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RESEARCH ARTICLE
POLICY OF THE DEVELOPMENT OF LABOUR LAW IN INDONESIA AFTER AUTONOMY
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ARTICLE INFO	ABSTRACT
<p>Article History: Received 01st September, 2016 Received in revised form 28th October, 2016 Accepted 01st November, 2016 Published online 30th December, 2016</p> <p>Key words: Policy, Labour, Law, Autonomy, Development.</p> <p>Copyright © 2016, Indra Muchlis Adnan dan Wandi. This is an open access article distributed under the Creative Commons Attribution License, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.</p> <p>Citation: Indra Muchlis Adnan dan Wandi, 2016. "Policy of the development of labour law in Indonesia after autonomy", <i>International Journal of Current Research</i>, 8, (12), 4343-4349.</p>	<p>Post-Amendment to Article 18 B of the 1945 Constitution, it is the breath of legal pluralism again got fresh wind making it possible to cultivate local laws (customary law and local law) including labor laws in accordance with local knowledge of each region within the Unitary State of the Republic of Indonesia. Therefore, strengthening local laws (legal development in the area) should continue to be fostered and directed at efforts to improve the welfare of the community. Methods of research in this paper is a normative juridical, which in this study using primary legal materials in the form of books, legislation relevant with this research topic. From the research results can be generated that the development of labor law after the regional autonomy have provided space for local governments to administer and manage his own family, especially related to matters that have been bestowed by the central government to the regions through concurrent affairs division. With the delegation is expected to keavangan yuridis as the basis for local governments in establishing employment law to raise the dignity of labor itself.</p>

INTRODUCTION

National development is carried out to realize a society that is prosperous, equal, prosperous, equitable (material and spiritual), based on Pancasila and the Constitution of 1945. In the implementation of national development, labor has a role and a very important position as a principal and goal of development. Related to the role and position of labor, workers development is required to improve the quality of workers and the participation in development and improvement of the protection of workers and their families in accordance with humanity.¹ Workers development is not only related to the interests of the next worker, is working, and has been working, but the way that all people get a job and a decent life, in accordance with Article 27, paragraph 2 and Article 28 D paragraph 2 of the Constitution of 1945, which stated that every citizens has right to work and a decent living for humanity without any discrimination in the implementation of the employment relationship. The right to work and the rights in work is not only as social and economic rights, but also the fundamental human rights.

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¹ Ari Wijayanti, *Hukum Ketenagakerjaan Pasca Reformasi*, Sinar Grafika, Jakarta, 2009, Page 6

² Nurul Cholidah, "Perbandingan Hak Asasi Manusia Menurut Hak-Hak Ekonomi, Sosial dan Budaya Kalimantan dengan Lingkungan Hidup", *Jurnal Ilmu Hukum Litigasi* Volume 4 Nomor 3, Fakultas Hukum UNPAS, Bandung, Oktober 2003, Page 231.

³ Ase Wijayanti, *Op. Cit.*, Page 6

⁴ Maslow in Purandri Pebucaraka & Soejono Soekarno, *Perilaku Keadaban*, Citra Adipati Books, Bandung, 1993, Page 5, states that the basic needs are: food, shelter, clothing, safety of self and property, self esteem, self actualization and love.

⁵ Kind of child exploitation is economically such as child labor, street children, trafficking, child prostitution, drug trafficking, and violence against children.

POLICY OF THE DEVELOPMENT OF LABOUR LAW IN INDONESIA AFTER AUTONOMY

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basically related to the national development, in particular the principles of democracy, the principle of equal and equitable. Workers development associated with the government, employers and workers / laborers, which the workers development is done in an integrated manner in the form of mutually supportive.⁶ Article 4 of Law No. 13 of 2003 on employment, which stated that:

1. Empower and utilize workers optimally and humane.
2. Ensuring equity and employment opportunities and the provision of workers related to the needs of national and regional development.
3. Provide protection to workers in the welfare.
4. Improving the welfare of workers and their families.⁷

In order to implement the objectives in the field of employment, Article 7 of Law No. 13 of 2003 on Labor define workforce planning and employment information as follows:

1. In order to workers development, the government sets policies and workforce planning.
2. Workers planning includes:
 - a. Macro workers planning, and
 - b. Micro workers planning
3. In formulating policies, strategies, and implementation of sustainable workers development program, the government must be based on workers planning as referred to in paragraph 1.

Article 8 of Law No. 13 of 2003 on Labour, stated that:

1. Worker planning collated on the basis of employment information include, among others
 - a. Population and worker
 - b. Job opportunity
 - c. Job training including job competency
 - d. Worker productivity
 - e. Industrial relations
 - f. Working conditions
 - g. Wages and labor welfare
 - h. Social security workforce.
2. Employment information referred to in paragraph 1, was obtained from all stakeholders, both government and private agencies.

Based on the above, the State has an obligation to guarantee every citizen to get a job and a decent living. On the other hand that every person has the right to work, earn rewards and fair treatment and decent in labor relations. Amendment 1945 had an impact on the system of government in Indonesia, it is as a consequence of the demand of reformation, in which the desire for change and reform in various aspects of community life, politics, economics, and law. The main challenges faced by the government in the era of reformation are the attempt to overcome the economic crisis, the economic empowerment of the people, strengthening economic institutions, encourage healthy competition, and eradication of practices of collusion, corruption and nepotism in the economic and business activities. The amendments to the Constitution of 1945 strengthen the existence of local law (customary law and / or

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⁶ Abdul Khakim, Pengantar Hukum Ketenagakerjaan Indonesia Berdasarkan Undang-Undang Nomor 13 Tahun 2003, Citra Aditya, Bandung, 2003. Page. 6-

⁷ Article 4 of Law No. 13 of 2003 on Worker.

local law), it is expressly provided for in Article 18 of the Constitution-1945 B as follows:

1. The State shall recognize and respect the units of local government that is special or that are regulated by law
2. The State recognizes and respects units of indigenous communities and their traditional rights as long as they live, and in accordance with the development of society and the principles of the Unitary Republic of Indonesia, which is regulated by law.⁸

Pluralism in law received another possible way to cultivate local laws (customary law and local law) in accordance with the local knowledge of each area. Therefore, strengthening local laws (legal development in the area) should continue to be fostered and directed at efforts to improve the welfare of the community. Laws should provide a significant contribution to the economic development of the region and development Indonesia fully human. Legal development in the area is basically all the efforts made by the local government together with the community about how the law will be formed, conceptualized, implemented and institutionalized in a political process. Development of law may include the establishment of a new law, the reform of existing laws, and strengthening the laws of local communities (customary law). Constitution of 1945 Amendment I, II, III, and IV law recognizes the existence of indigenous peoples, and the Act No. 22 of 1999 as amended by Law No. 32 of 2004 as amended by Act No. 23 of 2014 on Regional Government.⁹ Development of employment law is done after the regional autonomy as stated in the provisions of Article 9 of Law No. 23 Year 2014 on Regional Government where it was said that the government affairs differentiated on Absolute Affairs, Concurrent Public and Government Affairs.¹⁰

B. Formulation of the problem

The formulations of the problem of the research are:

1. How is post autonomy-Worker Law Development Policy in Indonesia?
2. How is the juridical basis and the position of local government authority in establishing worker laws in the era of regional autonomy?

C. Research objective

The objectives of the research are:

1. Knowing post autonomy-Worker Law Development Policy in Indonesia Post Autonomy.
2. Knowing the juridical basis and the position of local government authority in establishing labor laws in the era of regional autonomy.

D. Research methodology

This is a normative juridical study that only uses the primary legal materials in the form of books and legislation related to the topic under study. While the analysis of the data used was deductive, this is based on theories or concepts that are general

⁸ Article 37 B of the Constitution of 1945.

⁹ <http://dialektikahukum.blogspot.co.id/2009/02/pengaruh-politik-hukum.html>, 8 April 2016, 10.06 Wib

¹⁰ Article 9 paragraph 1 of Law No. 23 Year 2014 on Regional Government.

to the particular in order to show the relationship between the data with other data.

E. Research findings and discussions

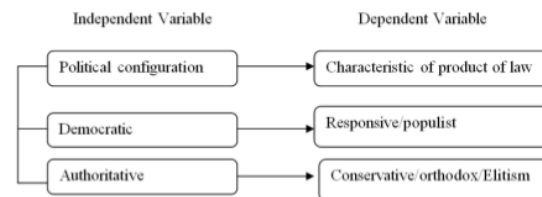
1. Worker Post Autonomy Law And Policy Development In Indonesia

Mahfud MD stated that policy / legal politics is the direction of the law (legal policy) made formally by the state of the law will be forced or not enforced to achieve state goals.¹¹ In general, political law consists of two things, namely to create and implement the law. Politics is a basic law and a way to create and implement the law to achieve goals of the nation and the state.¹² Satjipto Raharjo¹³ stated that political law is an activity to choose and how that would be used to achieve a social objective and specific law in society. The law will face the same with politics, such as the need to determine a choice the purpose and means would be used to achieve goals. Furthermore, according to Satjipto Rahardjo,¹⁴ law is not something that is completely autonomous institution, but are in positions related to other aspects of life in society. Sunaryati Hartono¹⁵ "Politik Hukum Menuju Satu Sistem Hukum Nasional" sees the law as a political tool (tool) or means and steps that can be used by the government to create a national legal system as desired. It shows that the legal political framework focusing on the dimensions of the applicable law in the future or *ius constituendum*.

a. Development Strategy Concept of Law in Theory

The strategy of legal development is all the work done by the social groups in a society with regard to the establishment of laws, legal conceptualization, implementation and institutionalization of law in a political process.¹⁶ There are two models of the development strategy of the law; those are the law of orthodox development strategies and development strategies responsive law. The development strategy of orthodox law contains the characteristics of the dominant role of institutions (government and parliament) in determining the legal development of a society. Law generated by this strategy is the positivist-instrumentalist. The second is the law responsive development strategies. It demonstrates the role greater judicial institutions and broad participation, social groups or individuals in the community in determining the direction of development of the law. Such a state allows the resultant legal product which is responsive to the demands of various social groups or individuals of society.¹⁷ In fact, modern law which formed today occurs on two levels. First, the law is rational and moral demands. Then in the second stage, when ratified by the state, is juridical law. Juridical law is a law that recognizes the existence of the law in the right sense. Therefore, the political laws of a particular country that is in the hands of the government should be based on the cultural and economic situation of the people. The actual legal

political goal is to create a rule that a just and prosperous society.¹⁸ Philippe Nonet and Phili Selznick¹⁹ distinguishes three types of law; repressive laws, the laws of autonomous and responsive law. First, repressive law aimed at preserving the status quo. The purpose of law is a basic order and its validity is public security. The rule is detailed, but less binding regulators and often occurs discretion. Laws are subject to political; disobedience is regarded as an aberration. Second, autonomous law aimed at curbing abuses regardless of social order and legality, has the legal order as a resource to subdue repression and oriented to "the Rule of Law". The main strategy of legitimacy is the legal separation of politics which has two aspects, namely the political subject to the law, cause the law limits the powers and the court emphasized non-political function. Third, the law is open-responsive to changes in society and serves the efforts to achieve social justice and emancipation. Law has been a response to the needs and social aspirations. To realize the goal, the law has special characteristics (responsive legal developments increase the authority of destination, control objectives for adherence and reduce the rigidity of the law, as well as their planning more competent legal order). A research by Moh. Mahfud MD²⁰ concluded that a process and the political configuration of a particular regime will greatly affect a legal product produced. In a democratic country, the resulting law is responsive or populist, whereas in an authoritarian state, its legal character of orthodox or conservative or elitist²¹. The statement may be presented in the following picture:



b. Development of Employment Law in Indonesia Post Autonomy

Work is money. All living creatures need to do something for the whole lives to stay alive. Human needs are more than just physical needs. Development of industrial relations as part of worker development must be guided in order to continue and realize the harmonious, dynamic and equitable industrial relations. To that end, the recognition and respect for human rights as stated in MPR Decree No. XVII / MPR / 1998 must be realized. In the field of employment, assessment MPR (People's Consultative Assembly) is the basis for democracy in the workplace. Enforcement of workplace democracy are expected to encourage optimum participation of the entire workforce and workers / laborers Indonesia in order to

¹¹ Mahfud MD, *Perdebatan Hukum Tata Negara*, LP3ES, Jakarta, 2007, Page. 48.

¹² Mahfud MD, *Membangun Politik Hukum, Menegakkan Konstitusi*, LP3ES, Jakarta, 2006, Page. 15.

¹³ Satjipto Rahardjo, *Ilmu Hukum*, Citra Aditya Bakti, Bandung, 2000, Page. 352.

¹⁴ Ibid.

¹⁵ C.F.G. Sunaryati Hartono, *Politik Hukum Menuju Satu Sistem Hukum Nasional*, Alumni, Bandung, 1991, Page. 20.

¹⁶ Abdul Hakim G. Nusantara, *Politik Hukum Indonesia*, YLBHI, Jakarta, 1985, Page. 27.

¹⁷ Ibid.

¹⁸ Theo Huijbers, *Filsafat Hukum*, Kanisius, Yogyakarta, 1991, Page. 109.

¹⁹ Philippe Nonet dan Phili Selznick, *Hukum Responsif, Pilihan di Masa Depan*, HuMa, Jakarta, 2003, Page. 12-13.

²⁰ Moh. Mahfud MD, *Perkembangan Politik Hukum, Studi tentang Pengaruh Konfigurasi Politik terhadap Produk Hukum di Indonesia (Disertasi)*, : UGM, Yogyakarta, 1993, Page. 675 – 676.

²¹ Read Moh. Mahfud M.D for more detailed explanation of the meaning of a democratic and authoritarian political configuration and responsive legal products or populist character and orthodox or conservative or elitist., *Politik Hukum di Indonesia*, Cet. I, LP3ES, Jakarta, 1998., Page. 15; Philippe Nonet dan Philip Selznich, *Law and Society in Transition; To-ward Responsive Law*, Harper & Row, New York, 1978, Page. 14-16; A.A.G. Peters and Koesriani Siswosoebroto (ed.), *Hukum dan Perkembangan Sosial*, (Buku III), Sinar Harapan, Jakarta, 1990. Page. 158-163.

establish the greatness in Indonesia. Some legislation concerning worker over the years, including some that is a product of the colonial, placing workers at a disadvantage in the employment and industrial relations system which includes the position and interests of which it is not compatible with the needs of the present and future demands which will come. According to Professor Mochtar Kusumaatmadja, the function of law is as a means of community renewal. The law channels the direction of human activities to the expected direction of development. As other laws, employment law has a function as a means of renewal of society which channel the direction of human activity in the appropriate direction to what is desired by worker development. Worker development is directed to organize, direct and supervise all activities related to the workforce so that they can create their order to achieve justice. The setting, coaching, and supervision is done by labor law must be sufficient and in accordance with the rate of progression of increasingly rapid development so as to anticipate the demands of workforce planning, development of industrial relations and the improvement of labor protection. The local governments have power to control and manage their own affairs in accordance with the principle of autonomy. Granting broad autonomy to the region is expected to accelerate the realization of people's welfare through service improvement, empowerment and community participation. Through a broad autonomy, the region is expected to improve competitiveness with due regard to the principles of democracy, equality, justice, privilege, specificity and the potential and diversity of the regions. Along with the principle of local autonomy, the relationship of authority between the central government and local governments must always be oriented to the improvement of social welfare to always pay attention to the interests and aspirations that grow in the community. In addition, the implementation of regional autonomy must also guarantee the harmonious relationship between the regions, that is able to build inter-regional cooperation to enhance the common welfare and prevent imbalances between regions. Autonomy and decentralization of authority is considered very important, especially to ensure national integration process can be properly maintained. In the existing system previously, a structural inequality in the relationship between central and local is so clear. To ensure that the injustice that appears more widespread, the decentralization policy should be applied in accordance with the level of readiness of the region itself. TAP MPR on Recommendation of the Policy in Regional Autonomy No. IV / MPR / 2000 confirms that the area does not need to wait for the instructions and decisions of the central government to organize regional autonomy. Prior to the issuance of the regulations of the central government, local governments can define their own respective regional Regulation.

The Constitution of 1945 stated that Government Affairs became the authority of the Central Government which is known as absolute government affairs and government affairs there are concurrent. Concurrent administration affairs consisting of Government Affairs and Government Affairs Mandatory options are divided between the national, local, provincial and districts / cities. Mandatory Government Affairs Government Affairs is divided into Mandatory related Basic Services and Government Affairs Mandatory unrelated Basic Service. Mandatory for Government Affairs related fundamental services specified minimum service standards (SPM) to guarantee the constitutional rights of the people. The difference of concurrent governmental affairs division between

the province and district / city is in the scale or scope of Government Affairs. One of the matters of concurrent tasks and responsibilities of local governments by the central government according to Law Number 23 Year 2014 on Regional Government is liable to service in the field of employment as set in Article 12, paragraph 2 point a where in stating that Mandatory Government affairs unrelated to Basic Services as referred to in Article 11 paragraph (2) shall include labor. For more classifications division of government affairs in the field of employment that is concurrent can see the following Table 1:

As one of the pillars of a democratic state (democratische rechtsstaat), decentralization is the right choice to resolve the problems, especially in the field of employment services. With the decentralization of authority between the central government and the regions, as regulated in Government Regulation No. 38 of 2007 on the Division of Government Affairs between the Government, Provincial Government and Local Government of Regency / City. Government affairs consists of government affairs was the full authority of the Government and government affairs are managed jointly between the level and composition of government or concurrent. Government affairs that the government is fully authorized are affairs in the field of foreign policy, defense, security, monetary and national fiscal, judicial, and religious. Government affairs can be managed jointly between the level and composition of government or concurrent is the government affairs in addition to government affairs entirely a matter for the Government. Thus there is a section under the authority of the affairs of government, provincial governments, and government districts / cities in every area of government affairs that are concurrent²².

2. The cornerstone of juridical status and Regional Authority in Developing Labor Law in Indonesia

Regional autonomy is part of a political system that is expected to provide opportunities for citizens to be able to develop the creativity. People are not only as objects of development but rather a subject of development itself. People who become the subject of development will be able to develop themselves, region and even country.²³ Regional autonomy is closely associated with democracy. Regional autonomy regulates the relationship between the central government and local governments. In a unitary State is need for harmonization between the powers of the central government and local governments. The rise of the uncontrolled central government power will be destructive thing to the unity of the country because the state will turn out to be centralized. The bigger autonomy undermines the unitary since the area will run itself.²⁴ The observers noted the long history of local autonomy on decentralization in Indonesia. Law No. 1 of 1945 on Regional Government, Law No. 22 of 1948 which in this act to the local control of the central government is very strong.

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²² Explanation of Government Regulation No. 38 of 2007 on the Division of Government Affairs, Government, Provincial Government and the City District Government.

²³ M. Saleh Soeaidy, Otonomi Daerah dan Resolusi Konflik Pusat – Daerah, Workshop papers on: "Desentralisasi, Demokratisasi dan Akuntabilitas Pemerintah Daerah" organized by the Political Science Association of Indonesia on March 25-27, 2001, See Syamsudin Haris Book Editor "Desentralisasi dan Otonomi Daerah (Desentralisasi, Demokratisasi dan Akuntabilitas Pemerintah Daerah", LIPI Press, Jakarta, 2007. Page. 325.

²⁴ Ibid, Page. 325-326.

Table 1. Classification of Government Affairs that are concurrent in the field of employment

No	Sub-Sector	Central	Province	District/ city
1	2	3	4	5
1	Training and Labor Productivity	<ul style="list-style-type: none"> a. Systems development and training methods b. Competence standards c. Development of employment training programs, transmigration, productivity, and entrepreneurship d. Vocational training for the implementation of a strategic nature e. Determination qualified instructors, driving nongovernmental (PSM) and personnel training f. Developing and improving the competence of instructors and PSM g. The standard-setting work of accreditation of training institutions h. Issuance of permits apprenticeship abroad i. Licensing professional certification institutes j. Implementation of the certification of professional competence k. Development of systems, methods, tools and techniques used to increase productivity l. Awareness productivity m. Consultancy productivity in large companies n. National Productivity measurement level. 	<ul style="list-style-type: none"> a. The training is based on clusters of competence b. Accreditation of training institutions c. Consultancy productivity in medium-sized companies d. Province-level productivity measurement 	<ul style="list-style-type: none"> a. The training is based on units of competency b. Development of private vocational training institutes c. Licensing and registration of vocational training institutions d. Consultancy productivity in small company e. Measurement productivity level of districts / cities.
2	Employment	<ul style="list-style-type: none"> a. Services between national employment b. Introduction to work c. Issuance of private employment agencies (LPTKS) of more than 1 (one) provinces d. Issuance of permits implementing private Indonesian employment (PPTKIS) e. The development of the labor market and labor market information nationally and abroad f. Protection of Indonesian migrant workers (TKI) abroad g. Ratification of the planned use of foreign labor (RPTKA) new, RPTKA changes such as title, location, number of foreign workers, and a renewal of citizenship and RPTKA more than 1 (one) provinces h. Issuance of permits employing foreign workers (IMTA) IMTA new and extension of the work site more than one area of the provinces 	<ul style="list-style-type: none"> a. Service between work across districts / cities in one (1) province b. LPTKS issuance of more than 1 (one) districts / cities in one (1) province c. Management of labor market information within 1 (one) province d. Protection of migrant workers abroad (pre and post placement) in the province e. RPTKA extension that contains no changes of position, the number of foreign workers and work sites within one (1) province f. Issuance of the IMTA extension work location more than 1 (one) districts / cities in one (1) province. 	<ul style="list-style-type: none"> a. Job service between districts / cities b. Issuance of permits LPTKS in 1 (one) districts / cities c. Management of labor market information in the districts / cities d. Protection of migrant workers abroad (pre and post placement) in districts / cities e. Issuance of the IMTA extension work site in 1 (one) districts / cities.
3	Industrial relationship	<ul style="list-style-type: none"> a. Ratification of company regulations and registration of collective bargaining agreements for companies that have a working area of more than 1 (one) provinces b. Prevention and settlement of industrial disputes, strikes and closures which results / impact on the interests of national / international. 	<ul style="list-style-type: none"> a. Ratification of company regulations and registration of collective bargaining agreements to having a working area of more than 1 (one) districts / cities in one (1) province b. Prevention and settlement of industrial disputes, strikes and lockouts which results / impact on interest in one (1) province c. Placement of the provincial minimum wage (UMP), the provincial sectoral minimum wages (UMSP), minimum wage districts / cities (UMK) and sectoral minimum wages districts / cities (UMSK). 	<ul style="list-style-type: none"> a. Ratification of company regulations and registration of collective bargaining agreements for companies that only operate in one (1) of district / city b. Prevention and settlement of industrial disputes, strikes and lockouts in districts / cities.
4	Employment monitoring	<ul style="list-style-type: none"> a. Determination of the labor inspection system 24 Management of labor inspectors 	Implementation of labor inspection	

Source: Appendix of Law Number 23 Year 2014 on Regional Government

Then Law No. 5 of 1957 concerning Regional Government highly decentralized, Act No. 18 of 1965 and Law No. 5 of 1974, the act is very strong central control. The area is not more than supporting the success of the central government. It should be recognized that the system has created stability in various regions including an enabling environment for foreign investors. The stability that has been maintained for more than 30 years has created a dependency on the central area in almost all aspects of regional autonomy as the authority, financial, institutional, personnel, representatives and service. This has led to low quality and local initiatives.²⁵ Reformation of 1998 brought changes in the constitutional system of Indonesia. The changes are not only in the center state system but also in the lower levels. It can be seen from the changes of centralized system into decentralized systems that have occurred since 1998. Decentralization is the delegation of authority to the regions to organize and take care of its people independently is often referred to as regional autonomy. According to KBBI, autonomy is defined as the right of regional autonomy, authority and obligations of the regions to organize and manage their household in accordance with the legislation in force.²⁶ Law Number 32 Year 2004 regarding Regional Government as amended by Act No. 2 of 2014 on Regional Government stated that local autonomy rights, authorities, and obligations of autonomous regions to set up and manage their own affairs and interests of local communities in accordance with legislation. Sarundjang mentions that autonomy focuses on the aspirations than conditions.²⁷ R.D.H Kosoemahatmadja stated that autonomy is the provision of the rights and powers of legislation and administration of the autonomous regions. There are two ways to take care of the autonomous region. First, make products that do not contradict local laws with the Constitution and other legislation. Secondly, organize common interests.²⁸ Since the regional autonomy, authority employment issues, submitted to the Civil Registry Office of Population of Manpower and Transmigration.²⁹ The Civil Registry Office of Population also supports and implements safeguards against employment covering the following aspects:

1. The legal protection, ie if the field of employment that require or compel employers to act in accordance with the legislation can be implemented by all parties concerned
2. Protection of the economy, namely the protection associated efforts to give sufficient income to meet the daily needs of workers and their families
3. Social protection, that protection in relation to the business community that allows workers to acquire a purpose and develop their lives as human beings and as members of society
4. Technical Protection, which is a protection in relation to efforts to safeguard workers from the dangers of accidents arising from or relating to occupational safety and health. Provincial and district / city, on its own initiative, can take care of the household area.

²⁵ Page. 326.

²⁶ Kamus Besar Bahasa Indonesia, Edisi Ketiga, Pusat Bahasa Pendidikan Nasional-Balai Pustaka, Jakarta, 2001, Page. 805.

²⁷ S.H. Sarundjang, Arus Balik Kekuasaan ke Daerah, Pustaka Sinar Harapan, Jakarta, 2001, Page. 33.

²⁸ R.D.H. Kosoemahatmadja, Pengantar ke Arah Sistem Pemerintahan Daerah di Indonesia, Bina Cipta, Bandung, 1979, Page. 15

²⁹ Zaenal Asikin, Dasar-Dasar Hukum Perburuhan, Raja Grafindo, Jakarta, 1993, Page. 76

Law Number 23 Year 2014 on Regional Government in Article 9 explains that:

1. Government Affairs consists of absolute government affairs, government affairs concurrent, and government affairs public
2. The absolute government affairs referred to in paragraph (1) is a wholly Government Affairs under the authority of the Central Government
3. Concurrent government affairs referred to in paragraph (1) is a Government Affairs that is shared between the central government and the province and districts / cities
4. The concurrent administration affairs submitted to the Region became the basis of the implementation of regional autonomy
5. The general government affairs referred to in paragraph (1) is a Government Affairs under the authority of the President as head of government.

Article 13 Article 11 explains that:

1. Affairs concurrent administration as referred to in Article 9 paragraph (3) under the authority of the Regional consist of Government Affairs and Government Affairs Mandatory Options
2. Mandatory Government Affairs referred to in paragraph (1) shall consist of Government Affairs with regard to Basic Services and Government Affairs that are not related to Basic Service
3. Mandatory Government Affairs relating to fundamental services referred to in paragraph (2) is that the majority of Government Affairs Mandatory substance is a Basic Service

Article 12

1. Mandatory Government Affairs relating to fundamental services as referred to in Article 11 paragraph (2) shall include:
 - a. Education
 - b. Health
 - c. Public works and arrangement of space
 - d. Housing and residential areas
 - e. Peace, public order, and the protection of society; and
 - f. Social
2. Mandatory Government Affairs unrelated to Basic Services as referred to in Article 11 paragraph (2) shall include:
 - a. Labor
 - b. Empowerment of women and protection of children
 - c. Food Land Living environment
 - d. Administration of population and civil registration
 - e. Community empowerment and village
 - f. Population control and family planning
 - g. Nexus
 - h. Communications and informatics
 - i. Cooperatives, small businesses, and medium

Article 12 paragraph 2 letter a of Law Number 23 Year 2014 on Regional Government, expressly stated that the regional government has the authority and must become a business in providing services in the field of employment which includes cross-district / city. Decentralization of autonomy has given his

position and authority for local governments in establishing worker law, as well as the flexibility to manage their own household. Reconstruction of the relationship between central and local governments in Indonesia underwent a significant change after the implementation of regional autonomy. Instruments helped change the decentralized management of local resources as a form of delegation of authority from the center to the autonomous regions to be more independent. Support services of business activities such as business license, the rule of law, and a conducive business climate are no longer centered on the central government. Local governments are expected to be the actor of decentralization. Full delegation of authority is transferred from the central government to the local government on certain matters, so that local governments can take the initiative completely, both concerning policy, planning, implementation, and financing. The regional government implements government affairs into their own domestic affairs. In a unitary state with a decentralized system, the power of government is not entirely run by the central government. Most power is transferred to the regions. The purpose of delegation of authority by the central government is so that the regions can participate in managing their own areas. The status and authority of local governments in establishing labor/worker laws should be based on legitimate authority. The authority is obtained through three sources, namely attribution, delegation, and mandates. Attribution authority obtained through the division of state power by the constitution, while the delegation of authority and the authority's mandate is derived from the "devolution". The authority consists of three components, namely the influence, legal basis and legal conformity. "Influence" is the authority that is used to control the behavior of legal subjects. "Basic law" means the authority should be designated legal basis, and "conformity to law" contains the standard authority that legal standard (all kinds of authority) as well as a special standard (for certain types of authority).

F. Closing

Employment/labor/worker development is not only related to the interests of the workforce that will be, is and has done work relationship, how can everyone get a job and proper life for humanity (Article 27 paragraph (2) and Article 28 D (2) Constitution of 1945. After the regional autonomy, the development labor law has led to the reconstruction of the relationship between central and local governments in Indonesia. Decentralization had change the management of local resources as a form of authority from the center to the autonomous regions to be more independent. Support services of business activities such as business license, the rule of law, and a conducive business climate is no longer centered on the central government. Local governments are expected to become actors in the building of industrial relations as in written in the laws of local government itself, so that regional governments can take the initiative completely, both concerning policy, planning, implementation, and financing in building the labor laws in the region.

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