

Regional Government Responsibilities in Fulfilling Decent Work for Citizens

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<p>Article history Received: 5 June 2024 Revised: 28 June 2024 Accepted: 15 July 2024</p> <p>Keywords State Responsibility, Citizen's Rights, Decent Job</p>	<p>Abstract Every country has a responsibility towards its citizens. responsibility for the rights of citizens and obligations of citizens. The rights of citizens are freedom of religion, association, recognition, protection and enforcing the law fairly, rights to work and fair treatment, as well as rights to citizenship status. So Indonesian citizens have the right to work in a decent job to get a decent life. The focus of the research that the researchers examined was 1) How's the state's responsibility implemented in fulfilling citizens' rights to obtain decent work at the Jember Regency Manpower Service? 2) What are the obstacles to implementing state responsibility in fulfilling citizens' rights to obtain decent work at the Jember Regency Manpower Service? The aims of this research are 1) To determine the state's responsibility in fulfilling citizens' rights to decent work. 2) To find out the problems in implementing the fulfillment of citizens' rights to decent work in Jember Regency. Results of this research: The Jember Manpower service has proven its responsibility towards Jember residents in providing decent work with the Job Marker or Job Fair program, launching J-Sigajah, holding job training, monitoring companies, and it can be concluded that the Manpower Office in particular Jember is responsible for the feasibility of fulfilling citizens' rights in the employment context. Constraints: 1) The lack of employees at the Jember Manpower Service which results in a lack of stability in the results of their work. By reviewing the duties of the Jember Manpower service which are not commensurate with the number of existing employees. 2) There are many frauds under the guise of the Manpower Service, which has created a lack of public trust in the Jember Manpower Service. This has a very negative impact on the progress of DISNAKER Jember.</p>
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1. Introduction

Basically, every country has a responsibility towards the rights of its people. Rights that must be fulfilled with accountability for welfare and sanctions for those who abuse these rights. It is even a necessity for a country to be able to guarantee the welfare of its citizens, both in the economic, educational and other areas. This aims to ensure that every level of society can live properly according to their respective standards or portions. So that it involves the responsibility of the state to provide facilities and protect its people, so that they can get a decent life, and can meet reasonable living needs according to human dignity and dignity.¹

Which must be accounted for as a basis for maintaining citizens, especially the Indonesian state, so that they can get income with a standard of living that is stated as decent, so that they can get food and clothing that is in accordance with the desires that are

¹ Ujang Charda, Tanggung Jawab Negara Indonesia Dalam Perlindungan Hukum Terhadap Tenaga Kerja Anak, Jurnal Wawasan Hukum, Vol. 30, No. 01, (2014), 1, <https://ejournal.sthb.ac.id/index.php/jwy/article/download/73/54>

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considered sufficient for their needs. Therefore, to channel justice in the context of law for workers, there must be a sufficient plan in being responsible for the country in the future.²

In Law Number 23 of 2014, it is explained that the provincial government has the authority to implement a decent life and equalize the concept of justice and prepare general or social needs for development so that the lives of the community are guaranteed.³ In the Republic of Indonesia Law Number 39 of 1999, it states that human rights mean rights that are owned by humans/society in a country that they have had since they were born into the world, these rights must be protected, respected and appreciated by all parts of the government and related individuals.⁴

Article 28 affirms, "The freedom of Indonesian citizens to fight for their positive rights for their lives and those of others is protected by applicable laws, so anyone who violates it will be breaking the law."⁵ The right to work and receive wages, justice and fairness in employment relations as regulated in Article 3 b of Law No. 11 of 2020 which regulates job creation.⁶ Therefore, this mitigation must be evenly distributed across all regions in Indonesia.

The government, in this case the Jember Regency Manpower Office, has applicable regulations in fulfilling decent work for its citizens, these regulations are stated in the Jember Regent Regulation No. 5 of 2021 which states the position, organizational structure, duties, functions and work procedures of the Jember Regency Manpower Office, as well as transmigration in industry. In order to improve the welfare of workers, the government as the holder of obligations is responsible for the eligibility and guarantees for workers. Industrial Relations is a relationship or interaction between various parties that are related or have an interest in the production process of goods and services for a company. The parties who play a role, have an interest in the success of the company, and interact directly in daily activities are employers and workers.⁷

However, in reality that often occurs in the field, workers still feel discrimination against arbitrary actions in the workplace, the existence of this makes workers uncomfortable with the work they get. So to create a peaceful, safe and secure life, the government, especially the City of Jember, needs to make a neat planning for the future so that quality improvements are more guaranteed.⁸

² Ujang Charda, *Tanggung Jawab Negara Indonesia...*, 1.

³ Esterlita Nova Yaser Ranting, Toar Neman Palilingan, Theodorus H. W Lumonon, "Tanggung Jawab Negara Atas Pemenuhan Kesehatan Di Bidang Ekonomi, Sosial Dan Budaya", *Jurnal Lex Privatum*, Vol. 11, No. 4, (2023), 9. <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/47769>

⁴ Enju Juanda, *Kepastian Hukum Atas Tersedianya Lapangan Pekerjaan Yang Layak Merupakan Pelaksanaan Hak Asasi Manusia Bagi Seluruh Rakyat Indonesia*", *Jurnal Ilmiah Galuh Justisi*, Vol. 11, No. 1, (2023), 166, <https://jurnal.unigal.ac.id/index.php/galuhjustisi/article/view/10293>

⁵ Wahyudi Siswanto, *Implikasi Politik Hukum Kebebasan Berserikat Dan Hak Berorganisasi Pekerja/Buruh Dalam Produk Hukum Ketenagakerjaan Terhadap Pelaksanaan Hubungan Industrial Di Indonesia*", *Jurnal Ilmiah Indoensia*, Vol. 7, No. 11, (2022), 17107, <https://jurnal.syntaxliterate.co.id/index.php/syntaxliterate/article/view/11965>

⁶ Sholeh, dkk, *Tinjauan Yuridis Pelaksanaan Jaminan Sosial Tenaga Kerja Di PT. Mitratani Dua Tujuh Kabupaten Jember*, *WELFARE STATE Jurnal Hukum*, vol. 2, no. 1, (April, 2023), 116. <https://ejournal.uinj.ac.id/index.php/WSJ/article/view/2076>

⁷ Jim Hidayah Whid, Eka Saputra, "Kontribusi *Konveksi* ILO No. 100 Terhadap Hubungan Industrial Di Indonesia", *Jurnal Politik, Sosial, Hukum Dan Humaniora*, vol. 2, no 1, (Maret, 2024), 221, <https://journal.staiyqipqbaubau.ac.id/index.php/Mandub/article/view/901>

⁸ Lailatul Amalia, Icha Cahyaning Fitri, "Kajian Yuridis Tanggung Jawab Negara Dalam Penerapan Pasal 31 Huruf D Peraturan Daerah No 8 Tahun 2015 Tentang Penyelenggaraan Kesejahteraan Sosial Di Kabupaten

So a decent standard of living can be realized if people's work is considered sufficient in the context of wages, guarantees and employee protection while they work.⁹ As for the laws that are the basis for regulating employment in this country, these laws are Law No. 13 of 2003 which emphasizes Employment, Law No. 2 of 2004 which explains the Settlement of Industrial Relations Disputes and Law No. 21 of 2000 which states Workers' Unions/Labor Unions.¹⁰

With the various problems that have been described, there are several things that need to be studied and researched to then be used as evaluation material for various parties who have policies. This aims to improve and fulfill the rights of each citizen to get decent work that is in accordance with their respective portion standards, especially in the Jember Regency Manpower Office. Because it is explained in the 1945 Constitution in article 27 paragraph 2, it is hoped that every Indonesian citizen has the right to get decent work according to their respective portion standards. While in Jember itself there has been a case of unilateral mass layoffs that are not in accordance with procedures.

2. Method

The type of research that the researcher uses is empirical law, primary data is obtained from the scene using interviews and documentation. Here the documentation used is supporting materials related to the research. While the researcher obtains secondary data from journals, books, large language dictionaries and also scientific papers. Empirical legal research attempts to review real events that exist in society as applicable Indonesian law.¹¹ Legal research is generally known for three types of data collection tools, namely observation, document study, and interview. Observation is capturing important events, determining what researchers call a perspective on life/philosophy of life that originates from several parties being reviewed, and determining identity. While document study is a written data collection tool using "context analysis". And an interview is a process for obtaining information that is carried out by two or more people (the interviewer and the interviewee).¹² The reason the researcher applied this paper with empirical legal research is to understand events in society and the government, whether the procedure for fulfilling decent work rights in Jember Regency has been concrete with the specified legal regulations. The qualitative approach is the approach that the researcher uses, this approach is the researcher's process to obtain descriptive data results.¹³ The purpose of the qualitative approach is to generate data about activities in reality, and to understand those activities. So,

Jember", Customary Law Journal, Vol. 1, No. 1, (2023), 8.
<https://journal.pubmedia.id/index.php/jcl/article/view/2289>

⁹ Agus Rimawan, Yana Sukma Permana, Erwin Syahrudin, "Perlindungan Hukum Buruh Kontrak Dalam Perspektif Undang-Undang Tentang Ketenagakerjaan", Jurnal Pakuan Law Review, Vo. 9, No. 1, (2023), 41.
<https://journal.unpak.ac.id/index.php/palar/article/view/5188>

¹⁰ Agus Suprayogi, "Perbedaan Hukum Perburuhan Di Negara Dengan Sistem Hukum Civil Law Dan Common Law Studi Kasus Singapura Dan Indonesia", Lex Jurnal, Vol. 13, No. 3, (2016), 265,
<https://ejurnal.esaunggul.ac.id/index.php/Lex/article/view/1778/1599>

¹¹ Soerjono Soekanto, *Pengantar Penelitian Hukum*, (Jakarta, Ui Press, 2015), 51.

¹² Soerjono Soekanto, *Pengantar Penelitian Hukum*,... 21-25.

¹³ Soerjono Soekanto, *Pengantar Penelitian Hukum*,... 32.

we establish significant legal records or materials. So, to obtain such data, interviews are usually used.¹⁴

3. Result and Discussion

As mentioned in the introduction, decent employment is the responsibility of the state. Decent work is highly expected by the community as a citizen's right. The state's responsibility in fulfilling decent work for citizens is a very important component of the state's responsibility, including local governments. Decent work can improve the standard of living of citizens. Citizens who obtain decent work as a manifestation of the state's fundamental responsibility.

3.1. Implementation of State Responsibility in Fulfilling Citizens' Rights to Obtain Decent Work at the Jember Regency Manpower Office

Based on the results of research by several informants, it was found that the tasks carried out by the Manpower Office have 3 aspects in being responsible for employment in Jember, namely managing industrial relations between employers and employees, job placement and training. The government's efforts are very good and have facilitated job searches with activities that make it easier such as Job Fairs and job markets. However, these activities can only be consumed by people who are smart at social media. So it is not comprehensive. Information is only given to students who have just graduated and are informed through social media and pamphlet displays in Jember City. However, the notification is not comprehensive to the general public who need work. So the impromptu visits by the Manpower Office will greatly help the community, especially in rural areas who are not familiar with gadgets as a whole.¹⁵

This has been emphasized by the Regent of Jember by issuing Jember Regent Regulation No. 5 of 2021 which states the position, organizational structure, duties and governance of the Jember Regency DISNAKER. This regulation states that DISNAKER is an official organization established to assist the community in employment. For example, auctioning job vacancies, holding job training. Controlling the eligibility of workers in each company, etc. For example, the Job Fair activity held on August 2-3, 2023. This activity is very helpful for people looking for work.¹⁶

As we know in the Constitution Article 28 paragraph 1 and in Law No. 39 of 1999 Article 71. Which emphasizes that the state's responsibility is not only to respect and protect but also to advance human rights. It has also been explained regarding the main State Responsibility, namely the government which is clearly explained in Article 28 I paragraph 4 of the 1945 Constitution which states that the State is responsible for the maintenance, development, affirmation, and implementation of human rights. If human resources in

¹⁴ Soerjono Soekanto, *Pengantar Penelitian Hukum*,... 65-67.

¹⁵ Habib Salim, wawancara, 23 Oktober 2023

¹⁶ Peraturan Bupati Jember Nomor 5 Tahun 2021 Tentang Kedudukan, Susunan Organisasi, Tugas Dan Fungsi Serta Tata Kerja Dinas Tenaga Kerja Kabupaten Jember, Pasal 8 Ayat 1, Tentang Bidang Penempatan Tenaga Kerja Dan Transmigrasi.

Jember are developed to advance the name of the district and the country. Thus the state's responsibility towards its people can be stated as appropriate. However, it is also necessary to think about the protection of workers and the provision of job information to people who are still unemployed. The more unemployed, the weaker the human resources in the district.¹⁷

Efforts made by the government are to facilitate the public to get easy information about jobs. Some of the government's tips are: first, Job Fair or job market. This activity was held at the Kaliwates Multipurpose Hall Building on August 2, 2023 which was held for 2 days. This activity was opened by the Regent of Jember, namely Mr. Ir. H. Hendy Siswanto, ST., IPU.¹⁸ This year's Job Fair has the tagline "Wes Wayahe Unemployment in Jember is Reduced". This year's Job Fair was attended by 46 companies from within the city, outside the city and migrants, and 3,905 job seekers. The Job Fair is an activity to reduce unemployment in Jember Regency. By bringing together workers with companies.¹⁹ After submitting a job vacancy, there will be a testing and recruitment stage for workers. Then the company reports how many workers are accepted in each company to DISNAKER. That way DISNAKER can find out how many job seekers have found work..²⁰ Second, J-Si Gajah (Jember manpower information system). This system was launched by the Manpower Department to provide an easy way for workers. So that workers can see job vacancy information in Jember in this system²¹. One form of responsibility to the community carried out by DISNAKER is to launch several efforts to make it easier for the community, especially Jember, to find work to get a decent life. This is why the community needs to take part so that this effort is not in vain.²²

Explained in the Government's responsibility in the context of decent work/providing jobs for its people has been handled by a part of the Manpower Office (DISNAKER). The mandate holder and representing the government to be responsible for providing decent work to the community/people with several of its duties. So with the description of the duties of the Manpower Office above, the community does not only go to DISNAKER to ask about job vacancies but in accordance with its duties, DISNAKER also provides training for beginners and determines citizens who are able to work both in the city

¹⁷ Muhammad Miftakhul Huda, "Implementasi Tanggung Jawab Negara Terhadap Pelanggaran Ham Berat Paniai Perspektif Teori Efektivitas Hukum Soerjono Soekanto," *Jurnal Agama Dan Hak Azazi Manusia*, Volume 11, No 1 (2022), 3, <https://ejournal.uin-suka.ac.id/syariah/inright/article/view/2591>

¹⁸ Dinas Tenaga Kerja Jember, diakses pada tanggal 03 April 2024, <https://disnaker.jemberkab.go.id/>. diakses pada tanggal 03 April 2024

¹⁹ Dinas Tenaga Kerja Jember, diakses pada tanggal 03 April 2024, <https://disnaker.jemberkab.go.id/>. diakses pada tanggal 03 April 2024

²⁰ Dinas Tenaga Kerja Jember, diakses pada tanggal 03 April 2024, <https://disnaker.jemberkab.go.id/>. diakses pada tanggal 03 April 2024

²¹ Oryza A. Wirawan, "Ribuan Pencari Kerja Coba Peruntungan 3.900 Lowongan di Jember Job Fair", Jember, Agustus 02, 2023, <https://beritajatim.com/ekbis/ribuan-pencari-kerja-coba-peruntungan-3-900-lowongan-di-jember-job-fair/> diakses pada tanggal 03 april 2024 pukul 20.10

²² Oryza A. Wirawan, "Ribuan Pencari Kerja Coba Peruntungan 3.900 Lowongan di Jember Job Fair", Jember, Agustus 02, 2023, <https://beritajatim.com/ekbis/ribuan-pencari-kerja-coba-peruntungan-3-900-lowongan-di-jember-job-fair/> diakses pada tanggal 03 april 2024

and outside the city or outside the country, namely with the task of job placement. with this all citizens are able to get jobs easily.²³

As stated above, advancing human rights is by fulfilling, protecting and guaranteeing safe working rights for its citizens. It has been stated in article 27 paragraph 2. So the state needs to be a protector and guarantor of workers' rights to obtain decent work by controlling company activities. Because sometimes there are some companies that ignore workers' rights, for example, employing employees who do not work according to working hours, or hoarding wages until the wages do not match the minimum wage set. If there is state supervision, the eligibility of workers' rights will be guaranteed.²⁴

It can be concluded that within the government's responsibility, there is the Manpower Office which carries out the mandate in the context of employment. They are tasked with developing human resources in Indonesia. The researcher specifically researched in Jember with the progress of efforts made by DISNAKER Jember in eliminating unemployment. Especially in Jember Regency, the efforts of the Jember Manpower Office have provided very good or easy facilities to job seekers. So that it can help reduce unemployment. Regent Hendy Siswanto has also appreciated the Jember Manpower Office for its tips in reducing unemployment/unemployed residents in Jember Regency.²⁵

From the research results obtained by the author through interviews with informants, if the organization has 10 employees, the organization needs to create company regulations, employment guarantees. With that, the organization can be registered as a company. With the statement above, the company needs to think about the salary that will be given to employees according to the provisions.²⁶

This is in accordance with Article 86 of Law Number 13 of 2003 stating workers' rights. Namely, employee recruiters need to provide occupational safety and health facilities for workers who are employed. Every employee has basic rights that are useful for producing wages and employment guarantees from each company. So for the support of a decent life, the government implements all of this so that Indonesian people can be declared worthy in their lives. Because the worthiness of life is based on decent work.²⁷

The basis of workers' rights in employment are: first, wages. A job will be said to be decent if the job is in accordance with the worker's abilities and gets enough wages to

²³ Dinas Tenaga Kerja Jember, diakses pada tanggal 03 April 2024, <https://disnaker.jemberkab.go.id/>. diakses pada tanggal 03 April 2024

²⁴ Muhammad Fitra Hardinata, Siti Badriah, Dini Oktaviana, Mellyana Candra, "Perlindungan Hukum Pekerja Terhadap Pekerja Di Indonesia", *Jurnal Hukum, Politik Dan Ilmu Sosial*, Vol. 3, No. 1, (2024), 186. <https://ejurnal.politeknikpratama.ac.id/index.php/jhps/article/view/3200>

²⁵ Dinas Tenaga Kerja Jember, diakses pada tanggal 03 April 2024, <https://disnaker.jemberkab.go.id/>. diakses pada tanggal 03 April 2024

²⁶ Habib Salim, wawancara, 23 Oktober 2023

²⁷ Desty Puteri Hardyati, Dkk, "Pemenuhan Pekerjaan Dan Penghiduan Yang Layak Di Masa Bonus Demografi", *Jurnal Ilmiah Wahana Pendidikan*, Vol. 9, No. 12, (2023), 138. <https://jurnal.peneliti.net/index.php/JIWP/article/view/4346>

finance his life and guarantee the worker's safety.²⁸ The central government regulates in such a way regarding the eligibility of salary payments for its citizens who work in the Job Creation Law and Government Regulation No. 51 of 2023 which states the revision of Government Regulation No. 36 of 2021 which stipulates that salaries must be given with provisions in accordance with the laws and regulations of the state.²⁹ One of the requirements for worker welfare is to provide Regional Minimum Wage (UMR) or District Minimum Wage (UMK). So the Jember Manpower Office monitors companies by checking data, carrying out coaching, and monitoring companies. The Provincial Minimum Wage is the lowest wage in each month regulated in the Jember Regency Regional Regulation No. 2 of 2018 which states the actions and care of local employees with the love of the one God.³⁰

Providing wage provisions in accordance with the statement above is one form of accountability of the Jember government to the community in terms of fulfilling a decent life. The determination of this wage has been realized by the Jember Manpower Department.³¹ Currently the Regional Minimum Wage in Jember City is Rp.2,555,662. If there is a company that meets the requirements but does not provide wages according to the provisions, they will receive sanctions according to the agreement. Because the Jember Manpower Office uses the 1945 Constitution articles 27-34 as a guideline stating that every citizen has the same rights before the law and government.³² The UMR wage applies to companies that have 10 or more employees and have a legal entity in the form of a PT or CV. If the organization already has 10 or more workers, the organization must create company regulations.³³

Second, As well as employment guarantees. Employment guarantees that will be obtained by workers such as: death guarantee, work accident guarantee, health care

²⁸ Moh. Rido Hafidi, Kahar Haerah, "Pelaksanaan Program Jaminan Sosial Ketenagakerjaan Bagi Karyawan Di PT. Mayangsari Kecamatan Mayang, Kabupaten Jember", *Jurnal Pubmedia Sosial Sciences And Humanities*, Vol. 1, No. 3, (2024), 3, <https://digital-science.pubmedia.id/index.php/pssh>

²⁹ Hendra Halomoan Ambarita, Hartati, Yetniwati, Herma Yanti, "Pemenuhan Upah Layak Bagi Pekerja Melalui Penetapan Upah Minimum Pasca Berlakunya Undang-Undang Nomor 6 Tahun 2023 Tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 Tentang Cipta Kerja Menjadi Undang-Undang", *Jurnal Wajah Hukum*, Vol. 8, No. 1, (2024), 213. <http://wajahhukum.unbari.ac.id/index.php/wjhkm/article/view/1403>

³⁰ Peraturan Daerah kabupaten Jember Nomor 2 Tahun 2018 Tentang Pemberdayaan Dan Perlindungan Tenaga Kerja Lokal.

³¹ Radar jember, "Bupati tegaskan, Perusahaan wajib patuhi UMK demi kesejahteraan pekerja," Jember, Januari 2, 2024, <https://radarjember.jawapos.com/jember/793686668/bupati-tegaskan-perusahaan-wajib-patuhi-umk-demi-kesejahteraan-pekerja> diakses pada tanggal 03 april 2024

³² Radar jember, "Bupati tegaskan, Perusahaan wajib patuhi UMK demi kesejahteraan pekerja," Jember, Januari 2, 2024, <https://radarjember.jawapos.com/jember/793686668/bupati-tegaskan-perusahaan-wajib-patuhi-umk-demi-kesejahteraan-pekerja> diakses pada tanggal 03 April 2024

³³ Harin Nadindra Kirti, Joko Priyono, " Mendapat Bayaran Dibawah Ketentuan Upah Minimum Regional (UMR)," *Jurnal Notarius*, vol 11 no 1, (2018), 68, <https://ejournal.undip.ac.id/index.php/notarius/article/view/23126>

guarantee, and old age guarantee.³⁴ From the several guarantees explained above, it is hoped that workers can live a decent life and get decent work.³⁵

Law of the Republic of Indonesia No. 39 of 1999 Article 1 states that human rights are a collection of rights that are based on human existence and the essence as a human being of the Almighty God, so they must be respected, upheld, protected by the government and state law. So all company superiors must respect and uphold workers' rights. Don't be arbitrary. So companies must really implement the provisions that have been set. Don't take advantage of citizens' human resources but don't give them their rights as workers.³⁶

The researcher's review in accordance with the above law regarding the regulations set by DISNAKER is very much maintained by companies in Jember, the researcher took PT. Pinus Merah as a sample. They employ their employees very well and provide several guarantees set by Disnaker to workers. Likewise, in determining working hours, they really think about employees by dividing shifts in working.³⁷

The guarantees given to workers must be in accordance with their work. If they work outside the company, provide the guarantees needed and when they are in the company, provide the guarantees needed, because the needs in each place are different, the company must also take part if there is interference from external and internal elements that disrupt the activities of workers.³⁸

In Pancasila, it is also explained in the 2nd principle that the rights of citizens must be treated according to human dignity and it is also explained in the 5th principle of Pancasila which states that Indonesian citizens have the right to receive justice from the government. The right to welfare, dignity and dignity is seen from the income earned by citizens. If the income is declared adequate, then the lives of citizens will be declared adequate. As in Jember, with the wages stated above, Jember residents can be declared adequate with jobs that pay the UMP. Meanwhile, justice must be obtained by all citizens. If they work, they need to get their rights to employment. Because there are still many cases that employ their citizens for hours that exceed the limit but do not provide their rights to employment.³⁹ The provision of guarantees attempted by the government is solely for the

³⁴ Peraturan Pemerintah Republik Indonesia Nomor 14 Tahun 1993 Tentang Penyelenggara Program Jaminan Sosial Tenaga Kerja.

³⁵ Radar jember, "Bupati tegaskan, Perusahaan wajib patuhi UMK demi kesejahteraan pekerja," Jember, Januari 2, 2024, <https://radarjember.jawapos.com/jember/793686668/bupati-tegaskan-perusahaan-wajib-patuhi-umk-demi-kesejahteraan-pekerja>, diakses pada tanggal 03 april 2024

³⁶ Syahwal, "Paradigma Politik Hukum Pengupahan Indonesia studi Hak Aatas Upah Layak Bagi Buruh Informal", *jurnal Veritas et Justitia*, Vol 9, No. 1, (2023), 190. <https://journal.unpar.ac.id/index.php/veritas/article/view/5957>

³⁷ Moh. Rido Hafidi, Kahar Haerah, "Pelaksanaan Program Jaminan Sosial Ketenagakerjaan Bagi Karyawan di PT> Mayngsari Kecamatan Mayang Kabupaten Jember", *Jurnal Pubmedia Social Sciences and Humanities*, Vol. 1, No. 3, (2024), 2. <https://digital-science.pubmedia.id/index.php/pssh/article/view/130>

³⁸ Whitney Brigitta Sinaga, Nadia Intan Rahmahafida, "Pelindungan Hak Dalam Mendapatkan Pekeraan Yang Layak Terhadap Mitra Dari Perusahaan Jasa Transportasi Daring", *Jurnal Hukum Magnum Opus*, Vol. 6, No. 1, (2023), 89, <https://jurnal.untag-sby.ac.id/index.php/Magnumopus/article/view/7420>

³⁹ Sigit Dwi Nuridha, *Hak Warga Negara*, (Klaten: Penerbit Cempaka Putih, 2019), 9

protection of workers while preparing for unexpected events in the future, both for workers and their families.⁴⁰

It can be concluded that if the company has provided wages and job guarantees according to the provisions, then the lives and jobs of the Jember community in particular will be declared decent. That is the use of the relationship between the government and citizens. If the state has tried to take responsibility for the citizens but the citizens do not respond to these efforts, then this will not make any development in all aspects in Jember.⁴¹

From the research results obtained by the author through interviews with informants, it was found that the East Java provincial DISNAKER has carried out supervision of companies, for the Jember Disnaker has carried out supervision from 2017-present. When a company violates the rules, it will be subject to sanctions according to existing regulations. If the case is a fraud that is criminal in scope, then report the case to the authorities (police). If there is a violation of the Manpower Law, the authority becomes the authority of the provincial labor department in the field of supervision. The supervision carried out by DISNAKER is in the form of normative supervision, namely supervising wages, overtime hours, and workers' rights. Worker rights such as BPJS and guarantee letters for employees.⁴²

And wrapped in Law number 13 of 2003 which confirms the basis, principles, and targets of employment management, opportunities and attitudes that are commensurate in employment matters, workforce plans and information about employment, So it has been emphasized in this Law that supervision is very necessary for the welfare of workers. Both the welfare of their lives and their work. With the initiative carried out by DISNAKER in the form of supervision from 2017, it has been very helpful in enforcing welfare in life and decent work.⁴³

This has been emphasized by the launch of Law no. 3 of 1951 which is stated to regulate the Labor Supervision Law of 1948 Number 23 of the Republic of Indonesia for all countries. In this case, we already know together that the supervision carried out by DISNAKER Jember is not just done by them. But there is already a law that stipulates the supervision. So no one can prohibit or reject the supervision. Every company that has complied with the provisions must be under the supervision of DISNAKER.⁴⁴

Various ways the Manpower Office tries are not only for job seekers, they also keep workers to get decent jobs with peace and comfort. Supervision by the Jember Manpower Office that is carried out includes: first, direct supervision. Direct supervision is an

⁴⁰ I Putu Adi Widayatmika, *Jaminan Sosial Kepada Pekerja/Buruh Dalam Konsep Negara Hukum Kesejahteraan*, Jurnal Ilmu Pengetahuan Sosial, Vol. 10, No. 7, (2023), 3641. <http://jurnal.um-tapsel.ac.id/index.php/nusantara/article/view/13101>

⁴¹ Habib Salim, wawancara, 23 Oktober 2023

⁴² Habib Salim, wawancara, 23 Oktober 2023

⁴³ Danang Sunyoto, *Hak Dan Kewajiban Bagi Pekerja Dan Pengusaha*, (Yogyakarta: Penerbit Pustaka Yustisia 2013), 19

⁴⁴ Undang-Undang Republic Indonesia Nomor 3 Tahun 1951 Tentang Pernyataan Berlakunya Undang-Undang Pengawasan Perburuhan Tahun 1948 NR. 23 Dari Republik Indonesia Untuk Seluruh Indonesia.

inspection carried out by the Jember Manpower Office on the work done by employees and supervising leaders by checking work files whether they are carried out properly or not.⁴⁵ Second, Indirect supervision. Indirect supervision is a check carried out by DISNAKER Jember which does not go directly to the companies but checks from verbal reports or reports submitted by each company.⁴⁶ Third, preventive supervision. Preventive supervision is an inspection carried out by DISNAKER Jember before the company's activities are carried out so that there are no deviations in the future.⁴⁷ Fourth, repressive supervision. Repressive supervision is an inspection carried out by the Jember Manpower Office when the company's activities have been carried out.⁴⁸

Every regulation is made to regulate the running of the organization. If a regulation is made, then sanctions will be imposed if the regulation is violated. If no sanctions are imposed, then the regulation will not be heeded by the related parties. The Manpower Office cooperates with the state in terms of regulations and sanctions made. Here are some sanctions that will be imposed if a company, especially those in Jember, violates the regulations, namely: first, Administrative violations are imposed on companies if they violate Law no. 30 concerning government administration. The sanctions that will be obtained are in accordance with the violations committed and in accordance with the company agreement at the beginning of the work in order to create a deterrent effect and not repeat the violations.⁴⁹ Second, Criminal violations are violations that are considered to be punishable even though this has not been stated in the law, the following violations are included in criminal violations in the form of committing violations related to the law/crime, then the criminal sanction is imprisonment for a maximum of 5 years or a maximum fine of 500 million, Employers do not provide severance pay in accordance with the provisions. Criminal sanctions and a maximum fine of 50 million, taking the cost of determining the place for workers from private workplaces. Sanctions of 4 years in prison and a maximum of 400 million, Payment of wages not in accordance with the provisions. Sanctions of 4 years at most and 400 million at most, Employers who do not pay employees who are not working for certain reasons. Sanctions of 4 years at most and a maximum fine of 400 million.⁵⁰

The law in article 27 paragraph 2 of the 1945 Constitution of the Republic of Indonesia concerning every citizen in the country has the right to work and a life sufficient for humanity. With the supervision of the Jember DISNAKER, the rights of workers will be easier to detect according to the provisions or not in the company. And it is unlikely to violate because the company will anticipate the arrival of DISNAKER in the form of supervision. If they rebel, it will affect the running of the company.⁵¹

⁴⁵ Habib Salim, wawancara, 23 Oktober 2023

⁴⁶ Habib Salim, wawancara, 23 Oktober 2023

⁴⁷ Habib Salim, wawancara, 23 Oktober 2023

⁴⁸ Habib Salim, wawancara, 23 Oktober 2023

⁴⁹ Habib Salim, wawancara, 23 Oktober 2023

⁵⁰ Habib Salim, wawancara, 23 Oktober 2023

⁵¹ Sigit Dwi Nuridha, Hak Warga Negara, (Klaten: Penerbit Cempaka Putih, 2019), 3

It is concluded that the performance of DISNAKER Jember in producing decent jobs for its citizens can be stated as good. Because they have carried out supervision in each company. Whether it is appropriate in providing workers' rights in the form of wages or guarantees that must be given. This supervision is carried out solely for the feasibility of life and work of the community, especially Jember.⁵²

3.2. Obstacles to the Implementation of State Responsibilities in Fulfilling Citizens' Rights to Obtain Decent Work at the Jember Regency Manpower Office

The results of the study obtained from observations and interviews with several informants showed that the obstacles felt in the implementation of state responsibilities by the Jember Manpower Office. From the results of the study obtained by researchers through interviews with informants, it was found that the obstacle was the existence of unofficial job vacancy recruitment information from DISNAKER, so that there was no protection for employees. With cases like this, job seekers feel very disadvantaged. As explained above, the obligation of citizens is to seek information first and not to arbitrarily trust individuals who provide job vacancies without official permission from the Manpower Office, especially Jember Regency. For example, asking for some money to be able to work abroad with the lure of a large salary or profit. However, after the money was received by the individual, he disappeared. This often happens in the community because of the fear that is covered by the desire to get big profits.⁵³

As according to the 1945 Constitution, it states that the Republic of Indonesia is a country of law. The judicial power is a free power to enforce law and justice. So because of the statement above, it is necessary for the law in the country to also be firm in responding to it. Because if the law of the country is truly enforced to overcome cases like the one above, then these individuals will not last long. However, if the case above is ignored, then these individuals will continue to be a specter that disrupts the relationship between the Community and DISNAKER, especially Jember. So there needs to be proof to confirm that the city of Jember is a city of law. So there needs to be a guarantee that with reciprocity from both the community and the government in enforcing existing regulations, it will help the development of the quality of society and the development of the country.⁵⁴

It is also emphasized in the explanation of the judicial power, namely the power that is free in implementing law and justice. So not only to be a city of law, Jember also needs to uphold justice in law. This justice must be obtained by all citizens of Jember without exception. the rich or the poor, the black or the white, the old or the young, all citizens are the same in the context of justice in the eyes of the law.⁵⁵

In Article 28 I paragraph 4 of the 1945 Constitution, the State is responsible for the maintenance, development, enforcement, and fulfillment of human rights. So the government's responsibility is not only to provide a decent life and decent work but also to

⁵² Habib Salim, wawancara, 23 Oktober 2023

⁵³ Habib Salim, wawancara, 23 Oktober 2023

⁵⁴ Enju Juanda, "Kepastian Hukum Atas Tersedianya Lapangan Pekerjaan Yang Layak Merupakan Pelaksanaan Hak Asasi Manusia Bagi Seluruh Rakyat Indonesia", *Jurnal Ilmiah Galuh Justisi*, vol. 11, No. 1, (2023), 172, <https://jurnal.unigal.ac.id/index.php/galuhjustisi/article/view/10293/pdf>

⁵⁵ Nurnilam Sari, Arinto Nugroho, "Perbandingan Hukum Terkait Kompensasi Bagi Pekerja/Buruh Dalam Pemutusan Hubungan Kerja Di Indonesia Dan Malaysia", *Jurnal Hukum*, Vol. 2 No. 2, (2023), 104. <https://ejournal.unesa.ac.id/index.php/novum/article/view/54451>

provide protection for citizens. This protection is both physical and mental. So if there is a case like the one above, the government needs to take part in protecting the rights of citizens in the form of its responsibilities.⁵⁶

The government is also responsible for enforcing and fulfilling human rights by enforcing the law if someone hurts or disturbs the rights of the community. That is the use of balance between the community and citizens in the context of trust. If citizens do not have trust in the government, the government will have difficulty in channeling the aspirations of its responsibilities to the community. So if there is a case like the one above, it is necessary for citizens to report it to the authorities or to DISNAKER to be handled immediately.⁵⁷ In the hadith of the Prophet it is stated that: "each of you will be asked to account for those under your leadership." (HR. Bukhari).⁵⁸

It is clear in the hadith above that every leader will be asked to account for his responsibilities in the future in the presence of the Almighty, as in the story of Sayyidina Umar during his leadership he was known to be firm, fair and wise, to ensure this Sayyidina Umar went down directly to visit his people and patrolled from one resident's house to another. From the story of Sayyidina Umar we can draw the conclusion that Sayyidina Umar was so great and responsible for his people, this is a hard slap to the leaders of this country who sometimes ignore the interests of the people, while personal needs are his priority.⁵⁹

So it can be concluded that the accountability carried out by the government will be more balanced if the government also participates in the interests of its people, because every leader will be held accountable for his leadership in the afterlife. Among them, to guarantee the rights of citizens, the government must be more assertive in realizing existing regulations, this is in line with Article 28 I paragraph 4 of the 1945 Constitution concerning the state being responsible for the maintenance, development, enforcement, and fulfillment of human rights.⁶⁰

Findings when conducting observations/reviews to the DISNAKER office, employees at DISNAKER do not comply with the applicable regent's regulations, such as the absence of a Finance sub-section, several sections under certain fields such as the development sector, industrial relations aspects and aspects of workforce placement. According to the researcher, this must be noted because by looking at the tasks and programs run by DISNAKER, many need to recruit employees. Because this is one of the points of constraint. Because the lack of employees will make the process of progress of the organization less than perfect. With the unequal number of workers and tasks owned by the organization, one of the visions and missions will be neglected.⁶¹

⁵⁶ Muhammad Miftakhul Huda, "Implementasi Tanggung Jawab Negara Terhadap Pelanggaran Ham Berat Paniai Perspektif Teori Efektivitas Hukum Soerjono Soekanto," *Jurnal Agama Dan Hak Azazi Manusia*, Volume 11, No 1 (2022): 3, <https://ejournal.uin-suka.ac.id/syariah/inright/article/view/2591>

⁵⁷ Muhammad Miftakhul Huda, "Implementasi Tanggung Jawab Negara..." 3.

⁵⁸ Nuroh, dkk, Pendidikan Bahasa Dalam Perspektif Hadis, (Jakarta: Publica Indonesia Utama 2022), 21.

⁵⁹ Thomas Arsil, Titing Sugiarti, Henri Christian Pattinaja, "Perlindungan Hukum Bagi Buruh Yang Tidak Di Phk Setelah Berakhirnya Jangka Waktu Perjanjian Kerja Waktu Tertentu", *Jurnal Legal Reasoning*, Vol. 5, No. 2, (2023), 161, <https://journal.univpancasila.ac.id/index.php/jlr/article/view/4867>

⁶⁰ Habib Salim, wawancara, 23 Oktober 2023.

⁶¹ Peraturan Bupati Jember Nomor 5 Tahun 2021 Tentang Kedudukan, Susunan Organisasi, Tugas Dan Fungsi Serta Tata Kerja Dinas Tenaga Kerja Kabupaten Jember, Pasal 8 Ayat 1, Tentang Bidang Penempatan Tenaga Kerja Dan Transmigrasi

In Law Number 13 of 2003, many basic rights are maintained which are fundamental to the lives of employees. which is emphasized in Article 88 paragraph (1) of Law Number 13 of 2003 which stipulates that each employee has basic rights in employee health and safety, both physical and spiritual, and attitudes that are in accordance with religious values. From the definition above, it means that every worker must receive treatment according to the provisions by considering health in carrying out their duties. In addition, it is necessary to consider whether or not the worker is capable in dividing tasks to workers. Because if the worker's ability is limited and the assignment exceeds his/her limits, it will have an effect on his/her mental and physical health.⁶² Allah SWT states that if we feel capable, then do it, if we feel incapable, then just do what we can.⁶³

The issue of the quantity of workers can slow down the running of the organization. Likewise in the Manpower Office. Even with many advantages or progress, DISNAKER Jember has a minimal number of workers. As in point 10 concerning the institutional structure of the Jember Regency Manpower Office which includes only a few employees. This does not match the Jember Regent's Regulation No. 5 of 2021 in Article 3 which describes the organizational structure that must exist in the Manpower Office, especially Jember. It has been explained in detail that several sub-districts should have members, but in reality, what happens at DISNAKER Jember is that each sub-district only has one member.⁶⁴

In the book Human Rights and Rights and Obligations of Citizens of the State in Positive Law of Indonesia. Explains that the state should not give more burden to its citizens in carrying out their duties. As stated above, DISNAKER has quite a lot of activities to be responsible for employment, especially in Jember. They provide guarantees for work eligibility to the community but the work they do is not potentially feasible. With this, the state's responsibility towards DISNAKER needs to be increased. So that the responsibility of DISNAKER can increase for the people of Jember.⁶⁵

The second principle of Pancasila contains the rights of citizens to be treated according to human dignity. So what is fought for is not only the dignity of citizens but also the dignity of workers who are responsible for society. Because they are also included in the population of our country who have human rights. So even though the Jember DISNAKER is responsible for the people in Jember, the Jember government needs to be responsible for the DISNAKER workers in fulfilling their rights.⁶⁶

In article 27 paragraph 2 it is emphasized that every citizen in the country has the right to obtain decent work. In accordance with the regulations above, these rights are not only about decent living but also decent work. If DISNAKER Jember is required to provide decent work to the community, then they must also get decent work. Decent work is the

⁶² Danang Sunyoto, *Hak Dan Kewajiban Bagi Pekerja Dan Pengusaha*, (Yogyakarta: Penerbit Pustaka Yustisia 2013), 19

⁶³ M. Khoiruddin, Imam Syafi'i, Ahmad Fajri, "Sistem Pengupahan Pekerja Dalam Perspektif Ekonomi Islam (Studi Kasus Di Cv. Motor Jaya 2 Gending)", *Jurnal Ekonomi Syari'ah Pelita Bangsa*, Vol. 09, No. 01, (2024), 197, <https://www.jurnal.lppmpelitabangsa.id/index.php/jespb/article/view/1317>

⁶⁴ Peraturan Bupati Jember Nomor 5 Tahun 2021 Tentang Kedudukan, Susunan Organisasi, Tugas Dan Fungsi Serta Tata Kerja Dinas Tenaga Kerja Kabupaten Jember, Pasal 8 Ayat 1, Tentang Bidang Penempatan Tenaga Kerja Dan Transmigrasi

⁶⁵ Johan Yasin, "Hak Azazi Manusia Dan Hak Serta Kewajiban Warga Negara Dalam Hukum Positif Indonesia," *Jurnal Ilmu Hukum*, Vol. 11, No 2 (2009), 1, https://ejournal.unisba.ac.id/index.php/syiar_hukum/article/view/541

⁶⁶ Sigit Dwi Nuridha, *Hak Warga Negara*, (Klaten: Penerbit Cempaka Putih, 2019), 9

rights of citizens so if the workers are not in sync with the task, this is included in the inappropriateness of a job.⁶⁷

From here we as researchers conclude that the employees in the Jember Manpower Office do not meet the criteria for the organizational structure that has been set by the Regent of Jember. So it is very unfortunate that with the progress and development of the work program implemented by DISNAKER, workers feel that there is no right to comfort for them. However, researchers as residents of Jember greatly appreciate the performance of DISNAKER Jember which has a very positive impact on the community who need work.⁶⁸

The findings of conducting research at PT Pinus Merah stated that supervision by the Manpower Office was very good and procedural, but the Jember DISNAKER did not directly touch the workers. Supervision was only carried out through superiors at the PT Pinus Merah company. Supervision should have been carried out comprehensively, both to workers, so that the information obtained about the company is real and not confusing. However, the Manpower Office has carried out supervision very well. So DISNAKER only receives complaints, not supervises discrimination in the workplace.⁶⁹

In the activity records of the Jember Regency Manpower Office, it is clearly written that the activities that must be carried out are measuring the productivity of the workforce. So the Jember DISNAKER should carry out supervision for this workforce productivity by including supervision. The purpose of equalizing supervision is to supervise from the superiors, company owners and workers so that the data obtained is real, there is no fraud from the reports obtained.⁷⁰

It is also explained in the introduction to legal science that the parties related to employment are employees, employers/company owners, workers' organizations, employers' organizations and the government. The statement above explains that the employment parties are not only superiors but also workers. So these individuals should always be supervised and examined, not just one party and leaving the other party. If the statement is only from one party, then lies will be easier to do. If all parties are supervised and examined, it will be seen if there are errors that are not in accordance with the provisions. Because conflicts that begin with misunderstandings need to be resolved through deliberation.⁷¹

It is emphasized in article 27 paragraph 2 of the 1945 Constitution of the Republic of Indonesia that residents have the rights to work and a decent life while the government has obligations in this regard. With the supervision carried out by DISNAKER Jember, several companies have truly carried out their obligations in accordance with the provisions, but it would be better if the supervision carried out also listened to workers' complaints in

⁶⁷ Sigit Dwi Nuridha, *Hak Warga Negara*, (Klaten: Penerbit Cempaka Putih, 2019), 3

⁶⁸ Peraturan Bupati Jember Nomor 5 Tahun 2021 Tentang Kedudukan, Susunan Organisasi, Tugas Dan Fungsi Serta Tata Kerja Dinas Tenaga Kerja Kabupaten Jember, Pasal 8 Ayat 1, Tentang Bidang Penempatan Tenaga Kerja Dan Transmigrasi

⁶⁹ Faisal Hakiki, wawancara, 03 Februari 2024

⁷⁰ Dinas Tenaga Kerja Kabupaten Jember, observasi, 23 Oktober 2023.

⁷¹ Asep Saepulloh, Dkk, Analisis Dinamika Sosial Bagi Organisasi Serikat Pekerja Pada Kebijakan Undang-Undang Cipta Kerja Peraturan Pemerintah Nomor 51 Dalam Penetapan Upah Minimum 2024 Di Provinsi Banten, *Journal Of Public Affairs*, vol. 7, no. 1, (2024), 38, https://ejournal.unisba.ac.id/index.php/syiar_hukum/article/view/541

every supervision carried out. So that the statement of the Constitution above can truly be implemented.⁷²

We can take the example of PT. Pinus Merah has proven that employee rights must be given but with the quality of employee work. With this kind of motivation, it can spur the development of human resources in Indonesia. However, the statement from this party stated that with the good performance of PT Pinus Merah DISNAKER only supervises from the superiors. It should also be necessary to carry out direct supervision of workers so that the activities seen from the screen are truly real with the events in the company. One of the workers of this PT regretted that supervision was only sufficient for the superiors because there might be some employees who have obstacles in their work.⁷³

Citizens also have the rights to get jobs and a decent life, which is a constitutional right to provide guarantees in accordance with the 1945 Constitution of the Republic of Indonesia. Therefore, livelihoods and jobs will be declared decent if the supervision carried out is real with the reality in the field. Sometimes their rights are indeed obtained but not in accordance with the provisions if the supervision is not really detailed then it cannot be stated that the work in each company is decent for workers.⁷⁴

It is concluded that the supervision carried out by DISNAKER is very helpful in the welfare of the community, but for greater productivity and to avoid fraud carried out by certain individuals, it is necessary for DISNAKER to go directly to the supervision of workers in the field so that the data obtained is truly in accordance with the existing reality. The better the supervision carried out by DISNAKER, the more guaranteed the basic rights of workers will be.⁷⁵

4. Conclusion

Implementation of State Responsibility in Fulfilling Citizens' Rights to Obtain Decent Work at the Jember Regency Manpower Office. From the research data conducted by researchers in Jember Regency, especially DISNAKER. In the discussion, the presentation of data and research results has been described. With that, we conclude that: The state's responsibility towards its citizens is that each country has an obligation to defend and protect its citizens. Indirectly, the state is also present, responsible, fulfills, and protects and respects human rights. It has been emphasized in the Constitution, Article 28 paragraph 1 and in Law No. 39 of 1999, Article 71. Based on this, the government has formed the Jember Manpower Office so that Indonesian citizens can obtain jobs that are declared worthy of individual abilities. Several employment provisions have been regulated with several tasks that have been designed to meet the needs of the community. With several efforts that the Jember Manpower Office has made, such as holding a Job Marker or Job Fair, launching J-Sigajah, holding job training, supervising workers to reduce unemployment rates and maintaining employee job eligibility in companies which include: getting sufficient wages, getting employment guarantees and getting provisions in accordance with work regulations, it can be concluded that the Manpower Office in particular is responsible for eligibility, fulfilling the rights of its citizens in the context of employment.

⁷² Sigit Dwi Nuridha, Hak Warga Negara, (Klaten: Penerbit Cempaka Putih, 2019), 3

⁷³ Faisal Hakiki, wawancara, 03 Februari 2024.

⁷⁴ Sigit Dwi Nuridha, Hak Warga Negara, (Klaten: Penerbit Cempaka Putih, 2019), 3

⁷⁵ Faisal Hakiki, wawancara, 03 Februari 2024.

Obstacles to the Implementation of State Responsibilities in Fulfilling Citizens' Rights to Obtain Decent Work at the Jember Regency Manpower Office. Obstacles to the Implementation of State Responsibilities in Fulfilling the Rights of Indonesian Citizens to Obtain Decent Work at the Jember Manpower Office are the lack of employees at the Jember Manpower Office which results in a lack of stability in the results of their work. By reviewing the tasks of the Jember Manpower Office which are not balanced when measured by the number of employees there. While the second obstacle is the large number of frauds under the guise of the Manpower Office, resulting in a lack of public trust in the Jember Manpower Office. This has a very negative impact on the progress of the Jember Manpower Office.

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