, means of communication, transportation, social institutions, freedom of expression, market and other availability;
- c. The need to increase access to productive ways and opportunities includes water, vegetation, capital (including technology), employment opportunities, and decent income,
- d. The need to live with a sense of security and freedom to make decisions includes respect for human rights, participation in politics, social security, social defense, just rules for all levels of society.<sup>3</sup>

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The achievement of the right to live in Article 88 paragraph (1) of the Manpower Act stipulates that every worker / laborer is entitled to income that fulfills a decent living for humanity. A decent living income is the income or income of the worker / laborer from his / her work so as to be able to adequately meet the needs of the worker / laborer and his family which includes food and beverages, clothing, housing, education, health, recreation and old age pension.<sup>5</sup>

The need for decent living can be regulated in detail with local government regulations or regional decisions. The welfare of workers / laborers is not only about physical things such as wages, allowances, food facilities, transportation facilities, etc., but also concerns that are nonphysical, such as a pleasant working atmosphere, a structured career planning, superiors and friendly colleagues and others.<sup>6</sup>

In the conduct of regulation in the company, the entrepreneur is charged with the responsibility of arranging the structure and scale of the Upaha by taking into account the occupation, tenure, education and competence. Entrepreneurs should conduct periodic wage reviewing by taking into account company capability and productivity, wage review is conducted to adjust workers' wages to the price of living necessities, assessing work performance by paying attention to the ability of the company.<sup>7</sup>

One of the obligations of employers is to maintain the health and safety of workers in the workplace. This provision is not only about safety and health including welfare, by regulating the obligations of employers in developing working conditions to protect workers as a whole. This obligation is not only stipulated in the employment agreement, there is also in the legislation.

In relation to the work performed by the worker, it is the duty of the entrepreneur to make sure the worker gets the guarantee when doing the job, the guarantee is the certainty of the continuity of working relationship, wage and social security and the protection of health and

<sup>2</sup>Ibid.

<sup>3</sup> Widodo. Suryondono, Pengupahan dan Jaminan Sosial dalam Buku Asas-Asas Hukum Perburuhan, Rajawali Pers, Jakarta. 2014.hlm 100-101.

<sup>4</sup> Abdul. Khakim, *Aspek Hukum Pengupahan*, Citra Aditya Bakti, Bandung. 2006. hlm 4.

<sup>5</sup>Ibid, hlm 10.

<sup>6</sup>Ibid, hlm 8.

<sup>7</sup> Syaufii. Syamsuddin, *Op. Cit*, hlm 138.

safety. Because the provisions governing the obligations of employers generally come from heteronomous rules and in order to provide protection for workers, it is usually regulated on sanctions against the waiver of certain obligations as set forth in the provisions of labor legislation.

The duties of the regional government on human rights can be classified into three main categories: the task of respect, the duty to protect and the duty to fulfill. The task of honoring means that local officials should not violate human rights by their actions. This task requires that local governments refrain from blocking the enjoyment of the rights and freedoms of all persons within its jurisdiction. For example, in connection with the freedom to get a job. The protective obligation requires measures to ensure that third parties do not infringe on the rights and freedoms of individuals. For example, local authorities must take action to ensure that workers have the right to a decent living as a standard of living in a city or region.

Obligation to protect workers from fear of forming unions in exercising workers' rights in a company. The task to fulfill means that local governments must take positive action to facilitate the right of workers in obtaining social security of labor. In order to fulfill an obligation to fulfill the right of individuals not to be discriminated against, local human rights mechanisms such as ombudsmen or specialized anti-discrimination bodies may be established.

Local governments should pay special attention to the protection and promotion of the rights of vulnerable and disadvantaged groups, such as disabled, ethnic minorities, indigenous peoples, victims of sexual discrimination, children and the elderly. In this regard, the quality of services that local governments provide to such groups "examines" the extent to which local governments respect human rights in practice. Based on the above explanation, then formulated the problem as follows:

1. What are the legal arrangements for the protection of workers in Indonesia?
2. What is the regulation of Human Rights Principle in Indonesia?
3. What is the protection of workers in applying the principles of the City of Human Rights in Indonesia?

## 2. THEORIES

City of human rights "is one of the initiatives developed globally with the aim of localizing human rights. The idea is based on the recognition of the city as a key player in the promotion and protection of human rights and generally refers to a municipality whose

governments and populations are morally and legally is governed by human rights principles. The initiative departs from the idea that, in order for international human rights norms and standards to be effective, all citizens must understand and understand human rights as the framework for sustainable development within their communities. 1997 by the People's Movement for Human Rights Education, an international nonprofit organization working on the service. The concept is further developed, especially as a normative concept, by the annual World Human Rights Cities Forum the city of Gwangju (Republic of Korea).

The Gwangju Declaration on Human Rights City adopted on 17 May 2011 defines a human rights city as a local community as well as a socio-political process in a local context in which human rights play a key role as fundamental values and guiding principles. A human rights city requires joint human rights management in a local context, where local government, local parliaments (DPRD), civil society, the private sector and other stakeholders work together to improve the quality of life for everyone in the spirit of partnership by standards and human rights norms. The human rights approach to local governance includes the principles of democracy, participation, responsible leadership, transparency, accountability, non-discrimination, empowerment and rule of law.

The concept of a city of human rights also emphasizes the importance of ensuring broad participation of all actors and stakeholders, particularly marginal and vulnerable groups, and the importance of effective and independent human rights protection and monitoring mechanisms that involve everyone. This concept recognizes the importance of interregional and international cooperation and the solidarity of cities involved in the promotion and protection of human rights. The following factors may be cited as the main reasons that have led to the emergence of "human rights cities": (a) the shift from standard setting to implementation, especially at the level of government, that is, local governments, which are the best places to realize human rights, economic and social rights; (b) the global trend, beginning in the 1980s, leading to the decentralization of government power - in fact, over the last few decades most countries in the world delegated important powers to local governments; (c) global demographic changes: in 2008, for the first time in history, more than half of the world's population lives in cities and towns, and this number is expected to rise to nearly 5 billion by 2030.

The city has a unique potential for human empowerment and for solving social and environmental problems. At the same time, the city faces an important challenge in the field of social cohesion. With people from different regions and backgrounds in groups often moving to cities seeking individual autonomy, citizens and governments alike seek to identify a discourse that brings together urban populations and forms a common frame of reference for establishing mutual expectations between cities and its inhabitants. The Gwangju Guiding Principles for the City of Human Rights adopted on 17 May 2014 at the Fourth World Cities Forum Human Rights Forum summarize the principles of a human rights city as follows: the right to the city; non-discrimination and affirmative action; social inclusion and cultural diversity; participatory democracy and accountable government; social justice, solidarity and sustainability; leadership and political institutionalization; mainstreaming of human rights; effective coordination of institutions and policies; education and training of human rights, and the right to compensation. Other concepts are developed, both in doctrine and practice, which are essentially the same purpose. One is the "right to the city" first put forth by the French philosopher Henri Lefebvre; this concept primarily refers to citizens' rights and "users" of a city to participate in local public affairs and establish urban spatial layout.

So far the concept of "the right to the city" has been institutionalized on a limited basis, such as the Brazil City Regulation (2001), the Montreal Charter on Rights and Responsibility (2006) and the Mexico City Charter for Rights to the City (2010). The latter mentions six fundamental principles that are indispensable to the promotion of the right to the city: (a) the full exercise of human rights within a city; (b) the social functions of the city, land and property; (c) democratic management of the city; (d) urban democratic production and production in the city; (e) sustainable management and accountability for public property (natural heritage, culture and energy resources) existing in the city and beyond; and (f) a democratic and equitable city.

City rights are specifically defined in the World Charter on Urban Rights (2005), various organizations and networks, including UNESCO and UN-HABITAT, participate in the preparation of such important documents. The Charter defines the right to the city as a fair-equitable use of the city in accordance with the principles of sustainability, democracy, equity and social justice. This is the collective right of the townspeople who give them the legitimate right to act and manage, based on respect for their

differences, their cultural expressions and practices, with the aim of exercising their right to self-determination and achieving a decent standard of living. The right to this city is interdependent with other internationally recognized human rights, including civil, political, economic, social, cultural and environmental rights as defined in international human rights treaties.

### 3. RESEARCH METHODS

This research is a normative juridical research referring to the legal norms contained in the laws and regulations on human rights in Indonesia.

Data obtained from normative juridical research is legal research using secondary data are official documents, books related to the object of research, research results in the form of reports, and legislation. Secondary data consist of:

#### 1). Primary Legal Data

Legal material consisting of the following legislation: In the 1945 Constitution Article 28I paragraph (1) stated that the protection, promotion, enforcement, and fulfillment of human rights are the responsibility of the state, especially the government. Article 8 of Law No. 39 of 1999 on Human Rights. Article 71 and Article 72 of Law No. 39 of 1999 and Law no. 13 Year 2003 on Manpower.

#### 2). Secondary Legal Data

Legal material consisting of book literature, legal and internet legal paper relating to research problem formulation.

#### 3). Tertiary Legal Data

Legal material consisting of legal dictionary, encyclopedia (wikipedia).

Data analysis used qualitative descriptive describes thoroughly and systematically about legal issues concerning workers protection through applying the principle of City of Human Rights in Indonesia.

### 4. DISCUSSION

Legal arrangements on the protection of workers in Indonesia The existence of differences in the status of the parties that cause the employment agreement is different from the agreement in general because the position of the parties in the agreement is generally balanced, whereas in the employment agreement the position is not balanced because of the element of command and execute the order in which the people who govern have a higher position.

In the agreement of freedom of contract to enter into a labor agreement, freedom is

restricted by labor laws and regulations, if it is contrary to laws and regulations, then a work agreement that harms one party shall never be null and void. Government intervention in the determination of employment agreements limits the freedom of contracting to the parties, but is a must to do as a form of legal protection for workers.

When we look at the social reality, that the conditions of the workers who make the employment agreement are in an unbalanced state. In practice, workers are under the command of others, lower positions of employers. While the entrepreneurs, because generally have a social and economic level that is always much higher position than workers, greater role in making employment agreements. By reducing the imbalance between employers and workers, then the protection of workers, among others, by intervening the government through the instruments of legislation, so the government can interfere in the making of employment agreements and labor protection arrangements.<sup>8</sup>

Therefore, in providing protection to the workforce, legal certainty is required through legislation by upholding the value of justice and usability as a legal objective. The protection of labor is meant to secure the workers' basic rights, equal opportunity and discriminatory treatment on any basis to realize the welfare of the workers and their families by taking into account the interests of employers and businesses. Violation of a constitutionally protected constitutional right is a violation of human rights.

The juridical basis expressly states that work is a human right to be upheld, protected and guaranteed by law. Therefore, to meet the sense of justice for all parties related to employment, it is necessary to have labor legislation that accommodates all interests. In realizing social justice the basic reason for the establishment of an labor legislation is also closely related to the government's efforts to conduct National Legal Development aimed at National Legal Assurance.

Good faith in contract law refers to the three forms of behavior of the parties to the contract. First, the parties must hold firm to their word or word. Second, the parties shall not take advantage of the misleading action against either party. Third, the parties abide by their obligations and behave as honorable and honest people. Belief in one's words is a prerequisite for a legal relationship.

Good faith in the agreement is closely related to propriety or justice of the parties. The propriety element is required prior to the

execution of the agreement, while goodwill is required at the time of execution of the agreement to execute the agreement. Good faith is defined as honesty or decency in a fair agreement.<sup>9</sup>

The Agreement contains a matter of what the two parties have to do: it contains the rights and obligations of both parties to be exercised. So the agreement is only binding and applicable to certain parties, but has a law that binds everyone in general. The agreement is the source of the law because it is not only binding on the parties as well as the law for everyone. Standard agreements are used in the practice of making employment agreements that are also used in trade, banking. Standard Agreement is one manifestation of the freedom of the individual entrepreneur expresses the will in running the company. Every individual is free to achieve his economic goals even though it will harm others.<sup>10</sup>

Arrangement of the principle of City of Human Rights in Indonesia is the Regulation of Human Rights in Indonesia can be seen in the Act of 1945 the result of the 2nd amendment, Law Number 39 Year 1999 on Human Rights, as well as various international Conventions related to human rights which have accessed by the Republic of Indonesia. Among them: the ILO Convention on the Abolition of Forced Labor (ratified by Law No. 19 of 1999); ILO Convention on Minimum Age for Employment (ratified by Law No. 20 of 1999); The International Convention on the Elimination of All Forms of Racial Discrimination 1965 (ratified by Law No. 29 of 1999); International Convention on Economic and Socio-Cultural Rights (ratified by Law No. 11 Year 2005); and the International Covenant on Civil and Political Rights (ratified by Law No. 12 of 2005). In addition, human rights are also regulated in special laws on the protection of women, against children, and so on.

In Indonesian law, human rights is defined as a set of rights attached to the nature and existence of human beings as the creature of God Almighty and is a grace which must be respected, upheld and protected by the state, law, Government and every person for the honor and protection human dignity and prestige. Such a set of rights can not be denied, the denial of those rights means denying the dignity of humanity. Therefore, any state, government, or organization

<sup>9</sup> Syamsuddin, op. cit. hlm 28-29.

<sup>10</sup> Muhammad, Abdulkadir. *Perjanjian Baku Dalam Praktek Perusahaan Perdagangan*. Citra Aditya Bakti, Bandung. 1992. hlm 2.

<sup>8</sup> Djumadi, *Hukum Perburuhan Perjanjian Kerja*. Raja Grafindo, Jakarta. hlm. 28.

has an obligation to recognize and protect human rights to every human being without exception. This means that human rights must always be the starting point and purpose in the organization of life in society, nation, and state. The set of rights referred to above is of course the rights set forth in Law No. 39 of 1999 on Human Rights, as well as the rights set forth in Article 28A to Article 28 J of the 1945 Constitution.

Under the provisions of Article 28A-28J of the 1945 Constitution, human rights include:

1. The right to live and the right to survive and to live.
2. The right to form a family and continue the offspring through legitimate marriage.
3. The right of the child to survival, growth and development and the right of the child to the protection of violence and discrimination.
4. The right to develop themselves through the fulfillment of basic needs, the right to receive education and benefit from science and technology, art and culture, to improve the quality of life and for the welfare of mankind.
5. The right to promote itself by fighting for its rights collectively to build its people, nation and country.
6. The right to equitable recognition, guarantee, protection and legal certainty and equal treatment before the law.
7. The right to work and receive fair and reasonable remuneration and treatment in the employment relationship.
8. Right to equal opportunity in government.
9. The right to citizenship status.
10. The right freely embraces religion and worship according to religion, chooses education and teaching, chooses a job, elects citizenship, chooses residence in the territory of the country and leaves it, and is entitled to return.
11. The right to freedom believes in beliefs, expresses thoughts and attitudes, according to their conscience.
12. The right to freedom of association, assembly, and expression.
13. The right to personal, family, honor, dignity, and property protection under his control, and the right to security and protection from the threat of fear of doing or not doing something constituting human rights.
14. The right to be free from torture or degrading treatment of human dignity and the right to obtain political asylum from other countries.
15. The right to live a prosperous and spiritual life, to live, and to obtain a healthy and healthy living environment and the right to health care.
16. The right to access and equal treatment for equal opportunities and benefits in order to achieve equality and fairness.
17. The right to social security that enables the development of the whole as a dignified human being.
18. The right to own property and such property shall not be arbitrarily taken over by any person.
19. The right to life, the right not to be tortured, the right of freedom of thought and conscience, the right of religion, the right not to be enslaved, the right to be recognized as a person before the law, and the right not to be prosecuted on the basis of retroactive law is a human right which can not be reduced under any circumstances.
20. The right to freedom from discriminatory treatment on any basis and the right to the protection of such discriminatory treatment.
21. The cultural identity and rights of traditional societies are respected in harmony with the times and civilizations.

Under the provisions of Law no. 39 of 1999 on Human Rights, human rights are divided into at least 10 (ten) types of rights, namely:

1. Right to life
2. Marriage right
3. Right to self-development
4. Right to justice
5. The right to personal freedom
6. The right to security
7. Right to prosperity
8. The right to participate in government
9. Women's rights, and
10. Rights of the child

State's Responsibility to Human Rights While in principle human rights may be violated by any person or group, but under international human rights law, a state shall not knowingly neglect human rights and freedoms. On the contrary, the state is assumed to have a positive obligation to actively protect and ensure the fulfillment of those rights and freedoms. Especially after the State ratifies or becomes a party to international human rights treaties. In this regard, at least the State has three main obligations, namely the duty to respect, protect and fulfill.

Obligation to respect: The State has a "obligation to respect" means that the State is obliged to

refrain from intervening, except by legitimate law. This obligation contains a prohibition of certain actions that may damage the enjoyment of rights. For example, with respect to the right to education, it means that Governments should respect the freedom of parents to establish private schools and to ensure that their children's religious and moral education is in accordance with their own beliefs.

**Obligation to protect:** The State has an obligation to protect the rights not only against violations committed by the state, but also against violations or actions committed by an entity or other party (non-state) that would interfere with the protection of human rights. The state's obligation to respect is the most basic of obligations. The State has wide powers with respect to this obligation. For example, the right to personal integrity and security obliges States to combat the phenomenon of widespread domestic violence against women and children. Although not every act of violence perpetrated by husbands against their wives, or by parents against their children, constitutes a human rights violation, which the State may be responsible for, the Government has a responsibility to take positive action - to reduce the incidence of domestic violence.

**Obligations to fulfill:** States are required to take positive action to ensure that human rights are exercised. It is the State's duty to take legislative, judicial and practical, necessary steps to ensure the implementation of human rights. In relation to the right to education, for example, States should provide means and means for free and compulsory primary education for all, free secondary education, higher education, vocational training, adult education, and illiteracy removal (including measures such as establishing public schools enough or provide enough teachers).

Under Indonesian law, human rights obligations and responsibilities are regulated in Article 28 I Paragraph (4) of the 1945 Constitution, which states that: Protection, promotion, enforcement, and fulfillment of human rights are the responsibility of the state, especially the government. This is in line with Article 8 of Law Number 39 Year 1999 regarding Human Rights which states that the protection, promotion, enforcement, and fulfillment of human rights are primarily the responsibility of the Government. Specifically in Chapter V of Law Number 39 Year 1999 on Human Rights is mentioned in Article 71 that the Government is obliged and responsible to respect, protect, uphold and promote human rights as regulated in this Law, other legislation and invitation laws and international law on human rights accepted by the Republic of Indonesia. Furthermore Article 72

states that the Government's obligations and responsibilities as referred to in Article 71 include effective implementation steps in the legal, political, economic, social, cultural, defense and security of the country and other fields.

Based on the provisions of the 1945 Constitution, basically everyone is obliged to respect the human rights of others in the orderly life of society, nation and state. However, in exercising their rights and freedoms, everyone shall be subject to the restrictions laid down by law with the sole intent of ensuring the recognition and respect of the rights and freedoms of others and to satisfy fair demands in accordance with moral judgment, -the value of religion, security, and public order in a democratic society.

Protection of workers in applying the principles of City of Human Rights in Indonesia. Local government is an important institution in the implementation of state life. In accordance with Indonesian legislation, local government is the implementer of the principle of decentralization in which the central government leaves some of its affairs to the regions to be managed independently. In this context the regional government is given the freedom to self-regulate in the context of the implementation of regional autonomy, among others through the issuance of local legal products. Through the authority it has, basically the local government has a good enough opportunity to apply the idea of the City of Human Rights that is developing at this time. Local governments have responsibility for the state's obligations in the exercise of human rights. Nationally, human rights have become part of Indonesian law.

**Responsibility, Authority and Duties of Regional Government Against Human Rights** under Article 18 of the 1945 Constitution, the implementation of regional governance is carried out in a decentralized manner through the provision of regional autonomy. The application of the principle of decentralization in the administration of this government can be said to have been universally accepted as a solution of a condition that not all government affairs can be held in a centralized manner. Especially given the geographical conditions, the complexity of the development of society, the plurality of local social and cultural structures and the demands of democratization in governance.

Article 18 of the amended 1945 Constitution and supplemented by 18A and 18B provides the basis for decentralization. The Unitary State of the Republic of Indonesia is divided into provincial areas, and the provinces are divided into districts and municipalities each of which has regional administrations. Provincial,

district, and municipal governments shall administer and manage their own governmental affairs according to the principle of autonomy and duty of assistance. In order to exercise the broadest possible autonomy, except for government affairs which by law are determined as Government affairs, the Regional Government shall have the right to enact local regulations and other regulations.

In Article 18 Paragraph (7) of the 1945 Constitution stated that the composition and procedures for the implementation of local government are regulated in law. In order to carry out the mandate of the 1945 Constitution, currently has been born Law No. 23 of 2014 on Regional Government. Based on the sound of Article 1 point 1 of Law Number 23 Year 2014 stated that the Regional Government is the implementation of government affairs by the regional government and the regional legislative council according to the principle of autonomy and duty of assistance with the principle of autonomy as wide as possible in the system and principle of the Unitary State of the Republic of Indonesia as mentioned in Of the 1945 Constitution of the State of the Republic of Indonesia. While government affairs are defined as the power of government which becomes the authority of the President whose implementation is carried out by the state ministries and the Provincial Administration to protect, serve, empower and prosper the community. Based on these definitions, it can be said briefly that local government is the organizer of government affairs in the region.

Article 2 of Law Number 23 Year 2014 concerning Regional Government reaffirms the sound of Article 18 Paragraph (1) of the 1945 Constitution, which states that the Unitary State of the Republic of Indonesia is divided into Provinces and the Provinces are divided into Regencies and Municipalities.

One of the efforts to implement the obligation is by implementing the provision of Article 72 of Law Number 39 Year 1999, which is to carry out effective implementation steps in the field of law, politics, economy, social, culture, defense of state security, and other fields. Implementation of human rights in the field of legislation, among others, can be done in the preparation of legislation that contains human rights values, including local law products. In Article 18 Paragraph (6) of the 1945 Constitution stipulates that the Regional Government has the right to enact Local Regulations and other regulations to implement autonomy and assistance tasks. Thus, the Regional Government has the authority to regulate human rights materials in local regulations. The authority of

regional governments in regulating human rights is reaffirmed by the emergence of Joint Ministerial Regulation on Human Rights and Minister of Home Affairs No. 20 of 2012 and No. 77 of 2012 on the Parameters of Human Rights in the Formation of Local Law Products.

The Regional Government's human rights tasks can be classified into three main categories, namely: the duty to respect, the duty to protect and the duty to fulfill. The task of honoring means that local officials should not violate human rights through their own actions. The Local Government needs to refrain from acts that may harm its citizens enjoying their rights and freedoms in their jurisdiction. For example, in relation to religious freedom, the Regional Government shall not prohibit religious persons, beyond the permissible limits, to use public spaces or city buildings for religious celebrations. Regarding the right to health, the Regional Government shall not revoke the access of certain people or groups to health care facilities.

The protective obligation requires measures to ensure that third parties do not infringe on the rights and freedoms of individuals. For example, Local Governments are required to take action to ensure that children are not prevented by others to come to school. The duty to protect can also be for example by creating a safer urban environment that can reduce the risk of violence, such as violence against women. The task to fulfill means that the Local Government must take positive action to facilitate the enjoyment of rights and freedoms. For example, the Regional Government shall fulfill the right to education by maintaining a sound educational system. To comply with the obligation to fulfill the right of individuals not to be discriminated against, the Regional Government may establish specifically local human rights mechanisms such as the ombudsman or anti-discrimination body.

Implementation of Human Rights by Local Government through Human Rights City As explained earlier, local government as a part of the Unitary State of the Republic of Indonesia participates in the protection, promotion, enforcement and fulfillment of human rights. Such a concept is also internationally recognized even though internationally the human rights obligations arising out of international treaties are the obligation of the state as a single entity - regardless of the unity or federal nature and division of the internal administrative territory. However, after ratifying the international human rights treaties, the central government / state may delegate the implementation to lower levels of government, including the Regional Government - and therefore the Regional Government is



obliged to carry out their duties derived from state obligations in the field of international human rights. Thus there is a shared responsibility between the central government and local government in the implementation of human rights. That the regions can bring legal protection to workers by ensuring the workers 'basic rights in obtaining workers' protection and guarantees.

## 5. CONCLUSION

Based on the above explanation then the conclusion as follows:

1. The legal arrangements on the protection of workers in Indonesia shall be governed by Law no. 13 Year 2003 on Manpower.
2. The regulation of the new Human Rights Principles in Indonesia in the Wonosoba area that incorporates the principles of City of Human Rights in Regional Regulations, so that protection for workers in the regions can be done through the protection of workers in the Regional Regulations to incorporate the principles of City of Human Rights as a form of protection of workers to be carried out in the regions .
3. Protection of workers in applying the principles of City of Human Rights in Indonesia that the Region has the responsibility to respect, protect and fulfill Human Rights within the principles of City of Human Rights in a Region.

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