



Indonesian Employment and Labor Policy: A Pancasila Perspective

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Abstract

The aim of this research is to examine and analyze how the Pancasila legal state concept treats labor as the most important part of the national development process. The existence of workers in the national development process has a strategic and decisive position; without workers, it is impossible for a development plan to be implemented well. In Employment Law No. 13 of 2003, workers are placed as actors of development as well as development goals. The meaning of this sentence is that workers are not only involved in the development process but also as parties who are obliged to enjoy the results of development. The method used in this research is sociological juridical with a legal approach and a conceptual approach, while the data used is secondary data, which includes material, primary legal materials, secondary legal materials, and tertiary legal materials. From the research results, it was found that there is a gap in the implementation between the concept of the Pancasila rule of law and the reality that occurs in the world of work. The rights of workers as human beings are often neglected. It is difficult for workers to achieve a prosperous life because the wages they receive cannot meet the needs of a decent life, so the concept of just and civilized humanity has not been achieved by workers. Based on these conditions, researchers recommend that the government immediately take concrete steps to overcome the problem of disparities in workforce welfare.

Keywords: Employment, Labor Policy; Pancasila

Abstrak

Tujuan penelitian ini adalah untuk mengkaji dan menganalisis bagaimana konsep negara hukum Pancasila memperlakukan tenaga kerja sebagai bagian terpenting dalam proses pembangunan nasional. Keberadaan buruh dalam proses pembangunan nasional mempunyai kedudukan yang strategis dan menentukan, tanpa buruh mustahil suatu rencana pembangunan dapat terlaksana dengan baik. Dalam UU Ketenagakerjaan no. 13 Tahun 2003, pekerja ditempatkan sebagai pelaku pembangunan sekaligus tujuan pembangunan. Makna dari kalimat tersebut adalah keberadaan buruh tidak hanya terlibat dalam proses pembangunan saja, namun juga sebagai pihak yang wajib menikmati hasil pembangunan. Metode yang digunakan dalam penelitian ini adalah yuridis sosiologis dengan pendekatan hukum dan pendekatan konseptual, sedangkan data yang digunakan adalah data sekunder yang meliputi materiil, bahan hukum primer, bahan hukum sekunder, dan bahan hukum tersier. Dari hasil penelitian ditemukan adanya kesenjangan penerapan antara konsep negara hukum Pancasila dengan kenyataan yang terjadi di dunia kerja. Hak-hak pekerja sebagai manusia seringkali terabaikan, sulitnya pekerja mencapai kehidupan sejahtera karena upah yang diterimanya tidak dapat memenuhi kebutuhan hidup yang layak, sehingga konsep kemanusiaan yang adil dan beradab belum tercapai oleh pekerja. Berdasarkan kondisi tersebut, peneliti menyarankan agar pemerintah segera mengambil langkah nyata untuk mengatasi masalah kesenjangan kesejahteraan tenaga kerja.

Kata Kunci: Karyawan, Kebijakan Buruh, Pancasila

I. Introduction

Indonesia is an emerging nation.¹ Labor has a very important and strategic role in implementing the national development process. The position of the workforce makes a large contribution to state income from the tax sector. In this regard, it is appropriate for the existence of workers to receive attention and protection from the state so that there is no gap between workers and entrepreneurs.² As stated in the fifth Pancasila principle, which serves as the basis of the Indonesian state, states that "social justice for all Indonesian people". This sentence contains the meaning that every Indonesian citizen must always have their dignity and dignity as human beings upheld without exception. Workers as actors of development and development goals must receive humane treatment. So that there should be no actions that have the nature of exploitation of workers because it is contrary to the second Pancasila principle, namely "just and civilized humanity". Pancasila values should be included and implemented in Indonesian employment regulations and life.³

The Central Statistics Agency (BPS) released "The total workforce based on the National Labor Force Survey (Sakernas) in February 2023 was 146.62 million people, an increase of 2.61 million people compared to February 2022. The Labor Force Participation Rate (TPAK) increased by 0, 24 percentage points. The working population is 138.63 million people, an increase of 3.02 million people from February 2022. The employment opportunities that experienced the largest increase were Providing Accommodation and Providing Food and Drink and Other Service Activities, each amounting to 0.51 million people. 83.34 million people (60.12 percent) work in informal activities, an increase of 0.15 percentage points compared to February 2022."⁴

Job protection aims to ensure the continuity of the employment relations system without being accompanied by pressure from strong parties on weak parties.⁵ In essence, between workers and entrepreneurs, it is a *symbiotic process of mutualism*, mutual need and mutual benefit, because a company will not be able to operate without workers, while the workforce will not be able to use their energy and skills if no one needs them.

The role of the government as the party that has the authority to make arrangements for the realization of good and harmonious working relations between workers/laborers and entrepreneurs is a necessity, as mandated by the 1945 Constitution that "the State protects the entire Indonesian nation and all of Indonesia's blood, and to promote general welfare..." the use of this authority is carried out through the means of forming employment policies by referring to the values contained in Pancasila. The purpose of Protection of Workers is to protect workers' fundamental rights, advance equality of opportunity and treatment without discrimination on any basis and keep an eye on developments in the business sector to ensure the welfare of employees, laborers, and their families.⁶ The policies implemented by the government have an impact on employment.⁷

¹ Fajar B Hirawan et al., "Study of Law 11/2020 concerning Employment Cluster Job Creation: Study of Wage Regulations, Layoffs and Severance Pay," *Journal of Employment* 18, no. 1 (April 1, 2023): 1-13, DOI : <https://doi.org/10.47198/jnaker.v18i1.205>.

² Najmi Ismail and Moch. Zainuddin, "Law And Employment Phenomena," *Focus: Journal of Social Work* 1, no. 3 (January 23, 2019): 166-82, DOI : <https://doi.org/10.24198/focus.v1i3.20494>.

³ Anjar Kususiyanah, "Pancasila Industrial Relations in the Job Creation Law," *Invest Journal of Sharia & Economic Law* 1, no. 2 (December 26, 2021): 42-59, DOI : <https://doi.org/10.21154/invest.v1i2.3478>.

⁴ Statistics Indonesia, "Manpower," *Central Statistics Agency*, 2023, <https://www.bps.go.id/subject/6/tenaga-kerja.html>.

⁵ Suhartoyo Suhartoyo, "Legal Protection for Workers in the National Employment Law System" *Administrative Law and Governance Journal* 2, no. 2 (June 3, 2019): 326-36, DOI : <https://doi.org/10.14710/alj.v2i2.326-336>.

⁶ Purgito Purgito, "Legal Protection For Workers In Certain Time Work Agreements Has Been Based On Law Number 13 Of 2003 Concerning Employment," *Jurnal Surya Kencana Satu: Dynamics of Legal and Justice Issues* 9, no. 1 (April 2, 2018): 37-54, DOI : <https://doi.org/10.32493/jdmhkdmdhk.v9i1.1175>.

⁷ Wahyu Ningsih and Fatima Abdullah, "Analysis of Differences in Job Seekers and Job Vacancies Before and During the Covid-19 Pandemic in Malang City," *Journal of Regional Economics Indonesia* 2, no. 1 (August 10, 2021): 42-56, DOI : <https://doi.org/10.26905/jrei.v2i1.6181>.

Employers or employers are obliged to provide workers' rights without distinguishing between all elements including political elements, religion, skin color and others.⁸ However, conflicts often occur between workers and employers and most of them are caused by workers' rights not being fulfilled by employers. The company only views the existence of workers as parties who need work, thus treating workers as parties who are in a weak position. In conditions like this, the government must appear to resolve the conflict by prioritizing elements of objectivity based on humanity and mutual progress to realize the prosperity and continuity of a company. Implementation of labor supervision and protection is also still very low in Indonesia. This is proven by the many violations in work relations, working hours, overtime work and wages between workers and companies.⁹

The idea of the Pancasila legal state is one of a God-based state, according to which the existence of the Indonesian nation and state is predicated on faith in the All-Powerful God. The idea of the Pancasila legal state does not adhere to secularism when considering how the government and religion interact.¹⁰ In contrast to the capitalist system, humans are no more a market segment, namely that the quality of human work and even the quality of humanity itself is determined by the market. If they want to work, then they must sell and offer their services to the market. Ultimately, humans become the prey of market forces.¹¹ Draft Industrial relations in Indonesia must be linked to Pancasila, therefore Indonesian industrial relations are better known as Pancasila Industrial Relations.¹²

Workers and entrepreneurs have long-standing problems, but the existence of Pancasila as the foundation of the state and the source of all sources of positive law must be the answer. Employment regulations must be based on Pancasila. Divine values are used as a foundation to stand on and guide towards the mutual benefit of workers and entrepreneurs. The orientation of entrepreneurs is not just to seek and generate profits, but must also pay attention to other social aspects, especially the welfare of workers. The sustainability of a company cannot be separated from the existence of its workers, so entrepreneurs should pay attention to the various needs of workers as human beings reasonably and rationally. Previous research conducted by Purgito, in an article entitled "Legal Protection for Workers In Certain Time Work Agreements Has Been Based On Law Number 13 Of 2003 Concerning Employment". In labor law, work agreements are a form of protection for workers to guarantee workers' basic rights, equal opportunities, and treatment without discrimination. In the work agreement, all rights and obligations are reciprocally laid down between the employer and the employee, so that both parties in carrying out the work relationship are bound by what they agreed to in the work agreement and the applicable laws and regulations.¹³ In the opinion of Najmi Ismail, in an article entitled "Law and Employment Phenomena". States that the employment phenomenon in Indonesia occurs very often. Sometimes this phenomenon causes many things to happen. The phenomenon that occurs causes conflict and a way out. However, currently, we see more conflict than solutions. Therefore, further arrangements need to be made to prevent these things from happening. ¹⁴ Meanwhile, according to Suhartoyo, in an article entitled "Legal Protection for Workers in the National

⁸ Agus Antara Putra, I Nyoman Putu Budiarta, and Desak Gde Dwi Arini, "Legal Protection for Workers with Time Work Agreements in Indonesia," *Journal of Legal Interpretation* 1, no. 2 (2023): 12-17, DOI : <https://doi.org/http://doi.org/10.22225/juinhum.v1i2.2428>.12-17.

⁹ Hendra Wijayanto and Samsul Ode, "Dynamics Of Employment Problems And Unemployment In Indonesia," *Administratio: Scientific Journal of Public Administration and Development* 10, no. 1 (August 1, 2019): 1-8, DOI : <https://doi.org/10.23960/administratio.v10i1.82>.

¹⁰ Indra Rahmatullah, "Reaffirming Indonesia as a State of Pancasila Law," *A'DALAH* 4, no. 2 (June 20, 2020): 39-44, DOI : <https://doi.org/10.15408/adalah.v4i2.16108>.

¹¹ Dahrun Sajadi, "Emigrating from a Secular Economic System to a Sharia Economic System," *Tahdzib Al-Akhlaq: Journal of Islamic Education* 1, no. 01 (January 8, 2018): 51-77, DOI : <https://doi.org/10.34005/tahdzib.v1i01.425>.

¹² Sari Usih Natari Resti Fauzi, Muhamad Rizal, "Application Of Pancasila Industrial Relations In Companies To Support Economic Growth," *Scientific Journal and Student Work* 1, no. 3 (2023): 274-81, DOI : <https://doi.org/https://doi.org/10.54066/jikma.v1i3.365>.

¹³ Purgito, "Legal Protection For Workers In Certain Time Work Agreements Has Been Based On Law Number 13 Of 2003 Concerning Employment."

¹⁴ Ismail and Zainuddin, "Law And Labor Phenomenon."

Employment Law System". Legal protection for workers in the national employment law system includes: 1). Protection regarding wages, welfare, and social security for workers; 2). Protection of occupational safety and health; 3). Legal protection for forming and becoming members of workers' unions; 4). Protection of the basic rights of workers/laborers to negotiate; with entrepreneurs.¹⁵ This research aims to make the crystallization of the noble values of Pancasila contained in each formulation of the Pancasila principles used as a reference in each article in Indonesian labor law.

II. Research Problems

Based on several problems that arise in the scope of employment, as explained above, the author tries to formulate two problems that will be studied as follows: 1) To what extent are workers placed in the position of actors in development and development goals? 2) How does the existence of Pancasila as the source of all legal sources have a positive effect on industrial relations? 3) How Pancasila Values can guarantee the welfare of workers and laborers?.

III. Research Methods

This investigation relates to the law. Legal research, in the words of Soerjono Soekanto, is a scientific activity that tries to examine one or more universal legal phenomena. It is founded on certain techniques, systematics, and ways of thinking. Additionally, a thorough examination of the legal landscape is also done before trying to resolve the issues. The type of research used in this writing is library research (*library research*), namely research on secondary data, which in the legal field, viewed from the perspective of binding strength, can be divided into 3 (three), namely primary legal materials, secondary legal materials and tertiary legal materials. Primary legal materials are legal materials that are binding or that make people obey the law, including legal products that become material for study and legal products that serve as a means of criticism. Secondary legal materials include explanations of primary legal materials in the form of expert doctrine found in books, journals and on websites. Dictionary and encyclopedia entries fall under the category of tertiary legal materials, which also include works that offer guidance and explanations for primary and secondary legal materials.

IV. Result and Discussion

1. The Position of the Workforce in Encouraging National Economic Growth and Progress

Viewed from a positive perspective, labor is a very important resource in encouraging the economic growth and progress of a country.¹⁶ Workers as development actors should be given the widest possible opportunities by the state to gain knowledge and skills in their respective fields so that they have the ability to work optimally, so as to be able to create a product and/or service that meets the needs of the industrial world. A qualified workforce will automatically be able to drive the national development process quickly and sustainably so that it can provide wider employment and business opportunities for other prospective workers and can encourage national economic growth.

Providing employment opportunities to all members of society is a state obligation based on the constitution. Therefore, the state must prepare and facilitate so that workers/laborers can carry out their duties well in accordance with the expectations and needs of the industrial world. Article 28 Paragraph (2) states that: "Everyone has the right to work and receive fair and appropriate compensation and treatment in employment relationships."

Labor as a development goal means that national development efforts carried out by the government are to create a society that is just, prosperous and physically and mentally

¹⁵ Suhartoyo, "Legal Protection for Workers in the National Employment Law System."

¹⁶ Hendra Wijayanto and Samsul Ode, "Dynamics of Employment and Unemployment Problems in Indonesia," *Administratio: Scientific Journal of Public Administration and Development* 10, no. 1 (August 1, 2019): 1-8, DOI : <https://doi.org/10.23960/administratio.v10i1.82>.

prosperous.¹⁷ The ability to fulfill the needs of a decent living for workers by providing a reasonable and rational minimum wage in accordance with economic demands and developments is the main priority. Therefore, the existence of workers/laborers must be a concern for all parties, including members of the House of Representatives/DPR (legislature) who have the authority to form regulations, the Executive (government) who implements regulations by formulating various implementation rules, as well as entrepreneurs (companies) who need the presence of workers.

As part of its efforts to protect the respect and dignity of being human, the government works to ensure that employees and laborers have access to their basic rights, receive equal treatment when applying for jobs, and are not subjected to acts or treatment that discriminate based on any factor when performing their jobs. Without disregarding the interests of business owners, the state must be able to guarantee the protection of workers/laborers in gaining their rights. The government's engagement in resolving labor conflicts is crucial since the Republic of Indonesia's 1945 Constitution mandates that the state must safeguard the entire Indonesian nation and all of Indonesia's bloodshed.

2. The Influence of Pancasila Values in Industrial Relations

According to Pancasila and the Republic of Indonesia's 1945 Constitution, employment development is done in the framework of Indonesians' overall growth and the development of Indonesian society to raise honor, dignity, and self-respect.¹⁸ Every Indonesian citizen has the right to work and a decent life, according to Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia. In this remark, it is meant that the government must guarantee work possibilities to every Indonesian without exception to ensure the survival of every person and the prosperity of workers and their families.

The aim of labor protection is to establish a harmonious work relations system without being accompanied by pressure from strong parties on weak parties. Employers must comply with all applicable laws and regulations and adopt worker protection procedures in order to achieve this.¹⁹ So far, government regulations regarding labor seem to place more emphasis on the issue of how to attract investors or capital owners, but on the other hand, they pay less attention to workers' rights to obtain wages in accordance with Decent Living Needs (KHL) as mandated by the Constitution.²⁰

The issuance of the Job Creation Law tends to reduce the flexibility of the Indonesian labor market because of which protection for workers will decrease. Some of the issues that are being demanded by workers who must receive protection include: 1) the amount of severance pay is reduced, 2) the contract work system is becoming more widespread, 3) working time is increased (holiday time is reduced), 4) layoffs are made easier, 4) the wage system (minimum wage) changed and so on. In connection with the conditions above, it is important to carry out a study of the impact of the Job Creation Law on employment.²¹

3. The concept of the Pancasila rule of law in ensuring the welfare of workers and laborers

Considering that Indonesia is a Pancasila-based legal state, it is appropriate for every mandatory legal regulation to contain the noble values of Pancasila. Pancasila as the source of all sources of positive law has received legal legitimacy through TAP MPR Number XX/MPRS/1966 concerning the DPR-GR Memorandum Concerning the Sources of Legal Order of the Republic of Indonesia and the Sequence of Legislative Regulations of the Republic of Indonesia. After the reform, the existence of Pancasila was reaffirmed in Law Number 10 of 2004 which was then

¹⁷ The Role of Indonesian Workers in National Economic Development," *Echo of Justice* 3, no. 1 (October 1, 2016): 74–85, DOI : <https://doi.org/10.14710/gk.2016.3644>.

¹⁸ Nevey Varida Ariani, "Law Enforcement Against Illegal Foreign Workers in Indonesia," *Journal of De Jure Legal Research* 18, no. 1 (March 28, 2018): 115–26, DOI : <https://doi.org/10.30641/dejure.2018.V18.115-126>.

¹⁹ Abdul Khakim, *Basics of Indonesian Employment Law*, Revised Ed (Bandung: PT. Citra Aditya Bakti, 2020).

²⁰ Ikhwan Fahrojih, *No Title Labor Law Concept : History and Constitutional Guarantees* (Malang: Setara Press, 2016).

²¹ Zellius Ragiliawan and Beni Teguh Gunawan, "Job Loss Guarantee (JKP) in the Perspective of State Expenditures," *Journal of Employment* 16, no. 1 (July 28, 2021): 48–60, <https://doi.org/10.47198/naker.v16i1.89>.

replaced by Law Number 12 of 2011 concerning Legislation.²² The official creation of Pancasila as the state's foundation by PPKI on August 18 has had a tremendous impact on the order of life in Indonesia. When the Indonesian people realized how important Pancasila was, they made it the absolute standard for behavior in social, political, religious, and legal matters.

The values contained in Pancasila related to industrial relations essentially direct the establishment of harmonious relationships between workers/laborers and entrepreneurs, so that they can encourage the creation of progress for companies as well as improve the welfare of workers/laborers. The legal connection between employees and employers is the main topic of employment law.²³ The rights and obligations of both partners in the corporation are balanced, according to the Pancasila Industrial Relations point of view. This equilibrium is achieved not based on the distribution of power but rather based on fairness and decency.²⁴

The state has the authority to regulate the relationship between workers/laborers and entrepreneurs through statutory regulatory instruments to achieve harmonization between the two, because the state is an institution or social institution that is given freedom by law. The formation of labor regulations, whether in the form of statutory regulations or regulations below, absolutely must have divine values at its core. The existence of God has an ethical-religious value as the creator and determiner of everything in human life. Good and fair regulations based on divine values will bring benefits to all parties and avoid conflict.

Belief in the existence of God, as the first principle of Pancasila, leads to the creation of a conducive and harmonious work atmosphere between workers and employers. For workers/laborers, by adhering to the concept of God, it is hoped that they can strengthen their work ethic, because the quality of their work is based on responsibility not only to the company but also to the kholiq. In the Qur'an Surah At-Taubah verse 105 Allah says: "Work, then Allah and His Messenger and the believers will see your work, and you will be returned to (Allah) Who knows the unseen and the real, then He announced to you that you had done."

Meanwhile, for entrepreneurs, it will form an empathetic attitude towards workers as parties who have a weak position. As Islamic studies regarding work explain: "The Prophet advised superiors to be humble towards their subordinates." Not only regarding the prohibition of cheating subordinates' wages and being rude to subordinates. This Islamic study of work also explains the message of the Prophet to provide wages to subordinates or workers as soon as possible. This relates to the rights of workers/laborers or subordinates who must be given on time and without delay. Because in essence there is no religion that teaches and orders its followers to carry out actions and/or work that cause harm to other parties. Divine values guide humans to always remember that all actions they do will and must be accountable before God.

The Principles of Just and Civilized Humanity contain the meaning and message that every Indonesian citizen, without exception, must be treated equally and have their human rights protected and their honor and dignity must be upheld. The ethics that exist in humans should be maximized as well as possible. So, with ethics and what is considered positive, humans will have good value. There are many things that include ethics, including propriety. Currently, many things are in accordance with ethics and human rights. However, there was a violation of propriety.²⁵

The position of workers/laborers in a company or in other formal sectors makes a major contribution to maintaining the existence and sustainability of a business. Therefore, workers/laborers, as human beings, must be positioned as social creatures which means that

²² Fais Yonas Bo'a, "Pancasila as a Source of Law in the National Legal System," *Constitutional Journal* 15, no. 1 (March 29, 2018): 28-49, DOI : <https://doi.org/10.31078/jk1512>.

²³ Dede Agus, "The Existence of Pancasila Industrial Relations After the Ratification of the Government Regulation in Lieu of the Job Creation Law," *Ius Constituendum Journal* 8, no. 1 (March 18, 2023): 87-100, DOI : <https://doi.org/10.26623/jic.v8i1.6276>.

²⁴ Dede Iskandar et al., "Analysis of Pancasila Industrial Relations and Human Resource Productivity in Pancasila Industrial Relations in Indonesia," *Gold Proceedings Journal* 1, no. 1 (2021): 283-92, <https://journal.lppmpelitabangsa.id/index.php/emas/article/view/367>.

²⁵ Anton Anton, "Humanitarian Ethics," *Nuansa* 12, no. 2 (January 17, 2020): 191-97, DOI : <https://doi.org/10.29300/nuansa.v12i2.2757>.

humans need other humans (*Zon Politicon*). In carrying out daily life, humans cannot carry out their own lives even in meeting their needs. Humans need other humans to help them, every human being has the same desire to fulfill all their life needs to achieve happiness.

Ethical and respectable human principles In dealing with culture and customs in general, as well as one's own behavior and that of the group and the surroundings, this principle comprises goodness, human values, moral attitudes, and human behavior that is founded on conscience. Human values are a representation of human values as moral, religious, cultural, and conscientious beings.²⁶

Therefore, it should become a benchmark and standard of behavior for all parties in carrying out activities in industrial relations "*labor relations*". so that it can create good conditions and avoid chaos due to conflicts of interest (*vested interest*) which cause losses for one or both parties. Human dignity includes human essence which includes humans as creatures: the most perfect, the highest in rank, creatures who are devout and possessors of human rights; the human dimension includes dimensions: naturalness, individuality, sociality, decency and religious dimensions; and pancadaya includes the powers: piety, creativity, taste, initiative and work.²⁷

Human values are used as a guiding star in guiding everyone to always place other people as human beings, not positioning one party as more powerful over another. Humanity is the nature of humans and the essence of humans as intelligent and virtuous humans which must always be maintained. For example, as humans we don't want to be hurt by other humans, we always want to receive good treatment from fellow humans. When we want such attitudes and characteristics from our fellow humans, we must also do the same to other humans.²⁸

The Principle of Indonesian Unity refers to complete and undivided unity or the unification of various ethnic, religious, inter-group and other differences within the territory of Indonesia. This unity occurred because it was driven by the desire to achieve a free national life within the framework of an independent and sovereign state, to promote general welfare, to make the life of the nation intelligent and to realize lasting peace.²⁹ Therefore, the Principles of Unity provide limitations that, in the context of industrial relations (the position and role of the workforce), direct parties, both workers and employers, to always maintain unity and integrity for the integrity of the nation and the Republic of Indonesia.

Efforts to maintain and maintain the integrity of the nation and state by not carrying out actions, deeds, or company policies/regulations that can provoke conflict because they are deemed detrimental to one party. As previously mentioned, in general, conflicts occur between workers and entrepreneurs or workers and companies because they are triggered by issues regarding the rights of workers or workers who are considered irrational and inhumane to be able to fulfill the needs of a decent life. resulting in demonstrations and demonstrations that have the potential to cause disintegration.

Various methods should be taken in an industrial relations atmosphere to maintain national unity and unity, such as: (a) paying attention to and prioritizing the common interests of workers and employers/companies; (b) fostering a sense of togetherness through collective work; (c) help each other and cover each other's shortcomings or weaknesses in completing work to achieve company targets; (d) instilling a tolerant attitude between workers and workers and between workers and company owners on the basis that we are fellow Indonesian citizens; (e) invites people to think that every Indonesian citizen is a brother; (f) willing to sacrifice for the interests of the nation and state.

²⁶ Supriardoyo Simanjuntak and Kornelius Benuf, "The Relevance of Divine Values and Human Values in Eradicating Corruption Crimes," *DIVERSI: Legal Journal* 6, no. 1 (March 28, 2020): 22-46, DOI : <https://doi.org/10.32503/diversi.v6i1.890>.

²⁷ Ida Umami, "The Nature of Humanity and Its Development in Islamic Education," *Ri'ayah: Social and Religious Journal* 1, no. 02 (December 2, 2016): 123-36, DOI : <https://doi.org/10.32332/riayah.v1i02.102>.

²⁸ Dinie Aggraeni Dewi Nikie Ailsa Permatasari, "Analysis Of Pancasila As A Basis Of Humanity And Character Education," *PEKAN Journal* 6, no. 2 (2021): 234-44, DOI : <https://doi.org/https://doi.org/10.31932/jpk.v6i2.1469>.

²⁹ Hanafi Hanafi, "The Essence of Unity Values in the Indonesian Context (A Positive Contextual Review of the Third Principle of Pancasila)," *Scientific Journal of Pancasila and Citizenship Education* 3, no. 1 (June 26, 2018): 56-63, DOI : <https://doi.org/10.17977/um019v3i12018p056>.

Democracy is governed by wisdom in deliberation and representation, according to the fourth Pancasila. To accomplish the desired outcomes, the Fourth Principle must be applied to the field of industrial relations. Deliberation to reach a consensus is an example of the fourth Pancasila principle. It is carried out with common sense and in line with a high sense of morality. As Indonesian citizens, all people have the same rights and obligations, there is no agreement between the two sides, there are those who impose their will on others, uphold and respect every decision made after deliberation, prioritize deliberation when making decisions for the common interests of employees/laborers and employers, companies, prioritize mutual interests during deliberation, and put deliberation's decisions into practice. full accountability and sincerity.³⁰

This principle encourages the creation of a good industrial atmosphere and relations between superiors and subordinates, between workers and entrepreneurs. The word populist implies that true sovereignty is in the hands of the people, because in essence the party who has complete power is the people. In the concept of a democratic country like Indonesia, all the people are the holders of sovereignty, and this is exercised through the people's representatives in parliament. Therefore, members of the DPR as parties who represent the political interests of the holders of sovereignty (the people) should carry out their council duties based on the real wishes and needs of the people, including protecting the interests of workers/laborers.

The legislative function possessed by each member of the DPR should be used as a means of formulating good employment legislation, capable of resolving any problems that arise which become a burden for workers/laborers in carrying out their activities to earn a living. The steps and efforts taken by DPR members in their duties and functions as representatives of the people must always side with the interests of workers/laborers who are in a weak position before companies and/or entrepreneurs.

In relation to the relationship between workers and entrepreneurs, this fourth principle places each party on an equal footing, namely having the same rights and position, because both parties need each other. Workers need employment land to earn income to meet their living needs. Likewise, entrepreneurs or company owners really need the presence of field workers or operators to carry out and carry out work to produce products, both goods and services. From this process, business owners will get income to meet their various needs and desires in life.

The word deliberation directs all parties, both workers and employers, to always prioritize and prioritize the deliberation process whenever there is a problem, whether it concerns work interests, concerns the welfare of workers, or the interests of employers/companies. Basically, everyone has the same right to convey their ideas and thoughts in achieving common goals. A good deliberation process will produce good decisions, while avoiding actions that tend to impose the will of oneself or certain groups. The word representative shows that the process of involvement of all workers/laborers is carried out through trade/labor unions which are tasked with voicing the various interests of workers. The interests of entrepreneurs/companies are represented by employers' associations.

The word wisdom implies that the deliberation process in deciding various issues within the scope of industrial relations, is carried out by prioritizing a rationale that focuses on nobility of character, namely, combining intellectual intelligence, emotional intelligence and spiritual intelligence, in this way it is hoped that godly values will grow. social relations between the parties (workers and entrepreneurs).

The fifth principle is social justice for all Indonesians, which means that every person has the right to pursue justice in a variety of spheres of life, including law, economics, education, health, politics, religion, employment opportunities and so on with the aim of creating a just and prosperous society to achieve physical and spiritual prosperity. In relation to the role of workers/laborers, the application of the fifth principle encourages and requires companies (entrepreneurs) to always behave and act fairly in treating them as befits human beings who have human rights.

³⁰ Muhammad Anwar Rube'i, "Implementation Of Community Principles Led By Wisdom In Representative Developments For Students Of The Ppkn Ikip Pgri Pontianak Study Program," *Citizenship Education Journal* 2, no. 2 (2018): 61-69, DOI : <https://doi.org/https://doi.org/10.31571/pkn.v2i2.959>.

Justice is something that is very difficult to achieve. Justice is a dream for humans to get a decent life, in which their rights are fulfilled in living life.³¹ Social justice is the responsibility of the State to achieve it for all Indonesian people. The principle of social justice is to implement the state's goals, namely realizing a just and prosperous, healthy and prosperous Indonesian society based on Pancasila.³² Justice that must be obtained by workers/laborers is to obtain their rights such as: the right to receive a decent wage based on daily living needs, the right to get work leave, the right to get health protection both during and outside working hours, the right to get opportunities in improving work ability, the right to receive recognition for the monkey's dedication and achievements, the right to receive old age security.

The concept of property ownership of items had a significant impact on Aristotle's understanding of justice. According to Aristotle, perfect justice occurs when each member of society has an equal part of all resources. Aristotle believed that all people were created equal and shared the same rights to material possessions. Justice must be administered fairly or evenly.³³ The principle of justice is related to universal human morality which places social justice as one of the highest ideals of human civilization.³⁴ Since justice is synonymous with balance, it is one of the fundamental purposes of the law. To uphold the philosophical principles embodied in society, a rule must aim at justice in addition to benefits and legal clarity.³⁵

Whether our laws and regulations are fair or unfair cannot be separated from religious morals, because all business actors in Indonesia must embrace the religion they like. Law, morals and religion are an inseparable unity in the fabric of Indonesian society. Law, morals and religion have a close relationship so that the three of them can strengthen each other to carry out their rules.³⁶ The moral concept of religion is the main and first thing in the lives of Indonesian people, the belief in the existence of God as the ultimate owner of power, directly and indirectly, leads the mindset and patterns of action of the Indonesian people to a high moral level in order to uphold the values of justice. for all inhabitants of nature.

V. Conclusion

The Indonesian government places workers in the position of actors in development and development goals. Therefore, labor has a very strategic role in supporting the economy and national development. Labor is one of the drivers of economic life and is a human resource whose quantity is quite abundant, therefore it must receive special attention from the state, because if not it will cause problems and at the same time will hinder the national development goals that are aspired to as mandated. The 1945 Constitution of the Republic of Indonesia, namely creating a just, prosperous and prosperous Indonesian society. Basically, the existence of Pancasila as the source of all positive legal sources for the Indonesian state is sufficient to provide guidance for government administrators in protecting the rights of workers/laborers in achieving a decent life. However, the fate of workers/laborers in Indonesia is still far from prosperous because the wages they receive cannot meet the needs of a decent living. In other aspects, employment challenges in the industrial era 4.0 are increasingly severe, which opens opportunities for the

³¹ Ferry Irawan Febriansyah, "Justice Based on Pancasila as the Philosophical and Ideological Basis of the Nation," *Dih Journal: Journal of Legal Studies* 13, no. 25 (2017), <https://www.neliti.com/publications/368780/keadilan-berdasarkan-pancasila-sebagai-dasar-filosofis-dan-ideologis-bangsa>.

³² Muhammad Natsir, Fuadi Fuadi, and Zaki Ulya, "Embodying the Principles of Social Justice in Environmental Management Linked to Poverty Alleviation Efforts in Aceh," *Environmental Law Development* 7, no. 1 (October 30, 2022): 80-93, DOI : <https://doi.org/10.24970/bhl.v7i1.281>.

³³ Nur Hidayatul Fithri, "Welfare And Implementation Of Justice For Workers In The Employment Cluster Work Copyright Law," *Wijaya Putra Law Review* 1, no. 2 (October 21, 2022): 120-29, DOI : <https://doi.org/10.38156/wplr.v1i2.74>.

³⁴ Mustari Mustari and Bakhtiar Bakhtiar, "Implementation Of Humanitarian Values And Justice Values In Women Workers (Analysis of Employment Laws)," *Supremacy: Journal of Thought, Research in the Social Sciences, Law and Teaching* 15, no. 1 (April 16, 2020): 36-44, DOI : <https://doi.org/10.26858/supremasi.v15i1.13484>.

³⁵ Ratna Hidayati Bruce Anzward, "Legal Protection For Workers Regarding The Type And Nature Of Work In Realizing Justice," *De Jure Journal* 12, no. 1 (2020): 1-21, DOI : <https://doi.org/10.36277/.v12i1.364>.

³⁶ Yetniwati Y, "Wage Setting Based On Principles Of Justice," *Mimbar Hukum - Faculty of Law, Gadjah Mada University* 29, no. 1 (May 31, 2017): 82-95, DOI : <https://doi.org/10.22146/jmh.16677>.

growth of new professions, while many old professions are starting to erode. A situation like this will make it even more difficult for workers/laborers to achieve success in the economic life of themselves and their families.

VI. Recommendation

Law No. 6 of 2023 concerning the Stipulation of Government Regulations in Replacement of Law No. 2 of 2022 Concerning Job Creation must be reviewed by the government because it is thought to be harmful to employees and laborers. To defend workers and laborers' rights, the government must right away enact laws and regulations that are favorable to these groups. The government must support training activities for potential employees in order to prepare workers who are dependable and have sufficient skills, abilities, and capacities in accordance with the demands and needs of the industrial world so that they may compete with international workers.

References

- Agus Antara Putra, I Nyoman Putu Budiarta, and Desak Gde Dwi Arini. "Perlindungan Hukum Terhadap Pekerja Dengan Perjanjian Kerja Waktu Di Indonesia." *Jurnal Interpretasi Hukum* 1, no. 2 (2023): 12-17. <https://doi.org/http://doi.org/10.22225/juinhum.v1i2.2428.12-17>
- Agus, Dede. "Eksistensi Hubungan Industrial Pancasila Pasca Disahkannya Peraturan Pemerintah Pengganti Undang-Undang Cipta Kerja." *Jurnal Ius Constituendum* 8, no. 1 (March 18, 2023): 87-100. <https://doi.org/10.26623/jic.v8i1.6276>
- Anton, Anton. "Etika Kemanusiaan." *Nuansa* 12, no. 2 (January 17, 2020): 191-97. <https://doi.org/10.29300/nuansa.v12i2.2757>
- Ariani, Nevey Varida. "Penegakan Hukum Terhadap Tenaga Kerja Asing Ilegal Di Indonesia." *Jurnal Penelitian Hukum De Jure* 18, no. 1 (March 28, 2018): 115-26. <https://doi.org/10.30641/dejure.2018.V18.115-126>
- Bo'a, Fais Yonas. "Pancasila Sebagai Sumber Hukum Dalam Sistem Hukum Nasional." *Jurnal Konstitusi* 15, no. 1 (March 29, 2018): 28-49. <https://doi.org/10.31078/jk1512>
- Bruce Anzward, Ratna Hidayati. "Perlindungan Hukum Bagi Pekerja Terhadap Jenis Dan Sifat Pekerjaan Dalam Mewujudkan Keadilan." *Jurnal De Jure* 12, no. 1 (2020): 1-21. <https://doi.org/10.36277/.v12i1.364>
- Fahrojih, . Ikhwan. *No Title Labor Law Concept : History and Constitutional Guarantees*. Malang: Setara Press, 2016.
- Febriansyah, Ferry Irawan. "Keadilan Berdasarkan Pancasila Sebagai Dasar Filosofis Dan Ideologis Bangsa." *Jurnal Dih: Jurnal Ilmu Hukum* 13, no. 25 (2017). <https://doi.org/https://www.neliti.com/publications/368780/keadilan-berdasarkan-pancasila-sebagai-dasar-filosofis-dan-ideologis-bangsa>
- Fithri, Nur Hidayatul. "Kesejahteraan Dan Penerapan Keadilan Bagi Pekerja Dalam Undang-Undang Cipta Kerja Klaster Ketenagakerjaan." *Wijaya Putra Law Review* 1, no. 2 (October 21, 2022): 120-29. <https://doi.org/10.38156/wplr.v1i2.74>
- HANAFI, HANAFI. "Hakekat Nilai Persatuan Dalam Konteks Indonesia (Sebuah Tinjauan Kontekstual Positif Sila Ketiga Pancasila)." *Jurnal Ilmiah Pendidikan Pancasila Dan Kewarganegaraan* 3, no. 1 (June 26, 2018): 56-63. <https://doi.org/10.17977/um019v3i12018p056>
- Hirawan, Fajar B, Adinova Fauri, Henriko Tobing, and Muhyiddin Muhyiddin. "Kajian UU 11/2020 Tentang Cipta Kerja Klaster Ketenagakerjaan: Studi Pada Regulasi Pengupahan, PHK, Dan Pesangon." *Jurnal Ketenagakerjaan* 18, no. 1 (April 1, 2023): 1-13. <https://doi.org/10.47198/jnaker.v18i1.205>

- Indonesia, BPS - Statistics. "Tenaga Kerja." Badan Pusat Statistik, 2023. <https://www.bps.go.id/subject/6/tenaga-kerja.html>
- Indriani, Maulida. "Peran Tenaga Kerja Indonesia Dalam Pembangunan Ekonomi Nasional." *Gema Keadilan* 3, no. 1 (October 1, 2016): 74–85. <https://doi.org/10.14710/gk.2016.3644>
- Iskandar, Dede, Youdho Febriano, Nur Mubin, Robby Lasut, and Fitri Rezeki. "Analisis Hubungan Industrial Pancasila Dan Produktivitas Sumberdaya Manusia Dalam Hubungan Industri Pancasila Di Indonesia." *Jurnal Prosiding Emas* 1, no. 1 (2021): 283–92. <https://doi.org/https://journal.lppmpelitabangsa.id/index.php/emas/article/view/367>
- Ismail, Najmi, and Moch. Zainuddin. "Hukum Dan Fenomena Ketenagakerjaan." *Focus : Jurnal Pekerjaan Sosial* 1, no. 3 (January 23, 2019): 166–82. <https://doi.org/10.24198/focus.v1i3.20494>
- Khakim, Abdul. *Basics of Indonesian Employment Law*. Revised Ed. Bandung: PT. Citra Aditya Bakti, 2020.
- Kususiyanah, Anjar. "Hubungan Industrial Pancasila Dalam Undang-Undang Cipta Kerja." *Invest Journal of Sharia & Economic Law* 1, no. 2 (December 26, 2021): 42–59. <https://doi.org/10.21154/invest.v1i2.3478>
- Mustari, Mustari, and Bakhtiar Bakhtiar. "Implementasi Nilai Kemanusiaan Dan Nilai Keadilan Pada Pekerja Perempuan (Analisis Terhadap Undang-Undang Ketenagakerjaan)." *SUPREMASI: Jurnal Pemikiran, Penelitian Ilmu-Ilmu Sosial, Hukum Dan Pengajarannya* 15, no. 1 (April 16, 2020): 36–44. <https://doi.org/10.26858/supremasi.v15i1.13484>
- Natsir, Muhammad, Fuadi Fuadi, and Zaki Ulya. "Perwujudan Sila Keadilan Sosial Dalam Pengelolaan Lingkungan Hidup Dikaitkan Upaya Penanggulangan Kemiskinan Di Aceh." *Bina Hukum Lingkungan* 7, no. 1 (October 30, 2022): 80–93. <https://doi.org/10.24970/bhl.v7i1.281>
- Nikie Ailsa Permatasari, Dinie Aggraeni Dewi. "Analisis Pancasila Sebagai Dasar Kemanusiaan Dan Pendidikan Karakter." *Jurnal PEKAN* 6, no. 2 (2021): 234–44. <https://doi.org/https://doi.org/10.31932/jpk.v6i2.1469>
- Ningsih, Wahyu, and Fatima Abdullah. "Analisis Perbedaan Pencari Kerja Dan Lowongan Kerja Sebelum Dan Pada Saat Pandemi Covid-19 Di Kota Malang." *Journal of Regional Economics Indonesia* 2, no. 1 (August 10, 2021): 42–56. <https://doi.org/10.26905/jrei.v2i1.6181>
- Purgito, Purgito. "Perlindungan Hukum Bagi Pekerja Dalam Perjanjian Kerja Waktu Tertentu Telaah Berdasarkan Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan." *Jurnal Surya Kencana Satu : Dinamika Masalah Hukum Dan Keadilan* 9, no. 1 (April 2, 2018): 37–54. <https://doi.org/10.32493/jdmhkdmhk.v9i1.1175>
- Ragiliawan, Zellius, and Beni Teguh Gunawan. "Jaminan Kehilangan Pekerjaan (JKP) Dalam Perspektif Belanja Negara." *Jurnal Ketenagakerjaan* 16, no. 1 (July 28, 2021): 48–60. <https://doi.org/10.47198/naker.v16i1.89>
- Rahmatullah, Indra. "Meneguhkan Kembali Indonesia Sebagai Negara Hukum Pancasila." *'ADALAH* 4, no. 2 (June 20, 2020): 39–44. <https://doi.org/10.15408/adalah.v4i2.16108>
- Resti Fauzi, Muhamad Rizal, Sari Usih Natari. "Penerapan Hubungan Industrial Pancasila Pada Perusahaan Untuk Mendorong Pertumbuhan Ekonomi." *Jurnal Ilmiah Dan Karya Mahasiswa* 1, no. 3 (2023): 274–81. <https://doi.org/https://doi.org/10.54066/jikma.v1i3.365>
- Rube'i, Muhammad Anwar. "Implementasi Sila Kerakyatan Yang Dipimpin Oleh Hikmat Kebijaksanaan Dalam Permusyawaratan Perwakilan Pada Mahasiswa Program Studi

- Ppkn Ikip Pgri Pontianak." *Jurnal Pendidikan Kewarganegaraan* 2, no. 2 (2018): 61-69. <https://doi.org/https://doi.org/10.31571/ppkn.v2i2.959>
- Sajadi, Dahrun. "Berhijrah Dari Sistem Ekonomi Sekuler Menuju Sistem Ekonomi Syariah." *Tahdzib Al-Akhlaq: Jurnal Pendidikan Islam* 1, no. 01 (January 8, 2018): 51-77. <https://doi.org/10.34005/tahdzib.v1i01.425>
- Simanjuntak, Supriardoyo, and Kornelius Benuf. "Relevansi Nilai Ketuhanan Dan Nilai Kemanusiaan Dalam Pemberantasan Tindak Pidana Korupsi." *DIVERSI : Jurnal Hukum* 6, no. 1 (March 28, 2020): 22-46. <https://doi.org/10.32503/diversi.v6i1.890>
- Suhartoyo, Suhartoyo. "Perlindungan Hukum Bagi Buruh Dalam Sistem Hukum Ketenagakerjaan Nasional." *Administrative Law and Governance Journal* 2, no. 2 (June 3, 2019): 326-36. <https://doi.org/10.14710/alj.v2i2.326-336>
- Umami, Ida. "Hakekat Kemanusiaan Dan Pengembangannya Dalam Pendidikan Islam." *Ri'ayah: Jurnal Sosial Dan Keagamaan* 1, no. 02 (December 2, 2016): 123-36. <https://doi.org/10.32332/riayah.v1i02.102>
- Wijayanto, Hendra, and Samsul Ode. "Dinamika Permasalahan Ketenagakerjaan Dan Pengangguran Di Indonesia." *Administratio: Jurnal Ilmiah Administrasi Publik Dan Pembangunan* 10, no. 1 (August 1, 2019): 1-8. <https://doi.org/10.23960/administratio.v10i1.82>
- — —. "Dinamika Permasalahan Ketenagakerjaan Dan Pengangguran Di Indonesia." *Administratio: Jurnal Ilmiah Administrasi Publik Dan Pembangunan* 10, no. 1 (August 1, 2019): 1-8. <https://doi.org/10.23960/administratio.v10i1.82>
- Y, Yetniwati. "Pengaturan Upah Berdasarkan Atas Prinsip Keadilan." *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 29, no. 1 (May 31, 2017): 82-95. <https://doi.org/10.22146/jmh.16677>