



THE ROLE OF THE GOVERNMENT IN REALIZING THE RIGHT TO WORK AND A DECENT LIVING IN INDUSTRIAL RELATIONS IN INDONESIA

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ARTICLE INFO	ABSTRACT
Date received : 22 Oct 2022 Revision date : 21 Nov 2022 Date received : 26 Nov 2022 Keywords: Government, Right to work and a decent living, Industrial relations	<i>The right to work and a decent life is part of human rights as stated in the Indonesian Constitution, namely Article 27 paragraph (2) of the 1945 Constitution. The fulfillment of the right to work and a decent living for Indonesian citizens is the responsibility of the state. The state is obliged to provide employment for every citizen as a means for the community to meet their needs through the work they are engaged in. Likewise, the state is obliged to realize the fulfillment of life needs that are appropriate and appropriate for the community for social welfare. The manifestation of the Government's responsibility is also related to industrial relations, where labor is an important factor in employment relations whose position is often neglected. The method used in this research is normative juridical which examines laws and regulations. As a welfare state, the Indonesian government has a function to carry out national development so that the state is also responsible for protecting and realizing the welfare of all its people. Likewise in industrial relations, the welfare of society, in this case workers, needs to be protected. Primarily through legal instruments, namely Law no. 13 of 2003 concerning Employment in industrial relations facilities. The means of industrial relations serve as a guide in regulating the rights and obligations of the parties in industrial relations. The existence of arrangements on the rights and obligations of the parties is the main key to the realization of harmonious industrial relations. More than that, the ultimate goal is the fulfillment of a decent job and life for every worker/laborer.</i>

INTRODUCTION

Article 1 paragraph (3) of the 1945 Constitution states "Indonesia is a country based on law". The consequence of a *rule of law state* is that every administration of the state and activities carried out in the life of the nation and state must be based on law. The Indonesian Constitution directly makes law the commander in chief and at the same time a guideline in the life of the state. The same is true for industrial relations issues. Protection of workers' rights is clearly stated in the constitution in Article 27 paragraph (2) of the 1945 Constitution, namely that every citizen has the right to work and a decent living for humanity. In addition, the guarantee of protection for work is also stated in the provisions of Article 28 D paragraph (1) of the 1945 Constitution, namely Everyone has the right to recognition, guarantees, protection and fair legal certainty and equal treatment before the law. Article 28 paragraph (2), namely that everyone has the right to work and receive fair and proper compensation and treatment in a work relationship. The existence of labor in a country must be protected. One factor that plays an important role in driving the economy of a nation is labor. This is also the case for manpower development in Indonesia as stated in Article 4 of Law No. 13 of 2003 concerning Manpower which aims as follows:

- a. Empowering and utilizing manpower optimally and humanely;
- b. Realizing equal distribution of employment opportunities and provision of manpower in accordance with the needs of national and regional development;



- c. Provide protection to workers in realizing welfare and;
- d. Improving the welfare of workers and their families.

The right for citizens to obtain a decent job and livelihood is a basic right that must be fulfilled by the government as a guarantee for the realization of welfare for all Indonesian people. The formation of Article 27 paragraph (2) of the 1945 Constitution states that every citizen has the right to work and a decent living for humanity, where it is clear that the government must guarantee the fulfillment of the right to work and a decent living for all its citizens.

In industrial relations, the main role of the government is to regulate relations between workers and employers so that they are harmonious and balanced. Apart from that, government acts as a law enforcer and mediator when conflicts arise between employers and workers/labors. The government has the task of administering the state for the benefit of society, in the form of fulfilling various basic needs to achieve general welfare. Government is required to advance public welfare, in accordance with the fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia which contains the formulation of state objectives, which are in line with the expected goals of the *sociale rechtsstaat* concept. The form of general welfare is a prosperous society, with the fulfillment of the right to work and a decent life, social welfare for citizens can be achieved.

LITERATURE REVIEW

The purpose of writing this journal is to find out the role of the Government in realizing the right to work and a decent living in Industrial Relations in Indonesia.

METHOD

The type of research in this journal is normative research. As Terry Hutchinson has argued: "Doctrinal Research: research which provides a systematic exposition of the rules governing a particular legal category, analyzes the relationship between rules, explains areas of difficulty and, perhaps, predicts future developments ; Theoretical Research: research which fosters a more complete understanding of the conceptual bases of legal principles and of the combined effects of a range of rules and procedures that touch on a particular area of activity.

RESULTS AND DISCUSSION

The concept of the Right to Work and a Decent Living in Industrial Relations.

By working a person becomes a complete human being, through work humans can determine their own life as an independent human being. It said the right to work is also one of the rights human rights because work is related to the right to life. The right to work is stated in the 1945 Constitution article 27 paragraph 2 which states that "Every citizen has the right to work and a living that is worthy of humanity". A person's right to work can be fulfilled if that person can work with appropriate wages/salary, and with this salary it is hoped that he can fulfill his daily needs. The right to a fair wage is a legal right that must be accepted and demanded by a worker from the moment he commits himself to work for a company. It is said that every worker has the right to a wage, meaning that every worker has the right to be paid, in fact, every person is not only entitled to a wage, in essence he is also entitled to a fair wage, namely a wage that is said to be in proportion to the labor he has contributed. Whereas in principle there should not be different or discriminatory treatment in terms of remuneration for all workers, in other words the principle of equal pay for equal work must apply.

Getting a decent life means that the citizens is treated the same as other without any differences in the fulfillment of rights and obligations outside of his responsibilities. The right to legal proceedings, where a person must be given the opportunity to be accountable for his actions and if it turns out he is innocent then he has the right to be given the opportunity to defend himself. The right to be treated equally, in which there may be no discrimination in their environment whether based on skin color, gender, ethnicity, religion, attitude and treatment. Discrimination based on gender, ethnicity, religion and the like is unfair treatment.

Working is not only a source of life to fulfill the needs of human life (clothing, food and others), work can also be a benchmark for human dignity in the community, family and even the country. With the fulfillment of the right to work and a decent life, social welfare for citizens can be achieved, as stated in Law no. 11 of 2009 that the meaning of social welfare is the condition of fulfilling the material, spiritual and social needs of citizens so that they can live properly and be able to develop themselves, so that they can carry out their social functions.

The concept of fulfilling the right to work and a decent living in industrial relations can be described below:



- a. The condition of employment is the condition of the workforce in general relating to employment relations. This situation covers various aspects such as the implementation of laws and regulations, regulation of working conditions, the state of health of workers and the work environment.
- b. Labor standards are a technical reflection of labor conditions, so that labor conditions can be seen in the setting of these work standards. Working standards can basically be divided into working conditions and working environment.
- c. Working conditions are the level of employment conditions as seen from the arrangement of rights and obligations between workers and employers. Working conditions can be divided into two broad outlines, namely work norms (labor legislation) and working conditions (terms of employment).
- d. The working environment is a state of the environment in which workers carry out work that may affect the safety and health of workers. Circumstances regarding the work environment can be found in labor legislation, terms of employment, and threshold values.
- e. Labor legislation is the arrangement of rights and obligations for workers and entrepreneurs/company leaders as stipulated in statutory regulations.
- f. Terms of employment are arrangements of rights and obligations for workers and employers regarding various aspects of employment relations that have not been regulated or are not regulated in statutory regulations. This arrangement is micro-conditional, meaning that the arrangement is adjusted to the conditions of the company concerned. The form of working conditions is regulated in the work agreement between workers with individual management, company regulations covering the rights and obligations of workers/labors and management including work rules which are basically made by the company, and collective labor agreements (PKB) as a formula for rights and obligations that are collective in nature and made through negotiations between unions workers/labor unions and management.
- g. The threshold value is a conditional limit or a number that can be physically tolerated by the worker. Circumstances that exceed this figure can pose a hazard to the safety and health of workers. Before this threshold value is included in work norms and work conditions, it is still a recommendation.

If every aspect of industrial relations is examined that is related to the fulfillment of the right to work and a decent life for workers as described above, then in fact this is a manifestation of industrial relations facilities that have been normalized in Law No. 13 of 2003 concerning Manpower. For example, the problem of employment conditions whose scope is work relations, including through the implementation of labor laws and regulations that regulate basic norms in work relations. In terms of work standards, what is regulated is related to efforts to create good working conditions and a supportive work environment for workers/labors. This is realized through the Occupational Safety and Health Management System (SMK3), which is the responsibility of employers but is also constantly supervised by the government. In fact, the performance of SMK3 is regularly monitored by the government and employers are obliged to provide a budget and special attention in the company. Furthermore, the issue of working conditions is no less important and can even be said to be the most urgent when it comes to the working relationship between workers and employers.

In principle, the regulation of working conditions is more specific in nature than the basic regulation of work norms which are guided by the main labor regulations. This is because the conditions of companies are different from one another, so it is very possible that the master regulations governing employment may not be complete. Therefore, it is felt that the regulation of working conditions is better able to accommodate various aspects of the employment relationship in accordance with the conditions of each company. This is embodied in company regulations, work agreements and collective labor agreements (PKB).

The Government's Role in Fulfilling the Right to Work and a Decent Living in Industrial Relations in Indonesia

One of the human rights is the right to defend his life and life as in Article 28 A of the 1945 Constitution which states that "everyone has the right to live and has the right to defend his life and life". Article 28 C paragraph (1) states that "everyone has the right to develop himself through meeting his basic needs, has the right to education and to benefit from science and technology, arts and culture, in order to improve his quality of life and for the welfare of the people". Based on the article, everyone is guaranteed by the state to defend their lives in any way as long as this does not conflict with the applicable laws and regulations, because the right to life is a person's fundamental right (first order interaction) to maintain the sustainability of everyone's life, it must be protected and respected.

The state has the responsibility to guarantee its citizens to maintain their lives in meeting their basic needs in order to improve their quality of life and welfare in one of the ways, namely through work. The right to work provides an understanding that the government/state must make every effort to liberate its people



from the lack of work. Because work is the basis for everyone to get welfare for themselves and their families by getting a reward (wages) for what they have done. Thus, every government policy must be seen in the context of reducing the unemployment rate and improving decent working conditions for humanity, because it is an obligation that must be realized by the state of Agusmidah. Article 27 Paragraph (2) of the 1945 Constitution : *"Every citizen has the right to work and a decent living for humanity"*. Means that for every citizen in terms of work and all matters related to fulfilling their life needs for the sake of welfare. Welfare refers to meeting the needs of life that are appropriate and appropriate for humanity, namely the availability of food, clothing and shelter in their lives. The editorial of this article is mainly related to workers who work to fulfill their needs so that they need to be protected by the state.

The government has an obligation and responsibility to provide jobs for its citizens with a decent income and decent living for humanity or in other words every Indonesian citizen must have a prosperous life. Within the scope of employment, the government's role is manifested in the form of authority to regulate and supervise relations between employers and workers/laborers in employment relations through legal instruments, namely Law No. 13 of 2003 concerning Manpower. The law contains a number of industrial relations facilities in carrying out industrial relations that have been normalized. This means that actors in industrial relations are obliged to implement the principles that apply in these facilities.

The essence of the means of industrial relations is the certainty of setting work conditions and the rights and obligations of workers and employers in order to realize harmonious relations. Setting working conditions is intended to create a common perception between workers and employers so that the relationship between them is far from conflict. Therefore, it is imperative for the government to always strive to create a more conducive climate for increasing the role and function of industrial relations institutions. On the other hand, industrial relations institutions must further strengthen themselves, both in terms of organization, management and independence. For this purpose it is very important to establish reciprocal communication with the government both at the central and regional levels, through forums that are not structural and rigid, but flexible and aligned with needs.

Manpower development as one of the efforts in realizing national development is directed at regulating, fostering and supervising all activities related to manpower so that order can be maintained to achieve justice. Regulation, guidance and supervision carried out based on applicable laws and regulations in the field of manpower must be adequate and in accordance with the increasingly rapid pace of development so as to anticipate demands for manpower planning, fostering industrial relations and increasing labor protection. Protection of workers can be divided into two, namely:

- a. Occupational health and safety protection. Implement efforts to maintain and improve working environment conditions, work safety, safety and health of workers, as well as protect workers against risks of danger in carrying out work and prevent losses due to work accidents, work-related illnesses, fires, explosions or work environment pollution. Occupational safety is a safety condition that is free from the risk of accidents and damage where we work which includes building conditions, machine conditions, safety equipment, and worker conditions. According to Suma'mur, occupational health is a specialty of health/medical science and its practice which aims to make workers/community workers obtain the highest degree of health physically, mentally and socially with preventive or curative efforts against diseases/health problems caused by work factors and work environment and against common diseases.
- b. Protection in the form of social security. According to Imam Soepomo, social security is a payment received by the worker in the event that the worker is out of fault for not doing the job, thereby guaranteeing income security in the event that the worker loses his wages for reasons other than his will. In implementation in the work environment, industrial relations generally encourage the creation of development results through increasing worker welfare and will also encourage increased economic growth, increased work production and productivity and increased workforce skills.

This is where the role of government seen in the context of industrial relations functions in establishing policies, laws and regulations that must be obeyed by the parties, providing services, carrying out supervision through enforcement of labor regulations, and taking action against violations of labor laws and assisting the parties in resolving disputes. industrial relations.

CONCLUSION

Based on the description above, it can be concluded as follows:

1. The right to work and a decent living for Indonesian citizens in the context of industrial relations is a form of fulfilling the constitutional mandate which demands the role of the government in realizing it.



2. Protection for workers is carried out by increasing the recognition of workers' rights, physical and technical as well as social and economic protection through setting norms that apply in the work environment. Protection for workers is intended to guarantee the basic rights of workers and guarantee equal opportunities and treatment without discrimination on any basis to realize the welfare of workers and their families.

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