

DISCOURSE ON REGULATION AND IMPLEMENTATION OF LABOR SUPERVISION IN INDONESIA

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Abstract:

Labor supervision affects employment conditions in a country. The study was conducted on the regulation of Labor supervision in Indonesia and the form of follow-up of Labor supervision in labor regulation in Indonesia. The statute, case, and conceptual approaches normatively support problem analysis. The study showed that in realizing the protection of workers, presenting a harmonious employment relationship did not materialize due to disparities until the transition of the Labor Supervision Authority between local government units and the central government, which became the discourse of Labor so that the purpose of Labor supervision is not fully realized. The problem is increasingly complex with the birth of a substantively problematic job creation Perppu, the lack of labor inspectors with a wide area of work and workload technically tiered, labor conditions in emergencies, as well as the massive flow of foreign workers to Indonesia can be solved with the renewal of Labor which includes fundamental changes certainly made to the substance of, changes in labor supervision mechanisms that emphasize more on factual supervision by going directly to places or areas that have labor problems, regulation of the form of Labor supervision in the work area and workload and certain emergency conditions, as well as the active involvement of unions in the labor supervision process.

Keywords: Supervision, Labor, Arrangements, Renewal.

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INTRODUCTION

Work is fundamental for everyone. In this case, the right to work is part of the human rights guaranteed in the 1945 Constitution of the Republic of Indonesia, which deals with economic, social, and cultural rights (Widiarto et al., 2018). The state must guarantee and protect such conditions for every job as a person's right through government policy. In labor law, some elements are closely related between employers and workers and the government. Employers are obliged to provide workers' rights while workers provide their obligations as workers, and the government is obliged to provide guarantees of protection for both.

Therefore, legal intervention from the presence of Labor supervision creates harmony and balance between the position of workers and employers. Article 5 Paragraph (1) of ILO Convention No. 81 explained that Labor supervision as a system is intended for several things, namely: ensuring the enforcement of legal provisions regarding working conditions and the protection of workers when carrying out their work, such as provisions relating to working hours, wages, safety, health and welfare, the use of child labor and young people and other related issues, to the extent; provide technical information and advice to employers and workers

on the most effective ways to comply with the provisions of the law; and notify the relevant authorities about the occurrence of irregularities or abuses that are expressly not provided for in the applicable legal provisions.

Law Number 13 of 2003 on Labor specifically regulated Labor supervision in Chapter XIV on regulated supervision ranging from Article 176 to Article 181. In particular, Article 176 explains that Labor supervision is carried out by employees of Labor supervision who have the competence and independence to ensure the implementation of labor legislation. Furthermore, the division of Labor supervision is regulated in Article 178. A separate work unit carries out labor supervision at the agency whose scope of duties and responsibilities is in the field of Labor at the central government, provincial government, and district/city government. Presidential Decree further regulates the implementation of Labor supervision. The President's authority in determining the implementation of Labor supervision indicates the existence of centralized labor supervision in the central government.

The implementation of the authority of Labor supervision confirms that the nature of the authority is about the implementation or implementation of legal provisions. Therefore, it becomes commonplace when Labor supervision is also attached to the central government's authority. The unification of authority into the authority of the central government would have consequences for the financial allocation to be carried out by the central government. Based on this, when referring to Law No. 13 of 2003 on Employment, Labor supervision is divided into several units at the government level, starting from the central government, the provincial government, and the Regency/city government. Meanwhile, since the enactment of Law No. 23 of 2014 on Local Government, there have been significant changes in the implementation of local government, including changes in labor supervision.

Act No. 23 of 2014 does not make rigid arrangements for implementing each labor supervision classification Affairs. However, one of the affected in the classification process is government affairs in the sub-field of Labor supervision which is the authority of the provincial government. Indeed, there is a delegation of authority in terms of Labor supervision. The delegation in question is given through legislation and delegating higher government officials to lower government officials. In general, the government declares delegation when delegation occurs. The delegation of authority from a higher government body and official to a lower government body or official with responsibility and liability shifts entirely to the delegation's recipient.

Thus, there are issues related to legal issues that are interesting to be studied further, namely related to legal issues of conflict of norms in labor regulations in Indonesia. Therefore, the focus of this study will be on how the regulation of Labor supervision in labor regulation in Indonesia. Moreover, what is the follow-up form of Labor supervision in labor regulations in Indonesia?

METHODS

The study of the focus of the problem is carried out in a normative manner using primary and secondary legal materials in the form of legislation, literature, and research results relevant to this study. The existing Data is reviewed and analyzed through a literature study to conclude. The approach taken is the legislative approach, case approach, and conceptual approach. These three approaches are expected to answer the problems the author sets.

RESULT AND DISCUSSION

Ratio Legis Regulation on Labor Supervision in Regulation in Indonesia. Various laws and regulations governing Labor that have been enacted in Indonesia, which are partly a colonial product, placing workers at a disadvantage in the service and placement of Labor and industrial relations systems that highlight differences in position and interests that, in principle, are not following the needs and demands of the Times. One sure thing is that Labor supervision efforts are one of the forms that are always regulated in labor regulations in Indonesia.

The birth of Law No. 13 of 2003 on Labor became a fundamental change in all aspects of employment after the reform, which also changed various legal arrangements in Indonesia. Post-reform and the birth of the labor law reflect an effort to appreciate and recognize human rights, including workers' rights, as a top priority. In this case, there is a legal ratio in forming regulations in the Labor-to-Labor supervision field. The legal ratio of the existence of Labor supervision in the labor regulation is labor protection, creating a harmonious labor relationship, and realizing the Independence and Competence of Labor Inspectors.

Labor protection is intended to ensure the workforce a sense of security, peace, fulfillment of a sense of justice, and the realization of a prosperous life inside and out to create balanced conditions between workers, employers, the business world, and other business components (Suratman, 2019). Laws are created to protect fundamental human rights. It is in line with the meaning of the law as a provision outlined by the government to regulate legal rights and obligations. This meaning was conveyed by John Chipman Gray, who only Associated law with government, but later reinterpreted by Lawrence M Friedman that law can be interpreted as regulation and, at the same time, the structure that makes or runs it (Friedman, 1975). The form of protection given to workers when referring to the current labor law is similar to the draft law on labor protection and development (PPK bill), which later became the labor law. In this context, the practice of legal protection provides benefits in the form of realizing justice for every citizen, especially workers/workers whose positions are lame before the passage of the labor law.

Labor practices cannot be separated from the existence of Labor Relations. The meaning of this employment relationship needs to be explicitly explained when referring to the current labor law regime. What is described in the labor law is only Labor Relations and industrial relations. Labor relations are defined as the relationship between employers and workers/laborers based on labor agreements with elements of employment, wages, and orders (Law No. 13 of 2003 on Labor, Article 1 number 15). Meanwhile, industrial relations are defined as a system of relationships formed between the actors in the production of goods and services consisting of elements of entrepreneurs, workers/laborers, and the government based on the values of Pancasila and the Constitution of the Republic of Indonesia in 1945 (Law No. 13 of 2003 on Labor, Article 1 number 16). The presence of the government as a direct reflection of the presence of the state shows that the states involved in labor relations are essential and fundamental to prevent exploitation by employers of workers as a manifestation of commitment and consistency of the values of Pancasila industrial relations (HIP). Furthermore, the choice of the diction 'labor' and not the diction 'labor' shows the presence of the state to create the welfare of the people, in this case, the worker and his family (Harianto, 2016). On the other hand, the government must also accommodate input from trade unions/workers and employers' associations on each legal product to be formed (Harianto, 2020).

Relationship between workers and employers who are socio-economically very different is left entirely to the parties. The goal of creating justice in labor relations will take much work to achieve. After all, employers as a strong party will always dominate workers/workers as a weak party. On this basis, the government intervened through legislation to provide certainty of rights

and obligations for the relevant parties, namely workers and employers (Husni, 2003). Labor relations in the context of the relationship between employers and workers must be harmonious because it is decisive for national productivity. The tension between employers and workers must be managed to benefit both parties (Sekretariat Jenderal Dewan Perwakilan Rakyat Republik Indonesia, n.d). The supervisory function of the government referred to by the author will be maximized if the philosophical position of the government is higher than the supervised one (Wijayanti, 2009). Therefore, the government's involvement is essential because the government is the form of regulation that will regulate and supervise the employment process between laborers and employers. Aritonang (2020) explained that two forms could be interpreted from sentences or words that explain the position of labor inspectors, which are the supervisory labor employee' in question is an employee in the employment agency designated for it. Second, 'determined by the minister or appointed official' means that the appointment and dismissal of employees of labor inspectors are determined by the Minister of Labor or officials within the institution responsible for the field of Labor appointed by the minister or the provisions of the applicable legislation.

The existence of labor inspectors who are ASN employees who carry out administrative functions of service to the community in government services must be distinct from the political element. The government has two functions in government functions: political and administrative. The political function has to do with the creation of policies or the statement of the will of the state. In contrast, the administrative function is concerned with implementing these policies (Katharina, 2012). Every relationship built in labor practice is a big thing. It involves various elements, so the supervision system ensures that everything in labor practice follows laws and regulations, builds work agreements, and each party's rights and obligations. Therefore, labor supervision carried out by labor inspectors must be carried out by parties who have independence (a position that does not favor either party) in carrying out their duties.

The existence of independence or when taking sides with one of the parties carried out by each employee of the Labor Inspectorate will be able to map information and the impact of each Labor problem. As in the implementation of a state that requires supervision in the framework of checks and balances in every action carried out by state officials, in the context of employment, labor inspectors carry out a form of checks and balances in labor relations between laborers and employers. Referring to the substance of Article 176 of the Labor Law, Labor supervision is carried out by employees of Labor supervision who have the competence and independence to ensure the implementation of labor legislation. The substance in Article 176, which explains the need for an element of independence in the person of labor inspectors, is briefly interpreted as an obligation for every labor inspector who cannot take sides with one party, in this case, both employers and to workers.

A critical point towards the independence of Labor supervisory employees which will affect the implementation of Labor supervision in the regions, is also a concern of the labor law formers, as stated by Amru Almuhtashim, who acted as vice chairman of the Working Committee meeting (Panja) dated June 16, 2022, which stated that the provisions stating that the Minister determines Labor supervisory employees contain a message that there must be sufficient and independent competence. The independence in question is an inherent trait in the position of Labor supervisor (Sekretariat Jenderal Dewan Perwakilan Rakyat Republik Indonesia, n.d).

In principle, ASN employees are in a difficult position because it can be used as a tool of interest in the political field. On the one hand, they are employees who are appointed, placed, transferred, and dismissed by the Office of Personnel Development (known as PPK), whose office

cannot be separated from political elements due to political circles. Thus, their work careers are often associated with elements of the political interests of the PPK. On the other hand, the ASN must be neutral where to maintain professionalism in carrying out their governance and public service duties. With this, political officials can use ASN as a tool for their interests in maintaining power (Lestari, 2020).

The disparity in Labor Supervision Arrangements in Indonesia. The authority of labor inspectors is spread in several government units, ranging from central government units, the provincial government to the district/city government and then switch only to the central government and the provincial government is a problem that is the background of this study because in principle the division of authority is not only the division of authority between government units but also has an impact on how its implementation in the field to impact on the fulfillment of the rights of each party related to employment, especially the rights of workers. The ambiguity of the Labor Supervision Authority's division in Indonesia occurs in ratifying the ILO Convention, labor law, to local government law. Concerning law No. 21 of 2003 on Verification of ILO Convention No. 81 Concerning Labor Inspection in Industry and Commerce, ILO's tripartite structure places governments, employers' organizations, and trade unions on an equal footing in determining programs and policy-making processes. Every convention born by the ILO becomes an international labor standard with a strategic position and role in encouraging the birth of regulations and policies in the national scope of a country. One of the conventions that became an international labor standard and was later widely ratified was the convention on Labor supervision.

In the primary regulation of Law No. 21 of 2003, there are several things related to the ratification of the ILO Convention 81, namely: the necessity of the state as a member of the ILO to run the labor supervision system in the workplace, the supervision system carried out must be based on legislation whose supervision is carried out by labor inspectors, the function, the number and specialization of labor inspectors, to the reporting model of labor inspectors to the central office of supervision and the reporting obligations of ILO member states to the implementation of the convention. Indonesia ratified the ILO Convention as a form of reaffirmation of the importance of Labor supervision to give birth to a balanced position between all labor stakeholders, from government to employers to workers. Indonesia ratified this convention based on at least four things: (1) Labor supervision is essential in enforcing or applying labor legislation. Enforcement of the application of legislation is an effort to maintain a balance between rights and obligations for employers and workers/laborers.

This balance is needed to maintain business continuity and work tranquility, ultimately increasing work productivity and Labor Welfare; (2) For the legislation in the field of Labor to be appropriately implemented, it is necessary to have independent labor supervision, and centralistic policies; (3) Labor supervision is regulated in Law Number 3 of 1951 concerning the statement of the entry into force of the Labor Supervision Law of 1948, number 23 of the Republic of Indonesia for all of Indonesia, and Law Number 1 of 1970 concerning Occupational Safety. Both laws explicitly do not regulate the independence of the Labor Supervisory profession and main-level supervision as stated in the provisions of Article 4 and Article 6 of ILO Convention number 81. Ratifying ILO Convention No. 81 strengthens labor supervision arrangements mandated by Law No. 13 of 2003 on Labor; (4) The Unitary State of the Republic of Indonesia, as part of the world community and as a member of the ILO, has a moral obligation to implement provisions of an international nature, including International Labor Standards.

The birth of the labor law in 2003 replaced as many as fifteen labor regulations so that this law is an umbrella for labor issues in Indonesia as well as a legal basis for the birth of the

fundamental nature of Labor, such as the establishment of Industrial Relations Dispute Resolution and the protection and placement of Indonesian workers abroad.

During the discussion process of the PPK bill until its ratification into labor law, several essential points should be observed, especially those related to Labor supervision. Some of the essential points are as follows: (1) The absence of the ILO Convention as the main reference; (2) Huge Responsibility to the Central Government; (3) Relations with Regional Autonomy. Regarding legal products, the birth of labor law, specifically about labor supervision, is more likely to reflect an orthodox legal product. According to Marryman disatir by Mahfud MD, the qualification of an Orthodox product is centralistic in making legal products with Orthodox character, which is dominated by state institutions, especially the holders of executive power. Furthermore, orthodox legal products provide ample opportunities for the government to make various interpretations with various advanced regulations based on the unilateral vision of the government and not just technical problems. Orthodox legal products usually tend to contain brief material and subject matter only to provide broad opportunities for the government to regulate based on its political vision and power (Mahfud, 2010).

Proposal to the ILO Convention No. 81, which is also used as a reference in practice, has been proposed by The All-Indonesia Democratic Trade Union Federation (FSBDSI) as NGO representatives at the second hearing held on November 3, 2000. Through its general chairman Abdul Aziz Riambo, the FSBDSI proposed that ILO Convention No. 81 of 1947 on Labor supervision be ratified immediately as a separate law. This insistence is motivated by the existence of labor problems that become complex and ambiguous when faced with the birth of Law Number 22 of 1999 on regional autonomy, while the ILO Convention No.81 reflects the centralization and not decentralization system so that with the autonomy of the region the issue of labor problems and labor functions are also autonomous (Sekretariat Jenderal Dewan Perwakilan Rakyat Republik Indonesia, n.d).

The tug of government authority in various affairs between the Central Government and local governments (provinces & regencies/cities) is still ongoing even after the reform, where the regions want a decentralized government, with options: Federation or autonomy. However, Indonesia chose the second option, the broadest autonomy, by the purity of the soul of Article 18 of the 1945 Constitution. Concerning regional autonomy, the right contains the notion of self-governing power (selfregelen) and self-managing (selfbesturen) region and its people. Theoretically, deconcentration as a principle in the implementation of government has several characteristics, namely: the delegation of authority to carry out certain functions that are detailed from the central government to officials of the central government in the region, the recipient of authority is the central government officials in the region, does not include the authority to set policies and the authority to, shows the pattern of intra-organizational power relations and create uniformity in the political structure (Nurcholis, 2007).

In addition to reflecting the implementation of the deconcentration principle in terms of Labor Supervision Authority also continues to strengthen the form of a unitary state into the form of the state of Indonesia. The unitary state is a country not composed of several countries but consists of only one, so there is no country within the country. Thus, in a unitary state, there is only one government, namely the central government, which has the highest power and authority in the field of state government, sets the government's policy, and implements state government both at the center and in the regions (Resung, 2013). From this meaning, it is clear that in the implementation of Labor supervision tasks, every policy is set by the central government, in this case, the Ministry of Labor, so that the provincial government only acts to

carry out tasks set by the central government. It only makes new policies related to Labor supervision other than those set by the central government.

Mismanagement of Labor Control Arrangements in Indonesia. The development of employment is currently one of the public's concerns, especially after the covid-19 pandemic, the number of foreign workers working, the business investment climate, which is the government's flagship sector, until the birth of a legal product on employment, which is a new model in the formation of legislation in Indonesia, namely the Omnibus Law on job creation which is regulated through Law Number 2020 on job creation. Most recently, the birth of a government regulation instead of Law Number 2 of 2022 on job creation (Perppu Cipta Kerja) became the latest employment development in Indonesia. There are several things in discourse in this job creation, Perppu. Some of the things that become the discourse are as follows: (1) The Contract Against The Employee Can Be Made Many Times; (2) The Absence Of Restrictions For The Type Of Outsourcing Work; (3) Foreign Workers As Manual Laborers; (4) Determination Of The Minimum Wage Using Additional New Variables; and (5) The Severance Received Will Be Smaller.

Various substantial things described by the authors above indicate a need for more substance from the job creation library that does not reflect efforts to protect workers. Establishing the Job Creation Perppu ensures every citizen gets a job and receives rewards and fair and proper treatment in employment relationships. However, when referring to the various substance issues described by the author, the noble purpose of this job creation Perppu still needs to reflect efforts to protect workers in Indonesia. Furthermore, the substance of the job creation Perppu needs to touch on the authority of Labor supervision stipulated in Article 176 to Article 181 of the labor law. However, the implementation of Labor supervision tasks also remains the primary importance in ensuring the substance of the issue in the job creation Perppu.

The issue of contracts against employees, which can be done many times through PKWT, impacts the status of workers. PKWT's lack of clarity of status will impact fulfilling workers 'rights. When the PKWT continues to run, workers' rights will also experience obstacles because of their status and position. In addition, the absence of restrictions for the type of outsourcing work impacts the available work performed by outsourced workers so that a company can hire outsourced workers for various types of work, which will then also affect the fulfillment of the rights of these outsourced workers. In ensuring the fulfillment of these two things, the presence of Labor supervision in labor practices becomes essential to be implemented.

Meanwhile, related to the new variables in the determination of the minimum wage that does not clearly state what is meant by a particular index opens the birth of various interpretations for companies in providing wages for their workers and related to severance pay to be received will be much smaller after the existence of the Perppu has an impact on the fulfillment of the rights of workers in terms of the right to get wages and get severance. Therefore, this form of protection against the fulfillment of workers ' rights is always essential to consider within the framework of Labor supervision.

However, referring to the substance of Labor supervision that is not regulated in the job creation law and still referring to the labor law shows that the importance of Labor supervision in ensuring the rights of workers while enforcing labor regulations is a form of 'half-hearted' from the government in carrying out Labor supervision. Moreover, based on the issue of Labor supervision which experienced disharmonization of regulation, the delegation of authority to the provincial government, to the problem of limited resources but carrying out supervisory duties that are so many and so extensive to one provincial area, it should also be updated on the job creation Library.

Labor Control Reform in Indonesia. Since the birth of the labor law, the subject of Labor supervision has been technically regulated in several other derivative regulations, from Presidential Regulation Number 21 of 2010 on Labor supervision to Minister of Labor Regulation Number 33 of 2016. Labor supervision procedures are refined through Minister of Labor Regulation Number 1 of 2020 on amendments to Minister of Labor Regulation Number 33 of 2016 Labor supervision. In Presidential Regulation No. 21 of 2010 on Labor supervision, labor supervision is carried out by the labor supervision work unit at the agency whose scope of duties and responsibilities is in the field of Labor at the Central Government, Provincial Governments, and district/city governments (Presidential Regulation No. 21 of 2010 on Labor Supervision, Article 3).

The loss of Labor Supervision Authority in the regulation of the Minister of Labor Number 33 of 2016 the actual labor supervision procedure shows the response of the Ministry of Labor after the transfer of Labor Supervision Authority in the District/City to the provincial government through Law Number 23 of 2014 on Local Government.

The issue of supervisory resources or, in this case, the number of functional officials acting as labor inspectors in one region or province needs to improve its implementation. At least some of the areas described by this author indicate problems related to Labor supervision. In Gorontalo province, there are 15 Labor supervisors owned by the provincial government, consisting of 11 General supervisors, 2 specialist supervisors, and 2 PPNS workers. Meanwhile, the companies supervised amounted to 2454 companies and approximately 33 thousand workers spread throughout the Gorontalo province area of 11,527 km² (Dungga & Tome, 2019). In East Java province, one of the provinces with the highest population density and the highest number of urban districts in Indonesia, only 200's Labor supervisors supervise 37 thousand companies throughout East Java (Setiawan, 2016). DKI Jakarta, as the state capital and the center of government, only has 59 labor supervisors with Labor supervision duties carried out on 84 thousand companies following the number of companies required to report and be recorded in the DKI Jakarta Disnakertrans and 2.4 million workers covered (Gayati, 2021).

The company's impact of layoffs on workers during Covid-19 throughout 2020 until 2021 has become a concern for all parties. Until November 2021, 2.56 million people became unemployed due to Covid-19. This number has not been accumulated with the number of others who feel the impact of the Covid-19 pandemic, such as those not in the labor force due to Covid-19 by 0.76 million people; while not working due to Covid-19 by 1.77 million people; and who work with reduced working hours by 24.03 million people. Thus, at least until the end of November 2021, 29.12 million working-age people are affected by the Covid-19 pandemic (Barenbang, 2022). Meanwhile, until August 2021, 538,305 workers had been laid off. This figure is close to the projected number of workers laid off by the Ministry of Labor against the impact of the Covid-19 pandemic, which is as many as 894,579 workers could be laid off (Khadijah, 2021).

The periodic examination is an examination that is only carried out after the first examination in accordance with a certain set period. Regarding special examination, it is an examination of labor norms on public complaints, company requests, or orders from the leadership of the labor supervision work unit. Meanwhile, re-examination is a re-examination of labor inspectors with higher positions and/or central labor inspectors. The re-examination is only carried out based on the results of the evaluation of the examination report of the head of the labor supervision unit and the presence of a case title (Wijaya, 2020).

Another condition for Labor supervision today is the mechanism of supervision of foreign workers as a form of Labor supervision. The issue of Labor supervision is a concern with the massive flow of foreign workers entering and working in Indonesia and with various

developments and investments spread throughout Indonesia. The presence of foreign workers who work with local workers in one company is acceptable, provided that the course of work of each party follows the provisions of the legislation and, most importantly, is to protect workers, both foreign workers and local workers. However, in practice, friction between foreign and local workers is expected.

One actual example is the case of clashes between foreign workers and local workers that occurred in PT. Gunbuster Nickel Industries (PT.GNI) is in North Morowali regency, Central Sulawesi province. The conflict at least resulted in 2 people dying (each 1 foreign worker and 1 local worker) until the burning of operational vehicles and a hostel of foreign workers. The conflict that occurred in PT GNI is the tip of the iceberg that occurred in this company. Labor issues in this company have been going on for a long time and become demands from workers which are related to job security, job continuity, wages that are often cut, skill benefits that are cut, health and safety that are not running correctly until the difference in wages between foreign workers and local workers becomes a problem that continues to occur in this company (Arifa, 2023). The peak was when a work accident claimed two victims died due to health and safety issues.

In the Ombudsman report, the issue of employment related to regulation is referred to as the 'paradox of Labor supervision' because the classic problems such as limited supervision and limited budgets to companies that are the focus of supervision very often affect the quality of Labor supervision services by Related Agencies to the complexity of bureaucracy and labor regulations that seem confusing (Ombudsman, 2021). Various problems have been described by the Author above, ranging from the disparity of regulation on the authority of Labor supervision, the lack of labor inspectors accompanied by extensive work areas and technically tiered workload, labor conditions in emergencies, as well as the massive flow of foreign workers entering Indonesia as a consequence of an increased investment in Indonesia opened by the Indonesian, especially about Labor supervision so that the purpose of employment to protect workers' rights while creating a harmonious employment relationship is challenging to realize.

In essence, the practices and problems that exist in the field begin and boil down to the form of labor regulation itself. The problem of the Labor Supervision Authority, which is accompanied by a shift of authority that is not accompanied by a solid philosophical and sociological foundation, becomes a boomerang for Labor supervision itself. With the inevitability of being regulated in the labor law or even in the Perppu of Job, Creation The answer to these problems has become a new polemic, which cannot be the answer to the problem of the authority and implementation of Labor supervision in Indonesia.

Based on this description, it is true that the government is taking steps to update and equalize the authority of government-level units, which are entitled to supervise Labor supported by factual conditions and labor needs in the field. This step can be initiated by renewing the labor law applied in Indonesia for twenty years. Although the substance in the labor law has been updated in the Perppu Ciptakerja, the Perppu raises new problems in employment. Therefore, the labor law, as the initial foundation of employment in Indonesia, is essential to be updated, not only adjusting to the needs of investment as the focus of government policy but also adjusting to the legal structure, community needs, and the problems that accompany the current labor law.

Fundamental changes must be made to the substance of Labor supervision, which must be the door authority for Labor supervision in Indonesia. The existence of the principle of regional autonomy and the authority of the central government must be able to be combined with the needs of Labor so that the labor law will not conflict with the principle of regional autonomy,

which is the 'spirit' in the Local Government Law and also does not conflict with the ratification of the ILO Convention. The discussion of this authority becomes fundamental because the authority of employment is the starting point of various employment problems today.

In addition to the affirmation of the authority of Labor supervision, the renewal of the labor law is essential to include various things, including changes in the mechanism of Labor supervision which emphasizes more on factual supervision of labor problems than just receiving Labor reports and then reviewed not by going directly to places or areas that have labor problems, regulation of the, as well as the active involvement of the Union in the labor supervision process so that the position of workers/workers in the power relations of the company will be in a balanced position when accompanied by the Union at the time of Labor supervision.

The above updates are necessary for Indonesia's labor regime, which aims to protect workers ' rights while realizing a harmonious labor relationship between labor stakeholders (workers and employers). Therefore, efforts to reform the labor law as the initial foundation of employment in Indonesia should be updated as soon as possible by lawmakers.

CONCLUSION

Labor supervision is essential in protecting workers ' rights while presenting a harmonious labor relationship between workers and employers. However, the disparity until the transfer of Labor Supervision Authority between local government units and the central government is reflected in Law Number 21 of 2003 on the ratification of ILO Convention No. 81 Concerning Labour Inspection in Industry and Commerce, Law No. 13 of 2003 on employment, and Law No. 32 of 2014 on Local Government became a discourse on employment in Indonesia so that the purpose of Labor supervision is not fully realized. The problem is increasingly complex with the birth of the Perppu Job Creation, which not only does not regulate the matter of Labor supervision but gave birth to new problems in employment, the problem of the lack of labor inspectors who are accompanied by a large area of work and a tiered technical workload, employment conditions in emergencies, as well as the massive flow of foreign workers entering Indonesia can be solved by labor reform which includes fundamental changes must be made to the substance of Labor supervision which must be the one door ' authority for Labor supervision in Indonesia, changes in the mechanism of Labor supervision that emphasizes more on factual supervision by going directly to places or areas, regulation of the form of Labor supervision in the working area and workload as well as specific conditions of emergency, as well as the active involvement of trade unions in the labor supervision process (Gayati, 2021). In North Kalimantan province, one of the provinces that have not long been established, only 5 labor inspectors from about 4,000 small and large companies are registered (Asnawi, 2018).

REFERENCES

- Arifa, R. (2023). Narasi, Suara Serikat pekerja Soal Bentrok TKI dan TKA di PT.GNI Morowali Utara. Narasi. <https://narasi.tv/read/narasi-daily/suara-serikat-pekerja-soal-bentrok-tki-dan-tka-di-pt-gni-morowali-utara>
- Aritonang, S. (2020). *Tindak Pidana Di Bidang Ketenagakerjaan*. Bekasi: Permata Aksara
- Asnawi. (2018, August 12). Kaltara Hanya Punya 5 Pengawas, Dianggap Tak Sebanding dengan Jumlah Perusahaan. Rakyat Kaltara. <https://rakyatkaltara.prokal.co/read/news/8959-kaltara-hanya-punya-5-pengawas-dianggap-tak-sebanding-dengan-jumlah-perusahaan.html>
- Barenbang. (2020). Biro Humas Kemnaker, Menaker Ida: 29,12 Juta Orang Penduduk Usia Kerja Terdampak Pandemi Covid-19. Kementerian Ketenagakerjaan Republik Indonesia.

<https://kemnaker.go.id/news/detail/menaker-ida-2912-juta-orang-penduduk-usia-kerja-terdampak-pandemi-covid-19>

- Dungga, W. A., & Tome, A. H. (2019). Identifikasi Faktor Penghambat Penyelenggaraan Pengawasan Ketenagakerjaan di Provinsi Gorontalo. *Jurnal Jambura Law Review* 1(1).
<https://doi.org/10.33756/jalrev.v1i1.1605>
- Friedman, L. M. (1975). *The Legal System: A Social Science Perspective*. New York: Russel Sage Foundation
- Gayati, M. D. (2021). Kadis Nakertrans: Jumlah pengawas tenagakerja jauh dari rasioimbang. Antara. <https://www.antaranews.com/berita/2407309/kadis-nakertrans-jumlah-pengawas-tenagakerja-jauh-dari-rasio-imbang>
- Harianto, A. (2016). *Hukum Ketenagakerjaan, Makna Kesusilaan Dalam Perjanjian Kerja*. Yogyakarta: LaksBang Pressindo
- Harianto, A. (2020). *Hukum Ketenagakerjaan, Mediasi penyelesaian Perselisihan Hubungan Industrial*. Yogyakarta: LaksBang Justitita
- Husni, L. (2003). *Pengantar Hukum Ketenagakerjaa*. Jakarta: PT RajaGrafindo Persada
- Katharina, R. (2012). Pegawai Negeri Sipil Sebagai Wakil Kepala Daerah. *Politica*, 3 (1)
- Kementerian Tenaga Kerja. (2022). Tenaga Kerja Asing Yang Berlaku Indonesia Bulan Januari-Mei 2022. Kementerian Ketenagakerjaan Republik Indonesia.
<https://satudata.kemnaker.go.id/data/kumpulan-data/702>
- Khadijah, N. (2021, August 13). Kemnaker Resah, Jumlah Pekerja Kena PHK 2021 Malah di Luar Perkiraan Melebihi 50 Persen. *Pikiran Rakyat*. <https://www.pikiran-rakyat.com/nasional/pr-012389399/kemnaker-resah-jumlah-pekerja-kena-phk-2021-malah-di-luar-perkiraan-melebihi-50-persen>
- Lestari, A. A. A. (2020). Pengaturna Birokrasi Aparatur Sipil Negara Yang Netral Dan Bebas Intervensi Politik. *Jurnal Kertha Semaya*, 8 (12). <https://doi.org/10.24843/KS.2020.v08.i12.p09>
- Mahfud, M. (2001). *Politik Hukum di Indonesia*. Jakarta: LP3ES
- Nurcholis, H. (2007). *Teori dan Praktik Pemerintahan dan Otonomi Daerah*. Jakarta: Gramedia Widiasarana
- Ombudsman. (2021). *Ombudsman dan Paradoks Pengawasan Ketenagakerjaan*. Ombudsman.
<https://ombudsman.go.id/pengumuman/r/artikel--ombudsman-dan-paradoks-pengawasan-ketenagakerjaan>
- Resung, R. (2013). *Hukum Otonomi Daerah, Negara Kesatuan, Daerah Istimewa, Dan Daerah Otonomi Khusus*. Bandung: PT Refika Aditama.
- Sekretariat Jenderal Dewan Perwakilan Rakyat Republik Indonesia. (n.d). Proses Pembahasan Rancangan Undang-Undang Republik Indonesia Tentang Ketenagakerjaan, Buku I.
- Sekretariat Jenderal Dewan Perwakilan Rakyat Republik Indonesia. (n.d). Proses Pembahasan Rancangan Undang-Undang Republik Indonesia Tentang Ketenagakerjaan, Buku III.
- Sekretariat Jenderal Dewan Perwakilan Rakyat Republik Indonesia. (n.d). Proses Pembahasan Rancangan Undang-Undang Republik Indonesia Tentang Ketenagakerjaan, Buku V.
- Setiawan, D. (2016). Wagub Akui Jumlah Pengawas Ketenagakerjaan Minim. *BhirawaOnline*.
<https://www.harianbhirawa.co.id/wagub-akui-jumlah-pengawas-ketenagakerjaan-minim/>
- Suratman. (2019). *Pengantar Hukum Ketenagakerjaan Indonesia*. Jakarta: Rajagrafindo Persada
- Widiarto, A. E., Safa'at, M. A., & Wibowo, M. (2018). Pemaknaan Norma Hak Asasi Manusia Dalam UUD 1945 Berdasarkan Putusan Mahkamah Konstitusi. *Arena Hukum*, 11(2).
<https://doi.org/10.21776/ub.arenahukum.2018.01002.8>

- Wijaya, A. T. (2020). Pengaruh Pengawasan Dinas Ketenagakerjaan Kabupaten/Kota Terhadap Pelaksanaan Pemutusan Hubungan Kerja Oleh Perusahaan Pada Masa Pandemi Covid-19. *Jurnal Law Retrieval*, 1(1)
- Wijayanti, A. (2009). *Hukum Ketenagakerjaan Pasca Reformasi*. Bandung: Sinar Grafika