

## THE IDEAL ARRANGEMENT OF LEGAL PROTECTION FOR INFORMAL SECTOR WORKERS IN THE PERSPECTIVE OF THE PRINCIPLES OF LEGAL CERTAINTY, JUSTICE, AND EXPEDIENCY

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### **Abstract**

*This research discusses the ideal arrangement of legal protection for informal sector workers in the perspective of the principles of legal certainty, justice, and expediency. This research method is normative juridical with a socio-normative approach. While data analysis is deductive. From the results of the research, it is found that labour arrangements as a form of legal protection for Informal Sector Workers need to apply the principle of proportionality, which is a principle that requires material balance and accuracy with an emphasis on the balance between the burden caused (the means used) and the interests supported (objectives), because informal sector workers carry out work relations on the basis of trust and individual business tendencies, the regulation of labour control needs to pay attention to the condition of the employer's ability to apply the work rules that have been determined, in addition to the need to reconstruct the notion of work relations and redefine work agreements in order to provide legal protection to informal sector workers. The current regulatory policy in the field of employment still exists and is structured based on the joints of colonial legal products that place workers as objects or objects that become one of the production factors in the business sector.*

**Keywords:** *Informal; Protection; Supervision; Workers.*

### **A. INTRODUCTION**

Regulation is a public legal act that binds the government in general in accordance with the laws and regulations on which it is based, while the laws and regulations in the Netherlands are referred to as "*algemeen verbindende voorschriften*."<sup>1</sup> Thus, when talking about regulation, what is discussed is the process of forming regulations, and at the same time all state regulations that are the result of the formation (the state regulations both at the center and at the regional.<sup>2</sup> Maria Farida Indrati argues that regulation or what she usually calls it by the term legislation Legislation is defined as "a process, method, and or act of regulating, namely the process of formation or process of forming legislation, legislation, state regulations, or written legal rules both at the central and regional levels and all state

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1 Philipus M. Hadjon, et al, *Introduction to State Administrative Law*, Yogyakarta, Gajahmada University Press, 2005, page.150.

2 Maria Farida Indrati and Soeprapto, *Law Science*, Yogyakarta, Kanisius, 1998, page.3.

regulations that is the result of the formation of regulations both at the central and regional levels."<sup>3</sup>

Bruggink Stated that the rule of law formulated in a statutory regulation allows people with certainty to say that it was determined by the bearer of legal authority, and therefore includes positive law. However, the legal rules which the makers did not formulate as such, but the rules are still unwritten laws, and thus are not included in positive law.<sup>4</sup> Judging from Bruggink's opinion, it can be concluded that legislation is part of the rule of law in the form of written law, is positive law, and besides the rule of law in an unwritten form which is not positive law. It is the same as what was stated by Philipus M. Hadjon, that, "statutory regulations are written laws to show government norms as a measuring tool for the legitimacy of government acts."<sup>5</sup>

Legal norms are directly related to the making of laws and regulations. Before the regulation is made, it must first understand how the legal norms of a nation, like the Indonesian people, have their own legal norms as the basis for making laws and regulations based on the principles of principles of legislation.<sup>6</sup> Lawmakers in compiling legal norms have an *priori* of how the legal regulations should be. Regulators try to realize this conception even in a conception that is not in accordance with the economic relations that actually exist in society. The law is nothing but the will of a "*ruling class*" that does not pay attention to the economic interests that it commands.<sup>7</sup>

Employment law regulation policies are a crucial political, social, and economic agenda in both developed and developing countries. Issues in the field of employment are not only related to workers and employers but more broadly also include issues of the economic system of a country as well as its political system. Therefore, the economy and politics of a country will greatly determine the style and color of the employment system that it implements.<sup>8</sup> Employment law arrangements that apply in Indonesia are still partly composed of the elements of colonial law that place humans as factors of production, the status of workers is placed in a less favorable position in the employment relationship system that emphasizes position and interests, such a position is deemed no longer appropriate. with the development of labour law in Indonesia and current needs and future

3 Ridwan Arifin and Lilis Eka Lestari, Penegakan Dan Perlindungan Hak Asasi Manusia Di Indonesia Dalam Konteks Implementasi Sila Kemanusiaan Yang Adil Dan Beradab, *Jurnal Komunikasi Hukum (JKH)*, Vol. 5, No. 2, 2019, page.12–25.

4 Bruggink, (Translated by Arief Shidarta), *Reflections on Law*, Bandung, Citra Aditya Bakti, 1996, page.92

5 Philipus M. Hadjon, The Normative Function of State Administrative Law in Realizing Clean Government, *Professor Inauguration Speech*, Surabaya, FH Unair, 1994, page.10.

6 Sukanto Satoto and Bustanudin, The Jambi Regional Government's Policy on Production Forest Management in Kerinci Regency within the Framework of the Government System of the Republic of Indonesia, *Innovative Journal*, Vol. XII, No. 1, January 2019, page.64.

7 Siti Hidayawati and Ramlani Lina Sinaulan, Perlindungan Hukum Pekerja Rumah Tangga Dalam Perspektif Hukum Tata Negara (Legal Protection of Domestic Workers in Perspective Constitutional Law), *Prosiding Ideas Publishing*, 2023.

8 Abdul Jalil, *Labour Theology*, Yogyakarta, LKIS Yogyakarta, 2008, page.V-VI.

demands because humans work not as objects or as factors of production, but as subjects, as actors in the production process as well as individuals with all their dignity and worth.<sup>9</sup>

The roll-out of reform in the field of employment as a form of renewal as a result of the problems and weaknesses of previous employment life. The existing labour law products in principle have made changes to the previous legal products, namely the enactment of Act No. 13 of 2003 concerning Manpower as a substitute for Act No. 25 of 1997 concerning Manpower which has been suspended, Act No. 21 of 2000 concerning Trade Unions/labour unions which previously only relied on Presidential Decree no. 83 of 1998 concerning the ratification of ILO Convention No. 87 of 1948 concerning Freedom of Association and Protection of the Right to Organize, Act No., Act No. 2 of 2004 concerning Settlement of Industrial Relations Disputes previously based on Act No. 12 of 1964 concerning Termination Employment Relations in Private Companies. The three products of the law have had an impact on the dynamics of the lives of workers and employers, as well as the role of the government as law enforcers and protectors of workers and employers (labour supervision), but the substance of these regulations is still subject to criticism from various workers/labourers, one of which relates to with a working relationship.<sup>10</sup>

One of the problems of employment relations is the regulation of the form of employment relations for informal sector workers, According to Rusli Ramli, informal sector workers are outside the organised labour market, the informal sector is a job that is generally labour-intensive, lacks support and recognition from the government and is also less well organised. Urip Soewarno in Mulyanto Sumardi and Hans Dieter Evers, mentioned the types of informal sector jobs, among others: Transport: rickshaw pullers, delmans, and carts, Trade: street vendors, hawkers, food, drinks, clothing, second-hand goods, stationery, and household necessities, Processing industry: making food and drinks, wood industry, and building materials. Building: terrazzo, wood, iron, and stone masons, Services: tailors, shoe polishers, watch and radio repairers.<sup>11</sup>

Employment in the informal sector is synonymous with unorganized, *unregulated*, unregistered, and is a place for those with low education and unable to compete for established job positions in the formal sector. Informal sector workers are generally in small-scale business units, are owned by individuals, use very simple technology, find it difficult to access

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9 Mochtar Kusumaatmadja and B. Arief Sidharta, *Introduction to Legal Studies (A First Introduction to the Scope of Applicability of Legal Studies) Part I*, Bandung, Alumni, 2000, page.80-81.

10 Yetniwati, Hartati and Meriyani, Legal Reform for Mediation of Industrial Relations Disputes, *Journal of Legal Dynamics*, Vol. 14, No. 2, May 2014, page.252

11 Rusli Ramli, *Urban Informal Sector: Street Vendors*, Jakarta, Ind-Hill Co, 1992

capital from financial institutions, and generally have low labour productivity and low wages.<sup>12</sup>

Some relevant previous studies related to this research include the legal certainty of labour social security for workers who do work outside the employment relationship. This research aims to find out and analyse the legal certainty in the management of labour social security for independent workers and find better rules to be applied in the management of labour social security for independent workers. This research finds that the management of labour social security for self-employed workers does not yet have legal certainty. Therefore, the regulation must be further improved by following the applicable legal principles regarding social insurance, in accordance with the rules of Act No. 3 of 1992 concerning Labour Social Security, the Civil Code and the Commercial Code.<sup>13</sup>

Another relevant research related to this theme is entitled LEGAL PROTECTION OF CHILD WORKERS IN THE INFORMAL SECTOR (Case Study in Kediri City). This research explores the entire territory of Indonesia, both in big cities and in villages about various laws and regulations, which in principle have the principle of prohibiting children from working, and if forced to work, then normatively the child must get legal protection that is sufficient to guarantee, and one of these efforts is done through the provisions of Article 69 paragraph (2) of Law No. 13 of 2003 concerning Labour. The implementation of legal protection of working children in practice experiences many obstacles, including economic factors which are the driving force why children have to work, cultural factors, factors of community participation, and lack of coordination and cooperation, limitations of government apparatus assigned to supervise, and other factors that are directly or indirectly, so that until now the phenomenon of children working in the informal sector can almost be found throughout Indonesia, both in big cities and in rural areas.<sup>14</sup>

So the purpose of this research is to examine the ideal regulation of norms and regulatory rules for labour inspection as a form of legal protection for informal sector workers in the future (*ius constituendum*), then the writing of this scientific work will look at the objectives of the law, namely the principles of legal certainty, justice and benefits.

## **B. RESEARCH METHODS**

The research method in writing this scientific paper uses the *normative juridical*, namely research conducted by examining library materials or secondary data. Data analysis is deductive in nature, based on

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12 Ismiatun Ismiatun and Bunyamin Alamsyah, Perlindungan Hukum Terhadap Pekerja Rumah Tangga Menurut Peraturan Menteri Ketenagakerjaan Nomor 2 Tahun 2015 Dalam Perspektif Hukum Positif Hukum Indonesia, *Legalitas: Jurnal Hukum*, Vol. 9, No. 1, 2019, page.113–42.

13 Ephraim Jeremia Katiandagho Caraen, *Kepastian Hukum Jaminan Sosial Tenaga Kerja Bagi Tenaga Kerja Yang Melakukan Pekerjaan Di Luar Hubungan Kerja*, Program Studi Magister Ilmu Hukum Program Pasca Sarjana Universitas Atma Jaya Yogyakarta, 2010.

14 Netty Endrawati, *Perlindungan Hukum Terhadap Pekerja Anak Di Sektor Informal (Studi Kasus Di Kota Kediri)*, *Jurnal Dinamika Hukum*, Universitas Islam Kediri, Vol. 12, No. 2, 2012, page.270-283

general theories or concepts in order to show the relationship between data and other data.<sup>15</sup> While the approach used is *socio-normative*, because this paper uses secondary data, with the aim of describing the legal protection arrangements for Informal Sector Workers in Indonesia in the future (*ius constituendum*) based on the Principles of Legal Certainty, Justice, and Legal Benefits.<sup>16</sup>

## C. RESULTS AND DISCUSSION

### 1. Legal protection for informal sector workers in the future is based on the principle of legal certainty

Law as a means to regulate human life in society must be implemented consistently in order to have credibility. Inconsistent law enforcement in society can have implications for public distrust of the law as a set of rules that regulate life together. In the end, it will lead to apathy towards the law and disobedience to the law. As explained earlier that as part of the social process, the enforcement of legal certainty relies on two main components, namely *certitudo* and *securities*.<sup>17</sup>

Mochtar Kusumaatmadja and Arief Sidharta talk about legal certainty in relation to the function and purpose of the law, namely achieving order in human life in society. It is said that regularity causes people to live with certainty, meaning that people can carry out the activities needed in life social life because he can make calculations about what will happen or what he expects<sup>18</sup>. Regularity, which is essentially certainty, is related to labour inspection which can provide legal protection, certainty is needed because without certainty it is impossible to carry out the calculations needed in an employment relationship.

The state as a public legal entity must be able to position itself as a *regulator* through the means of establishing and implementing regular and continuous labour laws, especially with regard to labour inspection arrangements for informal sector workers, which if examined closely the regulations in the field of labour inspection that has been in effect, as well as those currently in force, there have been inconsistencies/irregularities in the regulation in the field of labour inspectors, while the inconsistencies include:

- a. The current labour law does not include the phrase employment relationship in the informal sector, resulting in a blurring of meaning and substance. which has implications for implementing regulations such as Presidential Regulation Number 21 of 2010 concerning Labour Inspection Procedures and Minister of Manpower Regulation

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15 Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif (Suatu Tinjauan Singkat)*, Jakarta, Rajawali Pers, 2001

16 Lexy J. Moleong, *Metodologi Penelitian Kualitatif, Cet, XI*. Bandung, PT Remaja Rosdakarya, 2018.

17 Broto Suwiryo, *Labour Law, Settlement of Industrial Relations Disputes Based on the Principle of Justice*, Surabaya, LaksBang PRESSindo, 2017, page.39.

18 Mochtar Kusumaatmadja and B. Arif Sidharta, *op.cit.* page. 49-50.

Number 33 of 2016 concerning Labour Inspection Procedures no longer regulates Specifically, how to monitor labour norms and enforce labour laws for workers in the informal sector in terms of working relationships in the informal and formal sectors are two different things.

- b. Act No. 2 of 2004 concerning Settlement of Industrial Relations Disputes does not regulate procedures for the settlement of non-industrial working relations. Therefore, there are no rules regarding procedures for complaints/reporting and settlement of labour relations disputes for informal sector workers, even though if the term worker is interpreted based on Article 1 Point 3 of the Manpower Act as a material rule, it is stated that a worker is anyone who works for wages or other forms of compensation. Furthermore, Article 1 Point 4 Employers are individuals, entrepreneurs, legal entities, or other entities that employ workers by paying wages or other forms of remuneration, meaning that in the material regulations there is no distinction between working relationships in the formal setting (company/ legal entity) with Informal (individual/not legal entity), this shows the inconsistency in drafting and forming laws and regulations in the field of manpower, especially relating to the settlement of labour relations disputes.
- c. Act No. 7 of 1981 concerning Mandatory Reporting on Employment in Companies regulates the obligation to report workers/ labourers in the company while workers/ labourers outside the company (not legal/informal) are not regulated at all, making it very difficult for supervisors employment in applying labour norms and law enforcement for informal sector workers due to not being registered with the agency in charge.

Fundamentally, Indonesian labour law must not only be based on Article 27 Paragraph (2), Article 28D Paragraph (2), Article 28I Paragraph (2) of the 1945 Constitution, but also be based on Article 33 Paragraph (1) of the 1945 Constitution which regulates the basic Indonesia's economy which has historically been proposed by Moch. Hatta who gave the conceptual Article 33 with the term economic democracy by prioritizing the prosperity of the people and not the prosperity of individuals, so that the Indonesian economy is structured as a joint effort based on the principle of kinship<sup>19</sup>.

Legal certainty is a *justifiable* against arbitrary actions, which means that someone will be able to get something that is expected under certain circumstances. People expect legal certainty because with legal certainty, society will be more orderly. The function of law is to provide certainty for the purpose of public order<sup>20</sup>. In addition, according

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19 Sri Bintang Pamungkas, *Main Thoughts on Economic Democracy and Development*, Jakarta, Daulat Rakyat Foundation, 1996, page.1.

20 Sudikno Mertokusumo, *Knowing the Law (An Introduction)*, Second Press, Yogyakarta, Liberty, 1999, page.145.

to the dogmatic juridical school, in principle, the purpose of law is solely to create legal certainty, because with legal certainty, legal functions can run and are able to maintain order. Adherents of the dogmatic juridical school argue that the existence of legal guarantees contained in the formulation of legislation is a legal certainty that must be realized. Legal certainty is an absolute requirement for every rule, the issue of justice and the usefulness of the law is not the main reason for the purpose of the law but what is important is legal certainty<sup>21</sup>.

In providing legal certainty as a form of legal protection for informal sector workers in the future (*ius constituendum*), the regulation of labour inspection is very necessary considering that the existing rules do not yet regulate supervision in the field of informal sector workers. Labour inspection is an aspect is important in legal protection for informal sector workers as well as an effort to enforce labour law as a whole<sup>22</sup>. Labour inspection as a form of legal protection for informal sector workers in the future will continue to pay attention to the approaches that have been applied previously, namely the *preventive* educative and *repressive approaches*, both approaches are taken depending on the level of compliance of the community (entrepreneurs, workers, and trade unions/unions need) to the provisions of labour law are *Educational preventive measures* carried out if possible and there is still public awareness to comply with the law? However, if *preventive educative measures* are taken *judicial repressive* with the intention that workers and employers are willing to implement the law even if they are forced to do so<sup>23</sup>.

In addition to the two approaches above, enforcement of labour inspections, in order to develop labour inspection arrangements in the future, the government also needs to pay attention to the existing provisions in the field of labour law which are distinguished in a *corporatist* form and a contractual form<sup>24</sup>, because the model of working relationship to be developed is a harmony model, namely:

- a. The parties do not have freedom, but are controlled by the government through repressive legal provisions.
- b. Consensus (cooperation) is required by prohibiting conflicts (strikes).
- c. Obligated to use a peaceful settlement and prohibit the use of coercive methods (strikes or *out locks*)<sup>25</sup>.

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21 Aries Harianto, *Employment Law the Meaning of Morality in Employment Contracts*, Yogyakarta, LaksBang PRESSindo, 2016, page.229.

22 Abdul Khakim, *Introduction to Indonesian Manpower Law*, Bandung, PT. Citra Aditya Bakti, 2003, page.342.

23 Susani Triwahyuningsih, Perlindungan Dan Penegakan Hak Asasi Manusia (Ham) Di Indonesia, *Legal Standing: Jurnal Ilmu Hukum*, Vol. 2, No. 2, 2018, page.113–21.

24 Ujang Charda S, Reorientation of Labour Law Model Reform in Government Policy, *Journal of Syiar Hukum Law*, Vol..XIV, No. 1, March 2012, page.9

25 Agusmidah, *Employment Law Dilemma, Legal Political Review*, Medan, Sofmedia, 2011, page.10.

Meanwhile, in the contractual type of employment law, the employment relationship is based more on the bargaining *position of* workers against employers, the government is not an active part in making labour regulations, but only acts to facilitate labour organizations by guaranteeing the right to organize,<sup>26</sup> then This characteristic refers to the type of coalition that has the characteristics of a harmonious working relationship and a conflict working relationship.<sup>27</sup> The contractual type, which is a capitalist concept that requires the state not to interfere too much with workers' issues with entrepreneurs, instead it is left to the market mechanism with a *flexible worker*, but returning to the objectives of labour law and the role of the government is still very much needed and eliminating state intervention is not the right solution.<sup>28</sup>

In addition to the approach described above in order to provide legal certainty for informal sector workers, future supervisory arrangements must clearly include norms for informal sector employment relations, labour inspection institutions, labour inspection procedures for informal sector workers such as the formal sector, work agreements and legal protection that does not have multiple interpretations.

## 2. Legal Protection for Informal Sector Workers in the future based on the Principle of Justice.

Politics is the interaction<sup>29</sup> between the government<sup>30</sup> and society in the framework of the process of making and implementing binding decisions about the good, with the people who live in a certain area.<sup>31</sup> It is not wrong if Mahfud MD steadfastly says that the law is actually a political product, so it is full of political interests that also color it. Law is a political product so that the character of each legal product will be largely determined or colored by the balance of power or political configuration that gave birth to it. This assumption was chosen based on the fact that every legal product is a product of political decisions, so that the law can be seen as a crystallization of interacting political thoughts among politicians. Although from the *das sollen* view there is a view that politics must be subject to the provisions of the law, but in a *das sein* the law is in fact determined by the political configuration that inherits it<sup>32</sup>.

26 Ridwan Arifin and Lilis Eka Lestari, Penegakan Dan Perlindungan Hak Asasi Manusia Di Indonesia Dalam Konteks Implementasi Sila Kemanusiaan Yang Adil Dan Beradab, *Jurnal Komunikasi Hukum (JKH)*, Vol. 5, No. 2, 2019, page.12–25.

27 Muannif Ridwan, Perlindungan Hukum Terhadap Rahasia Perusahaan Di Indonesia, *Varia Hukum*, Vol. 3, No. 1, 2021, page.37–66.

28 Nurfaika Ishak, Romalina Ranaivo, and Mikea Manitra, Constitutional Religious Tolerance in Realizing the Protection of Human Rights in Indonesia, *Journal of Human Rights, Culture and Legal System*, Vol. 2, No. 1, 2022.

29 Soekanto, *Sociology and Introduction*, Jakarta, Rajawali, 2003, page.105.

30 Ramlan Subekti, *Understanding Political Science*, Jakarta, Grasindo, 2010, page.15.

31 Nurfaika Ishak, Romalina Ranaivo, and Mikea Manitra, Constitutional Religious Tolerance in Realizing the Protection of Human Rights in Indonesia, *Journal of Human Rights, Culture and Legal System*, Vol. 2, No. 1, 2022.

32 King Faisal Sulaiman, *Legal Politics in Indonesia*, Yogyakarta, Thafa Media, 2017, page.48.

The justice received by employers and job recipients must be based on public policies that supervise the process. Erlyn Indarti<sup>33</sup> justice will be understood differently according to the paradigm adopted. Based on the notonagoro triangle justice opinion, it is stated there are three types of justice, namely distributive justice (*distributive justice*), obedient justice or legal justice (*legal justice*) and commutative justice (*justice commutative*)<sup>34</sup>. The first aspect of the opinion of Notonagoro's triangular justice relationship, namely distributive justice which states the relationship that the government must carry out its role as executive to provide justice to workers and employers<sup>35</sup>.

Countries position informal sector jobs such as market workers as the most dangerous form of work because of the tendency for exploitation of children and women which can take away the right to children's education and a better life for adults. Based on the facts above, it reflects that there is no guarantee of legal protection for informal workers in traditional markets, especially in providing rights as workers that are protected in statutory policies. As well as the legal relationship between workers and employers which in general are still general in nature without any attachments, thus creating a gap between the expectation of the fulfillment of justice for workers and decent conditions for workers in traditional markets<sup>36</sup>.

Workers in the informal sector inevitably have to interact with the power that determines the movement of people's lives as a unit. In that context, power is a means to settle various problems that occur in interpersonal relations, between groups or citizens based on fair and definite regulations<sup>37</sup>. Therefore, although sometimes the world of politics is seen as cynical or dirty, but philosophically and factually, politics is something that cannot be separated from human life. Aristotle in the Year 384-322 BC once stated that *man is by nature and political animal*.<sup>38</sup> Law is a product of politics. The law is not sterile and neutral from politics. There are some opinions that say the essence of politics is conflict. This is because politics is a matter of seeking, maintaining and using power.

Theoretically, the dynamics of conflict including labour conflicts can be explained, that if the form of conflict is still in a relatively low

33 Erlyn Indarti, *Discretion and Paradigm: A Study of Legal Philosophy*, (Inaugural Speech delivered at the Acceptance Ceremony for Professorship in Legal Philosophy at the Faculty of Law Diponegoro University, 2010, page.48.

34 Sunarto, *Distributive Justice of Pancasila in the Review of Philosophy of Values*, Yogyakarta, Gajah Mada University, 2007, page.202.

35 Willy Farianto, *Pattern of Employer and Employee Legal Relations, Partnership & Agency Work Relations*, Jakarta, Sinar Graphic, 2019, page.200.

36 *Ibid.* page.33.

37 Rafael Raga Manan, *Introduction to Political Sociology*, Jakarta, Rineka Cipta, 2001, page.7-9.

38 Eman Hermawan, *Politics of Defending the Right Theory of Criticism and Reason*, Yogyakarta, Klik-DKN Garda Bangsa, 2002, page.3.

level and can still be tolerated, solutions are not difficult. However, if the conflict has reached a *relatively* serious level that is difficult to control, then the conflict can lead to violence and even disintegration<sup>39</sup>. In the phenomenon of conflict, there is an actualization of the central issue of the disputed problem. Conflicts have root causes that come from internal and external factors, so that conflicts can occur quickly. Based on the concept of Kriesberg's conflict cycle analysis, conflict occurs from the initial stage, then increases until it reaches a high level until it decreases and ends. The end of the conflict can result in the conflict ending completely or the result in the form of something that causes new conflicts to emerge.<sup>40</sup>

Informal sector workers have an interest in feeling safe and expect their interests to be protected against conflicts with parties (employers). Disturbances of interest or conflicts must be prevented and resolved because they will disrupt the balance of the working relationship between workers and employers<sup>41</sup>. The law tries to accommodate tensions or conflicts as well as possible, only in a capitalist society ruled by the bourgeoisie, the law is the ideology of the bourgeoisie. In a capitalist society, the law is a certain order which gives the possibility of continuing the conflict between the group that controls the means of production (*the bourgeoisie*) and the group that does not control the means of production (*proletariat*)<sup>42</sup>.

One of the important factors that will contribute to the development of the protection of the rights of informal sector workers in the future is the role of the bureaucracy, meaning that the bureaucracy can play an important role, both positive and negative. Protection of workers in the informal sector to be effective requires bureaucratic support, among others by implementing effective supervisory policies, and as an instrument to maintain social order. Weak bureaucracy can bring workers' conditions into chaos, which in turn will damage the future of the working relationship itself. On the other hand, a bureaucracy that is too strong can paralyze the implementation of other functions, so that the *check and balance* cannot take place properly. A bureaucracy that is too strong also makes workers too dependent, and even results in investors' reluctance to invest (opening a business) in order to create jobs. Summary of a bureaucracy that is too strong can threaten the foundations of industrial relations growth.

The attraction of political interests and power has a strong influence on the shift in the functions and roles of government officials so far. Government employees who should work to serve, protect and

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39 Hari Yanto, *Elite, Mass and Conflict*, Yogyakarta, PAU Studi Sosial dan Gajah Mada University Press, 1991, page.52.

40 Louis Kreisberg, *Social Conflicts*, Englewood Cliffs: Prentice Hall, 1982, page.19.

41 Wandu, Ahmad Rifa'i, Reinventing Bureaucratic Relations and Politics in Realizing Fair Industrial Relations in Indonesia: A Study, *Jurnal Manajemen dan Sains*, Vol. 5, No.1, 2020, page.106-112.

42 E. Utrecht, *Introduction to Indonesian Law*, Jakarta, Ichtar, 1966, page.36.

protect workers develop into serving the rulers by siding with politics and power. The strong influence of power and politics on the bureaucracy makes it difficult for the bureaucratic machine to provide professional public services, especially with regard to labour inspection carried out by supervisory employees, the attraction of political interests and power will be vulnerable to action, corruption, collusion, nepotism, inefficiency, and various diseases other bureaucracies which in the end will ignore the interests of workers/ labourers.<sup>43</sup>

The function of the state is to maintain order, provide prosperity and provide services to actors of employment relations (Government, Employers and Workers), then the availability of regulations and legal rules in the field of Manpower Law and how the government acts as the executor of controlling the employment relationship itself, especially towards law enforcement in the field employment, which ultimately requires a new perspective so that the actors of employment relations are involved in the creation of labour relations arrangements that provide a sense of justice. During the New Order era, the government acted as the party who knew best about the employment relationship, which was then implemented in government actions to control policies in the labour sector under the pretext of maintaining the working relationship of Pancasila.

Indonesia as a democratic country certainly cannot be separated from the Pancasila values that live in the midst of society whose truth has been recognized and used as a guide in the daily activities of its people. The values of the nation are contained in the philosophy of Pancasila so that it is hoped that it can develop in every aspect of people's lives, as well as industrial relations in Indonesia which is expected to develop in each company according to the nation's personality based on Pancasila. Pancasila industrial relations that exist in Indonesia are industrial relations which are the hallmark that distinguishes them from other countries.

Rumimpunu<sup>44</sup> describes industrial relations based on Pancasila values, namely; 1. The first precept, as the spiritual basis of industrial relations, in working humans not only earn a living but serve God and fellow human beings, 2. The second precept, as the basis of humanity by considering workers not just a factor of production but as partners in the company, 3. The third precept as a unitary basis that is applied based on the Tridharma which contains the principle of partnership and shared responsibility between workers, management, and unions so that they create a sense of belonging, maintain, maintain, and continuously introspect, 4. The fourth precept, as the foundation of democracy, all

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43 Ali Abdul Wakhid, Government Relations and Bureaucracy, *Journal of TAPIS*, Vol. 8, No. 2, July-December, 2012, page.155.

44 Fritje Rumimpunu, Pancasila Industrial Relations System in Indonesia with Manpower, Companies viewed from the Aspects of the Manpower Law Number 13 Year 2003, *Unsrat Legal Journal*, Vol. 2, No. 2, January-March 2014, page.123.

parties in the production process have the right to issue the same opinion so that they always prioritize deliberation and consensus in every decision making weak party. 5. The fifth precept, as the basis for the realization of social justice by applying the principle of justice in the work environment in all its aspects by avoiding the arbitrariness of management towards workers as weak parties.<sup>45</sup>

In realizing a fair working relationship based on the principles contained in the Pancasila precepts as stated above, it cannot be separated from the bureaucratic and political relationship in a nation, therefore it is important to *reinvent* the bureaucratic and political relationship in realizing the democratization of a fair working relationship between entrepreneurs and their workers, especially in the informal sector in accordance with the values of Pancasila itself, namely by implementing good governance is a concept that has recently been used regularly in political science and public administration. This concept was born in line with the concepts and terminology of democracy, civil society, people's participation, human rights, and sustainable community development.<sup>46</sup>

Good governance is a condition that ensures a process of alignment, equality, cohesion and balance of roles as well as the existence of mutual control carried out by the government (*government*), the people (*citizen*) or *civil society*, and entrepreneurs (*business*)/entrepreneurs in the private sector. These three components have the same and equal relationship. This equal degree will affect efforts to create good governance in encouraging the democratization of industrial relations itself.<sup>47</sup>

If you refer to the current laws and regulations based on the Manpower Act Number 13 of 2003 concerning Manpower, there are many things that must be fulfilled by the employer. Based on the results of research in the field shows that workers' rights are not protected by the current legislation, especially for informal sector workers. This is because the pattern of working workers is not touched by the government or law enforcement concerned so that guarantees of basic rights are a dream that is a dream for traditional market workers. However, some employers still have a sense of humanity in providing basic rights even though they are not guided by labour legislation<sup>48</sup>.

Factors that influence legal protection policies for informal sector workers are strong government commitments (*political will*) to encourage enforcement of rules/regulations based on justice based on precepts

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45 Muannif Ridwan, Hasbi Umar, and Hermanto Harun, Study on Human Rights Principles in The Medina Charter and Its Implementation In Indonesia, *Indonesian Journal of Social Science Research*, Vol. 2, No. 2, 2021, page.52–64.

46 Irene Istiningsih Hadiprayitno, Defensive Enforcement: Human Rights in Indonesia, *Human Rights Review*, Vol. 11, 2010, page.373–99.

47 Faissal Malik et al., Legal Protection for People with Disabilities in the Perspective of Human Rights in Indonesia, *International Journal*, Vol. 10, 2021, page.539.

48 Asri Wijayanti, *Post-Reform Labour Law*, Jakarta, Sinar Graphic, 2009, page.40

listed in Pancasila<sup>49</sup>. In principle, legal protection does not discriminate in terms of race, religion or gender. The state government system as stated in the explanation of the 1945 Constitution, among others, states the principle "Indonesia is a country based on law (*rechstaat*) and a government based on a constitutional system (basic law)". The main point of the rule of law is the recognition and legal protection of "*fundamental rights*" (there is no rule of law without the recognition and protection of *fundamental rights*). In this case the Constitution of the Republic of Indonesia Article 27 Paragraph 2 states that every citizen has the right to work and a decent living for humanity.<sup>50</sup>

Given the position of workers who are lower than employers, it is necessary to intervene from the government to provide legal protection. Indonesia is a legal state based on Pancasila, it must provide legal protection to its citizens in accordance with what is stated in the opening of the 4th paragraph of the 1945 Constitution, therefore legal remedies based on Pancasila mean the recognition and protection of human dignity on the basis of divine values, humanity, unity, deliberation, and social justice. These values give birth to the recognition and protection of human rights in their form as individual beings and social beings in a unitary state that upholds the spirit of kinship in order to achieve common prosperity<sup>51</sup>.

The relationship between employers and their workers, especially those related to work relations in the informal sector, should contain mutually beneficial interactions that at least include physical and environmental aspects as stated by Parson that *functionalism* views social reality as a system relationship. The social system, which is in balance, is a unit consisting of interdependent parts, so that changes in one part are seen as causing changes in other systems<sup>52</sup>. Bureaucracy is one of the triangles in addition to politicians and interest groups who have a key role in political mechanisms<sup>53</sup>. Therefore, modern countries are now often satirized with derogative nicknames such as *administrative state*<sup>54</sup>, *bureaucratic state*<sup>55</sup> of government of the *bureaucrats*, by the *bureaucrats*, for the *bureaucrats*<sup>56</sup>. This is possible because the bureaucracy is equipped with resources that other political institutions do

49 Khoiril Hidayah, Optimization of Labour Inspection in Malang City, *Journal of Sharia and Law*, Vol. 7, No. 2, December 2015, page.101.

50 Faissal Malik et al., Legal Protection for People with Disabilities in the Perspective of Human Rights in Indonesia, *International Journal*, Vol. 10, 2021

51 Siti Umm Adillah and Sri Anik, Social Justice-Based Social Security Policy for Workers in the Informal Sector to Improve Welfare, *Journal of Yustisia*, Vol. 4, No. 3, September-December 2015, page.104

52 George Ritzer, *Modern Sociological Theory*, Jakarta, Prenada Media, 2005, page.117.

53 E. Norton Long, *Power Administration in Francis E. Rourke; Bureaucratic; Power In National Policy Making*, Boston, Little Brown, 1986

54 Dwight Waldo, *The Administrative State: A Study of The Political Theory of American Public Administration*, New York, The Ronald Press, 1984

55 Caiden, E Gerald, *The Challenge to The Administrative State*; In Frederick, S. Long, *Current Issues in Public Administration*; New York, Martin Press 1982

56 *Ibid.*

not have. He has mastered the information needed, in making public policies, he can collaborate with intellectuals to formulate policies in a technocratic manner, sources of funds, and others. With the resources owned and controlled by the bureaucracy, it can effectively mobilize political support for the strategic steps taken in building a fair working relationship.<sup>57</sup>

The presence *Reinventing* Bureaucratic and Political Relations is very necessary for the establishment of a sovereign state. Development of Legal Protection for sector workers Informal justice cannot be done without the involvement of the bureaucracy, because bureaucrats in this case are labour inspectors as the party carrying out supervision of the implementation of legal provisions (*law enforcement*) in the field of manpower will guarantee the implementation of rights of workers, which in turn has an impact on business stability. In addition, labour inspection will also be able to educate employers and workers to always obey the provisions of the legislation in force in the field of manpower so that a harmonious working atmosphere will be created. Because often disputes that occur because employers do not provide legal protection to workers in accordance with applicable regulations.

The implementation of the normative rights of workers in Indonesia today is still far from expectations or in other words, there is a large gap between normative provisions (*law in books*) and the reality on the ground (*law in society action*). This is due to limitations both in quantity and quality of the labour inspection apparatus. In terms of quantity, the labour inspection apparatus is very limited when compared to the number of companies that must be supervised, not to mention that some of the supervisory employees are given a dual task, namely the burden of structural responsibilities, for example as section heads, heads of fields and others. Likewise, the quality in carrying out their duties as investigators is still limited. Therefore, in the future, the supervisory apparatus, apart from having to improve its quality through education and training, will also not be given structural tasks, if possible, be made into functional positions so that they can carry out their duties in a professional manner<sup>58</sup>.

In a working relationship based on Pancasila, there are employees or supervisory officers who orderly and regularly approach both the employer and the employee to enforce justice in the implementation of their respective obligations, so that the employer or employee should help them. by providing correct and accountable information.

In addition, to answer the legal issue of injustice for informal sector workers in the current legislation, the author also puts forward Plato's thoughts on labour law justice, especially in the field of labour inspection in the future, which is related to moral justice and justice.

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57 Indra Muchlis Adnan et al., *Dinamika Negara Hukum Dalam Sistem Demokrasi Pancasila Di Indonesia, Jurnal Multidisiplin Madani*, Vol. 2, No. 3, 2022, page.1121–38

58 Lalu Husni, *Introduction to Indonesian Employment Law*, Revised Edition, Jakarta, Rajawali Pers, 2003, page. 48.

*Firstly* moral justice as an act if it has been able to provide balanced treatment between rights and obligations, while procedural justice is an act if it has been able to carry out a fair act based on established procedures or procedures.

The rights and obligations in the context of the informal sector employment relationship are of course the rights and obligations of each actor in the employment relationship, in this case the employer and the worker. Workers' rights must be granted in accordance with the obligations agreed upon by the parties as a form of agreement between the worker and the employer in the form of a work agreement, both verbally and in writing.

Such an employment agreement is a procedure that must be adhered to. In Plato's thinking as procedural justice. Even this kind of procedural justice is justified by the thinking of Thomas Hobbes which states that an act is said to be fair if it has been based on certain agreements. In other words, it is said to be fair if both the employer and the worker act based on the agreed agreement. Ulpianus<sup>59</sup> a Roman jurist said that justice is *tribuere jus sum cuique*, which means to give each one the right.

In other words, justice is the fulfillment of rights, while injustice is the denial of rights, because workers both in the informal sector and the formal sector normatively have rights that are regulated in laws and regulations as a further elaboration of the 1945 Constitution of the Republic of Indonesia and the ILO Convention (*International Labour Organization*) as a constitutional source, these rights are a priority that must be legally regulated as a reflection of the existence of legal protection for workers in accordance with the values of Industrial Relations Pancasila (HIP)<sup>60</sup> and the teachings of *Rerum Neverum*<sup>61</sup>, as the principle of working relations that upholds the dignity of workers. Workers' rights must be realized, otherwise what will happen is exploitation by employers/employers of workers as injustice.

One form of rights for workers is compensation in the form of money and facilities. Compensation for workers is a *verbal* to build a sense of belonging to workers for business continuity. J. Stacy Adams<sup>62</sup> tries to explain the process of how an individual is satisfied or dissatisfied with a compensation. In the event that an individual is dissatisfied, the theory of justice predicts behavior where an individual may look for other ways to reduce the dissatisfaction he feels. This implicitly shows that the theory of justice is based on conjectures about the fairness expected by an individual in the many exchanges that occur at work.

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59 K. Bertens, *Introduction to Business Ethics*, Yogyakarta, Kanisius, 2000, page.86-87.

60 The system of relations formed between actors in the process of producing goods and or services consisting of elements of entrepreneurs, workers, and governments based on the values of Pancasila and the 1945 Constitution of the Republic of Indonesia.

61 Yohanes Mardimin, *Critical Dimensions of the Development Process in Indonesia*, Yogyakarta, Kanisius, 1996, page.18.

62 Kanungo, R.N. and M. Menconca, *Compensation: Effective Reward Management*, Canada, Butterworths, 1992

Based on this theory of justice, a worker will weigh the fairness of the compensation he receives by comparing the compensation received with the input he has. The ratio of compensation to inputs is relative to workers. If the ratio of one worker to another worker is the same (equal), then the worker feels he has received justice. Meanwhile, if a worker feels that the ratio between the compensation received and the inputs owned is not the same (equivalent) with the ratio between the compensation received and the inputs of other workers, then of course the worker feels that there is an injustice.

The wage policy to protect workers as regulated in Article 88 Paragraph (2) of Act No. 13 of 2003 does not regulate the protection of wages for contract workers, *outsourcing* workers, daily workers, informal sector workers who are likely to be unemployed. In accordance with the provisions of Article 23 Paragraph (1) of the UDHR which states: "Everyone has the right to work, has the right to freely choose a job, is entitled to fair and favorable labour conditions and is entitled to protection from unemployment". It is natural for contract and *outsourced* who are prone to unemployment, and a flexible labour market system that benefits employers can be given special fixed benefits in addition to the basic wage<sup>63</sup>.

Based on the results of the previous author's research, namely sub-chapter III where it can be concluded that workers in the informal sector are still neglected by existing laws and regulations, so in the author's opinion for the development of labour law, especially those relating to fair labour inspection in the future in addition to the need for the presence of *reinventing* Bureaucratic and Political Relations are indispensable for the establishment of a sovereign state in providing legal protection for informal sector workers with justice, which may or may not require the involvement of the bureaucracy, because bureaucrats in this case are labour inspectors as the party carrying out supervision of the implementation of legal provisions (*law enforcement*) in the field of manpower which will ensure the implementation of workers' normative rights as a form of moral justice. The future development of labour inspection should also be based on procedural justice, where the rules to be made must require employers and workers in the informal sector to make a written employment agreement and register it with the relevant Dinas.

### **3. Legal Protection for Informal Sector Workers in the future based on the Legal Benefit Principle**

Legal construction occurs when there are no or incomplete provisions of norms or laws that can be directly applied to the legal problems at hand, or in the absence of regulations, so there is a legal vacuum (*recht vacuum*) or a legal vacuum (*wet vacuum*). The method of argumentation or legal reasoning is used to analyze the void or

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63 Yetniwati, Wage Management Based on the Principle of Justice, *Journal of Litigation*, Vol. 18, No. 2, 2017, page.345-346.

incompleteness of legislation<sup>64</sup>. To fill the void or incompleteness of legislation, legal construction methods are used, namely: *argumentum per analog* (*analogy*), *argumentum a contrario*, legal narrowing and legal fiction<sup>65</sup>. An *argumentum per analogium* is required when dealing with analogous or similar events. Not only if the event to be decided is similar to the event regulated in the law, but also if the interests of the legal community demand the same assessment. The discussion of this sub-chapter is carried out because based on the results of the previous author's research there is a legal vacuum (*recht vacuum*) or incompleteness of legislation due to the absence of legal force regulations related to the regulation of legal protection for informal sector workers according to UUK and other regulations, so that concrete action is needed with the method of legal construction or reasoning (*redeneerwijzen*) which will later form new norms that are aspired and apply in the future, especially with regard to labour inspection as a form of legal protection for the ideal informal sector work.

Gustav Radbruch believes that the legislation ideally fulfills the aspects of certainty, justice and expediency. Gustav Radbruch further said that the ideal of law serves as a benchmark that is both *regulatory* and *constitutive*. Without legal ideals, the resulting legal product will lose its meaning.<sup>66</sup> Utilitarianism *the* view that the purpose of law is to provide benefits to as many people as possible. Benefit here is defined as happiness (*happines*), so that the assessment of whether or not a law is good or bad depends on whether the law gives happiness to humans. Thus, it means that every preparation of legal products (laws and regulations) should always pay attention to the purpose of the law, namely to provide as much happiness as possible for the community.

Policies regarding labour regulation are continuously pursued in order to create the widest possible employment opportunities in various fields by improving the quality and protection of workers who are comprehensive in all sectors (formal and informal). This is a form of state intervention in protecting the basic rights of workers by taking into account the consequences for the progress of the state<sup>67</sup>. With the form of state intervention, the implementation of the principle of freedom of contract between employers and workers in work agreements is very limited<sup>68</sup>. This means that every citizen has the right to get social

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64 Ahmad Rifai, *Legal Inventions by Judges in a Progressive Legal Perspective*, Jakarta, Sinar Graphic, 2010, page.61.

65 Sudikno Mertokusumo, *Introduction to Law (Revised Edition)*, Yogyakarta Light, Atma Pustaka (6th printing), 2016, page.226.

66 Esmi Warasih, *Legal Institutions A Sociology Study*, Semarang, PT Suryadaru Utama, 2010, page.43.

67 Sonhaji, Analysis of Supreme Court Decision Number 501 K/ PDT.SUS-PHI/2016 concerning Termination of Employment, *Administrative Law & Governance Journal*, Vol. I, No. 1, (Special Edition), 2018, page.32.

68 *Ibid.*

security in order to fully develop himself as a dignified human being<sup>69</sup>. The state is allowed to make reasonable restrictions on this right, to protect others because in the process of national development, especially in the field of manpower, of course, there will be problems caused.

This problem can also be *covered* quickly if there is good and effective supervision. In fact, to carry out effective supervision there are also many problems, especially those related to labour inspection of informal sector workers. Problems related to labour inspection for informal sector workers can be caused by various aspects, such as the impact of globalization, the development of the global economy, and rapid technological advances that have an impact on the emergence of business competition that is so tight and occurs in all aspects besides that the regulations relating to legal protection have not been accommodated to workers in the informal sector<sup>70</sup>.

Labour inspection is an important thing that must be done by the government in order to provide legal protection for workers and enforce labour law in the future, especially with regard to legal protection for informal sector workers so that workers feel that the existing law brings benefits to themselves, their families and other parties involved related to the process of working relations in the informal sector. The implementation of labour inspection aims to guarantee the implementation of the Manpower Act and reduce the number of violations. Labour inspection according to the UUK is an activity to supervise and enforce the implementation of laws and regulations in the field of manpower<sup>71</sup>.

It is undeniable that the role of informal sector workers in national development is increasing along with the various challenges and risks they face. Therefore, informal sector workers need to be given protection, maintenance and welfare improvement, so that in turn they will be able to increase national productivity. One of the efforts to provide protection for informal sector workers is to make supervision arrangements related to the implementation of employment, especially for informal sector workers. The implementation of labour inspection is important to ensure that the labour implementation process runs in accordance with existing regulations.

In the current world of informal sector work, it is not yet fully protected and/or covered by existing supervisory agencies, which happens because workers who work in the informal sector have not been covered by existing regulations, therefore for the development of labour law the future, especially with regard to workers in the informal sector, in order to provide legal benefits, it is necessary to regulate it, *first* in

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69 Suhartoyo, Legal Protection for BPJS Health Participant Workers in Hospitals, *Administrative Law & Governance Journal*, Vol. 1, No. 2, May 2018, page.49.

70 Suhartoyo, Strengthening Labour/Worker Organizations as a Means of Protection for Workers, *Administrative Law & Governance Journal*, Vol. 1, No. 4, November 2018, page.352.

71 Andrian Sutedi, *Labour Law*, Jakarta, Sinar Graphic, 2009, page.11.

relation to the arrangement of work agreements. The Employment Agreement as a legal product of employment relations is also expected to provide benefits to the stakeholders (*stakeholders*) of employment relations in the informal sector. The legal benefit in question is that work agreements can be useful in providing legal protection, especially for informal sector workers, because informal sector workers in social and economic status in an employment relationship are always in a position and bargaining power that is weaker than the employer.

According to Philipus M. Hadjon, legal protection is divided into two, namely preventive legal *and* repressive legal *protection*<sup>72</sup>. This perspective of legal protection from Philipus M. Hajon has relevance to the benefits of law regarding the role of the employment agreement in the employment relationship. This is because there is an employment agreement between the employer and the informal sector worker, which can increase the role of the government in providing supervision in providing protection for informal sector workers. *Second*, the obligation to register workers by employers as well as the obligation to register workers for formal workers (in companies) as regulated in Act No. 7 of 1981 concerning Mandatory Reporting on Employment in Companies, where it is necessary that in order to implement policies in the field of expanding employment opportunities and protection of workers, as a basic policy that is comprehensive, it is necessary data that can provide an overview of employment in the informal sector.

*Third*, the procedure for reporting/complaints using an *e-report* for informal sector workers that is integrated with trade unions/labour unions and labour inspection agencies. With this application, proactive informal sector workers self-report to the Manpower Office as informal workers, in addition *e-reports* in carrying out law enforcement against violations in the labour sector also using the *complaint* application.

From these three settings, the authors value being able to increase the effectiveness of labour inspectors in carrying out their increasingly challenging tasks in an economic and social context, in the development of Pancasila Industrial Relations in workers' organizations and in labour relations in social and political expectations, in technology and in the hazardous nature of work<sup>73</sup>.

The duties of the national inspection service can be very limited or very broad, depending on the country, and still meet the international definition of the purpose of inspection, as long as the main functions of labour inspection defined above are carried out adequately.<sup>74</sup>

Labour inspection services are increasingly developing and implementing preventive policies, focusing on the responsibilities of employers and workers. Prevention in the context of labour inspection

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72 Philipus M. Hadjon, *Legal Protection for the People in Indonesia* (5th Edition), Surabaya, PT Bina Ilmu, 2015, page.25

73 *Ibid.* 13.

74 Aloysius Uwiyono. Etc., *Principles of Labour Law* (Second Edition), Jakarta, Rajawali Pers, 2018, page.32.

means a genuine effort to help workers and employers to avoid or eliminate the risks of accidents and occupational diseases, labour disputes, conflicts and unfair treatment of workers, and others. In preventing these categories of risk, labour inspection services avoid or reduce human, social and economic harm to individuals, companies or the whole society<sup>75</sup>.

In a practical sense, the preventive role of labour inspection places an increasing emphasis on proactive activities (carrying out planned inspection visits for purposes such as education, assessing new plans of buildings, plants, equipment and processes, and so on). Proactive preventive measures are complemented by reactive activities, which mainly consist of investigations after accidents have occurred or reactions to complaints.

#### **D. CONCLUSION**

The ideal arrangement related to legal protection for Informal Sector Workers as a future law is related to legal certainty, justice, and expediency. There are several kinds of sanction schemes available to supervisors in providing benefits for the protection of informal workers in Indonesia, namely, verbal or written warnings, administrative sanctions, which administratively impose monetary fines, increased regulatory burdens and also conducting legal prosecution as a last resort. Supervision without the threat of punishment or legal action will weaken the credibility of the labour inspection function. On the one hand, the law is imperative for all and allows no compromise; its purpose is not to punish offences but to enforce the law. If the supervision only has an advisory function, it will lose its authority. At the same time, supervision without advice will become highly legalised and will be met with much fear. Finally, the reconstruction of employment relations and the redefinition of employment agreements are required in the future regulation of labour law, in addition to providing legal protection to informal sector workers, the future regulation of labour inspection needs to apply the principle of proportionality in the formation of its norms.

#### **BIBLIOGRAPHY**

##### **Books:**

- Agusmidah, 2011, *Employment Law Dilemma, Legal Political Review*, Sofmedia, Medan;
- Aries Harianto, 2016, *Employment Law the Meaning of Morality in Employment Contracts*, LaksBang PRESSindo, Yogyakarta;
- Asri Wijayanti, 2009, *Post-Reform Labour Law*, Sinar Grafika, Jakarta;
- Aloysius Uwiyono. Dkk, 2018, *Principles of Labour Law (Second Edition)*, Rajawali Pers, Jakarta;

---

<sup>75</sup> *Ibid.* page.35.

- Broto Suwiryono, 2017, *Labour Law, Settlement of Industrial Relations Disputes Based on the Principle of Justice*, LaksBang PRESSindo, Surabaya;
- Budiono Kusumohamidjojo, 1999, *Just Order: Problematic Philosophy of Law*, Grasindo, Jakarta;
- Bruggink, (Translated by Arief Shidarta), 1996, *Reflections on Law*, Citra Aditya Bakti, Bandung;
- Caiden, E Gerald, 1982, *The Challenge to The Administrative State*; Dalam Frederick, S. Long, *Current Issues in Public Administration*, Martin Press, New York;
- Dwight Waldo, 1984, *The Administrative State: A Study of The Political Theory of American Public Administration*, The Ronald Press, New York;
- Eman Hermawan, 2002, *Politics of Defending the Right Theory of Criticism and Reason*, KLIK-DKN Garda Bangsa, Yogyakarta;
- Esmi Warasih, 2010, *Legal Institutions A Sociology Study*, PT Suryadaru Utama, Semarang;
- E. Norton Long, 1986, *Power Administration Dalam Francis E. Rourke; Bureaucratic; power In National Policy Making*, Little Brown, Boston;
- Hari Yanto, 1991, *Elite, Mass and Conflict*, PAU Studi Sosial dan Gajah Mada University Press, Yogyakarta;
- Kanungo, R.N. and M. Menconca, 1992, *Compensation: Effective Reward Management*, Butterworths, Canada;
- K. Bertens, 2000, *Introduction to Business Ethics*, Kanisius, Yogyakarta;
- Lalu Husni, 2003, *Introduction to Indonesian Employment Law*, Revised Edition, Rajawali Pers, Jakarta;
- Mamudji, Soerjono Soekanto dan Sri, 2001, *Penelitian Hukum Normatif (Suatu Tinjauan Singkat)*, Rajawali Pers, Jakarta;
- Maria Farida Indrati dan Soeprapto, 1998, *Law Science*, Kanisius, Yogyakarta;
- Mochtar Kusumaatmadja dan B. Arief Sidharta, 2000, *Introduction to Legal Studies (A First Introduction to the Scope of Applicability of Legal Studies) Part I*, Alumni, Bandung;
- Moleong, Lexy J, 2018, *Metodologi Penelitian Kualitatif, Cet. XI*, PT Remaja Rosdakarya, Bandung;
- Mulyanto Sumardi & Hans Dieter Evers, 1985, *Poverty and Basic Needs*, CV Rajawali Citra Press, Jakarta;
- Philipus M. Hadjon, et al, 2005, *Introduction to State Administrative Law*, Gajahmada University Press, Yogyakarta;
- Ramlan Subekti, 2010, *Understanding Political Science*, Grasindo, Jakarta;
- Rusli Ramli, 1992, *Urban Informal Sector: Street Vendors*, Ind-Hill Co, Jakarta;

- Soerjono Soekanto, 2003, *Sociology and Introduction*, Rajawali, Jakarta;
- Sri Bintang Pamungkas, 1996, *Main Thoughts on Economic Democracy and Development*, Yayasan Daulat Rakyat, Jakarta;
- Sudikno Mertokusumo, 2016, *Introduction to Law (Revised Edition)*, Atma Pustaka (Cetakan ke 6), Yogyakarta;
- Sunarto, 2007, *Distributive Justice of Pancasila in the Review of Philosophy of Values*, Universitas Gajah Mada, Yogyakarta;
- Willy Farianto, 2019, *Pattern of Employer and Employee Legal Relations, Partnership & Agency Work Relations*, Sinar Grafika, Jakarta;
- Yohanes Mardimin, 1996, *Critical Dimensions of the Development Process in Indonesia*, Kanisius, Yogyakarta;

**Journals:**

- Adnan, Indra Muchlis, Muannif Ridwan, Vivi Arfiani Siregar, and Mubarik Mubarik, *Dinamika Negara Hukum Dalam Sistem Demokrasi Pancasila Di Indonesia*, *Jurnal Multidisiplin Madani*, Vol. 2, No. 3, 2022;
- Ali Abdul Wakhid, *Government Relations and Bureaucracy*, *Jurnal TAPIS*, Vol.8, No. 2, Juli-Desember 2012;
- Arifin, Ridwan, and Lilis Eka Lestari, *Penegakan Dan Perlindungan Hak Asasi Manusia Di Indonesia Dalam Konteks Implementasi Sila Kemanusiaan Yang Adil Dan Beradab*, *Jurnal Komunikasi Hukum (JKH)*, Vol. 5, No. 2, 2019;
- Fritje Rumimpunu, *Pancasila Industrial Relations System in Indonesia with Manpower, Companies viewed from the Aspects of the Manpower Act No. 13 Year 2003*, *Jurnal Hukum Unsrat*, Vol.2, No. 2. Januari-Maret 2014;
- Hadiprayitno, Irene Istiningsih, *Defensive Enforcement: Human Rights in Indonesia*, *Human Rights Review*, Vol. 11, 2010;
- Hidayawati, Siti, and Ramlani Lina Sinaulan, *Perlindungan Hukum Pekerja Rumah Tangga Dalam Perspektif Hukum Tata Negara (Legal Protection of Domestic Workers in Perspective Constitutional Law)*, *Prosiding Ideas Publishing*, 2023;
- Ishak, Nurfaika, Romalina Ranaivo, and Mikea Manitra, *Constitutional Religious Tolerance in Realizing the Protection of Human Rights in Indonesia*, *Journal of Human Rights, Culture and Legal System*, Vol. 2, No. 1, 2022;
- Ismiatun, Ismiatun, and Bunyamin Alamsyah, *Perlindungan Hukum Terhadap Pekerja Rumah Tangga Menurut Peraturan Menteri Ketenagakerjaan Nomor 2 Tahun 2015 Dalam Perspektif Hukum Positif Hukum Indonesia*, *Legalitas: Jurnal Hukum*, Vol. 9, No. 1, 2019;

- Khoirul Hidayah, Optimization of Labour Inspection in Malang City, *Jurnal Syariah dan Hukum*, Vol.7, No. 2, Desember 2015;
- Malik, Faissal, Syawal Abduladjid, Dewa Gede Sudika Mangku, Ni Putu Rai Yuliantini, IGMAS Wirawan, and Putu Ronny Angga Mahendra, Legal Protection for People with Disabilities in the Perspective of Human Rights in Indonesia, *International Journal*, Vol. 10, 2021;
- Ridwan, Muannif, Perlindungan Hukum Terhadap Rahasia Perusahaan Di Indonesia, *Varia Hukum*, Vol. 3, No. 1, 2021;
- Ridwan, Muannif, Hasbi Umar, and Hermanto Harun, Study on Human Rights Principles in The Medina Charter and Its Implementation In Indonesia, *Indonesian Journal of Social Science Research*, Vol. 2, No. 2, 2021;
- Siti Umm Adillah and Sri Anik, Social Justice-Based Social Security Policy for Workers in the Informal Sector to Improve Welfare, *Journal of Yustisia*, Vol. 4, No. 3, September-December 2015;
- Sukamto Satoto and Bustanudin, The Jambi Regional Government's Policy on Production Forest Management in Kerinci Regency within the Framework of the Government System of the Republic of Indonesia, *Innovative Journal*, Vol. XII, No. I, January 2019;
- Suhartoyo, Legal Protection for BPJS Health Participant Workers in Hospitals, *Administrative Law & Governance Journal*, Vol.1, No. 2, Mei 2018;
- \_\_\_\_\_, Strengthening Labour/Worker Organizations as a Means of Protection for Workers, *Administrative Law & Governance Journal*, Vol. 1, No. 4, November 2018;
- Sonhaji, Analysis of Supreme Court Decision Number 501 K/ PDT.SUS-PHI/2016 concerning Termination of Employment, *Administrative Law & Governance Journal*, Vol. I, No. 1, Edisi Khusus 2018;
- Triwahyuningsih, Susani, Perlindungan Dan Penegakan Hak Asasi Manusia (Ham) Di Indonesia, *Legal Standing: Jurnal Ilmu Hukum*, Vol. 2, No. 2, 2018;
- Ujang Charda S. 'Reorientation of Labour Law Model Reform in Government Policy', Fakultas Hukum UNISBA *Jurnal Ilmu Hukum Syjar Hukum*. Vol. XIV, No. 1, Maret 2012;
- \_\_\_\_\_, Wage Management Based on the Principle of Justice, *Journal of Litigation*, Vol. 18, No. 2, 2017;
- Wandi, Ahmad Rifa'I, Reinventing Bureaucratic Relations and Politics in Realizing Fair Industrial Relations in Indonesia: A Study, *Jurnal Manajemen dan Sains*, Vol. 5, No. 1, April 2020;
- Yetniwati, Hartati and Meriyani, Legal Reform for Mediation of Industrial Relations Disputes, *Journal of Legal Dynamics*, Vol. 14, No. 2, May 2014.