
PRINCIPLES OF LABOR LAW

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ABSTRACT

In an effort to understand labor law, it is necessary to understand the limitations of understanding labor law. There is an understanding that focuses on certain aspects without paying attention to other aspects. The definition of labor law must also pay attention to the scope of conduct according to time and region.

As for the deployment and utilization of manpower, which is the subject of discussion in the field of labor law, which specifically discusses labor issues broadly. The workforce includes everyone who is or will be doing work. Broadly speaking, the deployment and utilization of manpower aims to realize the mandate contained in the Constitution of the Republic of Indonesia article 27 paragraph 2 that every worker has the right to work and income that is decent for humanity. For this reason, the state through the government formulates a strategy in the form of policies and work programs in the context of manpower planning at the macro and micro levels whose operational objectives are labor development. Manpower development is carried out through the utilization of every workforce in order to become a potential supporter of development. The principles in manpower development include the principle of integration between the center and the regions, between the macro and micro levels as well as between sectors. The next principle is equal opportunity to get a job, as well as the principle of non-discrimination in the implementation of work/position.

Whereas in Indonesia, industrial relations involve actors in the process of producing goods and/or services consisting of elements of entrepreneurs, workers/laborers, and the government based on the values of Pancasila and the 1945 Constitution of the Republic of Indonesia. Industrial relations prioritizes the functions of the parties. in industrial relations in order to achieve the ideals of the state. In principle, the goal to be achieved in industrial relations is to get to work for workers and business activities for entrepreneurs.

Keyword : labor law, labor, industrial relations.

PRELIMINARY**A. Background**

Labor is currently referred to as employment, so that labor law is the same as employment law. Labor or employment law is a set of written and unwritten rules and norms

that regulate the pattern of industrial relations between entrepreneurs, on the one hand, and workers or laborers on the other. The condition for achieving the success of national development is the quality of Indonesia's human resources itself which determines the success or failure of efforts to meet the take-off stage. It is impossible to improve human quality without providing life guarantees, on the contrary, life guarantees cannot be achieved if people do not have jobs, where From the results of the work, a service fee can be obtained to support himself and his family.

The current workforce problem continues to grow more complex so that it requires more serious handling. During this development period, there will be a lot of shifts in values and life systems. Therefore, improvements to the labor inspection system must continue to be carried out so that the laws and regulations can be implemented effectively by industry and trade players. Thus, labor inspection as a system carries out the mission and function so that the laws and regulations in the field of manpower can be enforced. The application of labor laws and regulations is also intended to maintain a balance/harmonious relationship between the rights and obligations of entrepreneurs and workers/laborers so that business continuity and employment in the context of increasing work productivity and work welfare can be guaranteed. Labor protection aims to guarantee the basic rights of Workers/Labourers and guarantee opportunities and treatment without discrimination. This is the essence of the drafting of Law Number 13 of 2003 concerning Manpower, namely realizing the welfare of workers/laborers which will have an impact on the progress of the business world in Indonesia.

Since the beginning of the 21st century, legislation in the field of Labor Law studies has been restructured and divided into three main pieces of legislation, namely:

1. Law No. 13 of 2003 concerning Manpower.
2. Law No. 21 of 2000 concerning Trade Unions or Labor Unions.
3. Law No. 2 of 2004 concerning Settlement of Industrial Relations.
4. The workforce is the population who are of working age. According to

Law No. 13 of 2003 Chapter I Article 1 paragraph (2) states that the workforce is everyone who is able to do work to produce goods and or services both to meet their own needs and for the community. Broadly speaking, the population of a country is divided into two groups, namely workers and non-workers. The population is classified as a workforce if the population has entered working age. The working age limit in Indonesia is 15 years - 64 years old. According to this understanding, everyone who is able to work is referred to as labor. There are many opinions regarding the age of these workers. There are those who say that they are over 20 years old, some even say that they are above 17 years old, some say they are over 7 years old because street children are included in the workforce. Law No. 13 of 2003 stipulates that the use of the term worker is always accompanied by the term labor which indicates that in this Law, the two terms have the same meaning. In Article 1 point 3 it is stated that Worker/labor, namely: "everyone who works by receiving wages or other forms of remuneration". The main objective of labor law is the implementation of social justice in labor and this implementation is carried out by protecting workers from unlimited power from the employer. The subject of labor law is a person consisting of workers and employers. Employment problems are the main problems that must be faced by developing countries such as Indonesia. The increasing population without being followed by an increase in employment opportunities has always been a trigger for the proliferation of unemployment.

Manpower development has many dimensions and interrelationships with various parties, namely between the government, employers, and workers or laborers. Therefore, manpower development is carried out in an integrated manner in the form of mutually supportive cooperation.

B. Identification of problems

Identify the problems that arise in this article regarding the scope of the legal principles of change, which include the following:

1. Solving employment problems
2. The influence of international relations
3. Wages and social security issues
4. Settlement of industrial relations disputes

C. Formulation of the problem

1. What does labor law mean as a branch of law?
2. How is employment utilization?
3. What is industrial relations in labor law?
4. How to resolve industrial relations disputes and termination of employment?

D. Research purposes

1. To find out what labor law is as a branch of law.
2. To find out the utilization of labor in labor law.
3. To know industrial relations in labor law.
4. To find out how to resolve industrial relations disputes and termination of employment.

E. Benefits of research

1. Theoretical benefits

This research is expected to provide benefits for the development of legal science in the field of labor law and industrial relations.

2. Practical benefits

This research will add insight to the author and anyone who reads this article, especially regarding the principles of labor law and knowing what the contents of this article are, which will then be used as a reference in attitude.

RESEARCH METHODS

The type of research used in making this paper is a type of research that examines data on issues related to the principles of labor law and industrial relations. Therefore, identifying problems related to the topic being studied by formulating the problem according to the focus of the problem being studied.

Stages of collecting data and materials related to the focus of the problem to support the sharpness of the analysis of existing problems. This study directs the author to discuss the ins and outs of labor law and industrial relations.

The writing method applied in this paper is a case study method with a qualitative approach.

DISCUSSION

Labor law as a branch of law

There are several opinions regarding the meaning of labor law. Several scholars express their opinions regarding the definition of labor law in different ways. The difference in the understanding of labor law here lies in the difference in the focus on how to see it from one side only, without paying attention to the other side which is no less important to explain. According to ANMolenaar, labor law is a part of the applicable law, which regulates the relationship between workers and workers, workers and entrepreneurs, workers and authorities, and rulers and entrepreneurs. According to MGLenvenbach, the law of change is the law relating to employment relations, where work is carried out under a leader, and with living conditions that are directly related to the employment relationship. The scope of personal conduct of labor law has a close relationship with who or what is limited by the rule of law (workers, former workers, labor unions, employers, employers' organizations, state/rulers). Workers or former workers appear as legal subjects in their position as natural persons. The entrepreneur appears as a subject of labor law in his position as a legal person or not a legal person and as a natural person. The ruler appears as the subject of labor in the sense of office. The scope of labor law behavior according to this time indicates when a certain event is regulated by the rule of law, namely before the employment relationship occurs, when the employment relationship occurs, and after the employment relationship occurs.

The paradigm of labor law can be seen from several points of view. In this case, there are three issues of labor law point of view, namely:

1. The science of labor law rules is closely related to the types of labor law rules and what if there is a deviation from the rules themselves. This legal rule consists of autonomous rules which are legal provisions in the field of labor made by the parties involved in an employment relationship, heteronomous rules which are legal provisions in the field of labor made by third parties who are outside the parties bound in the labor contract. a working relationship.
2. The science of understanding labor law, which includes legal society, legal rights and obligations, legal relations, legal events, and legal objects.
3. Philosophy of labor law, related to labor law issues seen from the philosophical foundations of establishing a rule of labor law.

Labor law in the Indonesian legal system is a law whose elements are in the group of civil, state administrative law, and criminal law. The source of labor law has an important position because it is a reference for the parties if they face a dispute. Therefore, the source of labor law has a very strategic

value in the employment relationship. When viewed from the type, there are 2 kinds, namely autonomous rules and heteronomous rules.

Manpower deployment and utilization

The deployment and utilization of manpower is a subject of discussion in the field of labor law which specifically discusses labor issues more broadly. Broadly speaking, the deployment and utilization of manpower aims to realize the mandate contained in the 1945 Constitution of the Republic of Indonesia Article 27 paragraph 2. Manpower problems in Indonesia currently include problems with the number and growth of the population, age structure and the limited level of utilization of labor, population distribution, education level, as well as the limited absorption capacity of the economy. Economic development and activities have not been able to provide adequate employment opportunities for the population, especially those of productive age. Residents who manage to find work are often still constrained by further problems in the form of inadequate working conditions. Therefore, government policies are focused on controlling the rate of population growth through family planning programs. The next problem is the unequal distribution of the population. The policy taken by the government to overcome this problem is through the transmigration program. Another problem is the level of education which is still quite low. Efforts to overcome labor problems include the government formulating strategies through family planning work policies and programs, employment expansion programs, transmigration programs, education programs, coping programs, and limited economic absorption. Therefore, government policies are focused on controlling the rate of population growth through family planning programs. The next problem is the unequal distribution of the population. The policy taken by the government to overcome this problem is through the transmigration program. Another problem is the level of education which is still quite low. Efforts to overcome labor problems include the government formulating strategies through family planning work policies and programs, employment expansion programs, transmigration programs, education programs, coping programs, and limited economic absorption. Therefore, government policies are focused on controlling the rate of population growth through family planning programs. The next problem is the unequal distribution of the population. The policy taken by the government to overcome this problem is through the transmigration program. Another problem is the level of education which is still quite low. Efforts to overcome labor problems include the government formulating strategies through family planning work policies and programs, employment expansion programs, transmigration programs, education programs, coping programs, and limited economic absorption. The policy taken by the government to overcome this problem is through the transmigration program. Another problem is the level of education which is still quite low. Efforts to overcome labor problems include the government formulating strategies through family planning work policies and programs, employment expansion programs, transmigration programs, education programs, coping programs, and limited economic absorption. The policy taken by the government to overcome this problem is through the transmigration program. Another problem is the level of education which is still quite low. Efforts to overcome labor problems include the government formulating strategies through family planning work policies and programs, employment expansion programs, transmigration programs, education programs, coping programs, and limited economic absorption. The policy taken by the government to overcome this problem is through the transmigration program. Another problem is the level of education which is still quite low. Efforts to overcome labor problems include the government formulating strategies through family planning work policies and programs, employment expansion programs, transmigration programs, education programs, coping programs, and limited economic absorption.

Protection of workers is a major factor in occupational health and safety. According to HLBakels, overall worker protection is public legal norms that aim to regulate labor conditions in companies. The arrangement covers both material and immaterial aspects. The main issue is the

regulation of the length of working hours and rest periods as well as a safe and decent workplace for human workers. The law on worker protection is an example of social law whose main characteristics are generally based on the theory of compensation imbalance. Occupational health is defined as all rules and efforts aimed at protecting workers from actions or conditions that can interfere with their physical, psychological and moral health. As for work safety as all rules and efforts aimed at providing technical protection for workers from risks due to the use of hazardous tools and materials in the workplace. Occupational health and safety is needed along with the development of the industry which brings with it the use of various tools, machines, and hazardous materials. Occupational health and safety aims to protect workers from risks that may arise in carrying out work, especially the risk of work accidents and occupational diseases. Occupational health and safety has several principles in its regulation, namely worker protection which is divided into 3 kinds of economic protection, social protection, and technical protection. This principle is the responsibility of employers who have provided jobs, because it has been regulated in article 1602w of the Civil Code. In addition, employers must provide a good workplace and support the occupational health of workers and must meet certain requirements to avoid work accidents. Because the safety of workers is very important. However, workers have an obligation to fulfill and comply with all the requirements in the mandatory occupational health and safety regulations.

As for wages from the workers' point of view, it is a right that is generally seen from the amount, while from the entrepreneur's point of view it is generally associated with productivity. The problem stems from the desire to get high wages, while productivity is still low due to inadequate levels of education and skills. However, in Law No. 13 of 2003 concerning Manpower Article 1 point 30, it is stated that wages are the rights of workers which are received and expressed in the form of money as a reward from the entrepreneur or employer to the worker which is determined and paid according to an employment agreement. However, in the world of work, wages generally always consider the ability of workers which is reflected in work productivity. The government intervenes because it is very interested in harmonizing wages that meet a decent living for humanity and the achievement of work productivity by taking into account the needs of workers' lives, social inequality, work performance, and human values. Therefore, the government enforces a minimum wage setting policy that applies on a micro-regional basis.

Industrial relations

In Indonesia, industrial relations involve actors in the process of producing goods and services consisting of elements of entrepreneurs, workers, and the government based on the values of Pancasila and the 1945 Constitution. The implementation of industrial relations is carried out through several means, all of which are intended to increase the dignity, and self-esteem of the workforce and create a prosperous society. In principle, the goal to be achieved in industrial relations is to get to work for workers and business continuity for entrepreneurs, and for this reason, the role of the government is needed as a party that is not directly involved in the employment relationship. The facilities needed for the creation of ideal industrial relations in Indonesia are trade unions, employers' organizations, bipartite cooperation institutions, tripartite cooperation institutions,

The influence of international relations which is one of the characteristics in labor law is the tendency to equate the applicable legal provisions. Therefore, in international labor law, it is desirable to have a single labor law, namely the same or equivalent law, which applies in every country, and the ILO is the ILO. In order to achieve the ideals and desires of international labor organizations, conferences are held regularly to obtain agreement on labor issues, and which are then set forth in the

form of conventions or recommendations. Decisions in the form of conventions or recommendations are not a source of labor law, but morally there is a bond to follow the agreed provisions, on the grounds of being a member of the ILO. The provisions in the new convention are binding if they have been ratified by the laws and regulations of the country concerned. Indonesia has ratified several conventions, with the consequence to implement the provisions in the conventions that have been ratified and to report on the progress of the elaboration and implementation of these conventions.

Settlement of industrial relations disputes and termination of employment

The occurrence of disputes between workers/workers and employers is something that is not easy to prevent, because disputes can occur without any violation. For example, rationalization due to robotization, different interpretations of an applicable legal provision, workers demanding a 50% wage increase or demanding that they be given health benefits for their families. Anxiety that is not handled as early as possible can lead to open disputes in the working relationship. In a dispute, it can occur between 2 workers and employers or at least more than 2 parties who disagree with each other. Prof. Iman Soepomo said that there are 2 forms of disputes, namely disputes over rights (*rechtsgeschillen*) and disputes over interests (*belangengeschillen*). Law No. 2 of 2004 concerning the settlement of industrial relations disputes broadens the definition of industrial relations disputes by defining industrial relations disputes as differences of opinion that result in conflict between entrepreneurs or a combination of employers and workers. In this law, industrial relations disputes do not only include disputes over rights and disputes over interests, but also disputes over termination of employment and between trade unions within a company. The difference in the definition of labor disputes is intended to distinguish the authority of the dispute institution in resolving industrial relations disputes. In labor law, there are models in industrial relations. Theoretically there are 3 models of industrial relations, namely:

1. Harmonie Arbeidsoverhoudingen Model
2. Coalitie Arbeidsoverhoudingen Model
3. Conflict Arbeidsoverhoudingen Model

Of the three models, Indonesia adheres to the second model, namely the Coalitie Arbeidsoverhoudingen Model, because all industrial relations problems are resolved by deliberation to reach consensus first and then resolved by conflict. This dispute can be resolved by the parties amicably, if it is not resolved it may require the assistance of a third party, namely through the court and outside the court. Process outside the court through conciliation, mediation, arbitration, mediator, conciliator, and arbitrator.

The termination of an employment relationship can occur automatically during the term of the employment relationship determined by the laborers and the employer. Here the employment agreement for a certain time has ended automatically or by law. The employment relationship is terminated by law which occurs in the case of a relationship that is held for a certain time. If the working relationship lasts until the agreed time, then the employment relationship will end by law by the lapse of that time. It is different from the employment relationship which is decided by the entrepreneur or decided by the court. Workers are entitled to have the right to severance pay and other rights in accordance with the provisions or court decisions. In practice, layoffs are common.

CLOSING

Conclusion

Discusses the main points of labor law which are the basis for the enactment of labor law. The definition of labor law that focuses on certain aspects without paying attention to other aspects. Discuss the deployment and utilization of labor. And industrial relations to improve the dignity, worth, and self-esteem of the workforce. However, there are industrial relations disputes and termination of employment, but there are solutions.

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