

## Legal Provisions with Basic Principles in Labor Enforcement: Analysis of Effectiveness and Challenges

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Article	Abstract
<p><b>How to cite:</b> Ririn Sofiana, et al, 'Legal Provisions with Basic Principles in Labor Enforcement: Analysis of Effectiveness and Challenges' (2023) Vol. 4 No. 3 Rechtenstudent Journal Sharia Faculty of KH Achmad Siddiq Jember State Islamic University.</p> <p><b>DOI:</b> 10.35719/rch.v4i3.297</p> <p><b>Article History:</b> Submitted: 15/10/2023 Reviewed: 20/10/2023 Revised: 10/12/2023 Accepted: 29/12/2023</p> <p><b>ISSN:</b> 2723-0406 (printed) <b>E-ISSN:</b> 2775-5304 (online)</p>	<p>Labor enforcement is an important process in ensuring the protection of workers' rights, ensuring fairness in industrial relations, and promoting worker welfare. This article presents a basic overview of labor enforcement by identifying the main principles, related regulations, and mechanisms used to carry out such enforcement. Through analytical descriptive research, we conclude that labor enforcement plays a crucial role in building a fair and safe work environment for workers in various sectors and job levels. With the existence of principles as a defense of workers' rights regarding work contracts, wages, health standards and union protection. The aim is to guarantee equal protection for all workers and the fulfillment of their rights, these principles must be applied firmly and consistently. The effectiveness is carried out in three stages, namely in the form of educational preventive, non-judicial repressive, and judicial repressive. If there is a dispute over rights or interests, the effort that can be taken is in the form of negotiations. There are also sanctions for company violations of industrial relations rights in the form of administrative, criminal and civil sanctions.</p> <p><b>Keywords:</b> <i>Legal Provisions, Principles, Effectiveness.</i></p> <p><b>Abstrak</b> Penegakan ketenagakerjaan merupakan suatu proses yang penting dalam memastikan perlindungan hak-hak pekerja, menjamin keadilan dalam hubungan industrial, dan mendorong kesejahteraan tenaga kerja. Tulisan ini menyajikan tinjauan dasar mengenai penegakan ketenagakerjaan dengan mengidentifikasi prinsip-prinsip utama, peraturan-peraturan yang terkait, dan mekanisme yang digunakan untuk menjalankan penegakan tersebut. Melalui penelitian deskriptif analisis, kami menyimpulkan bahwa penegakan ketenagakerjaan memainkan peran krusial dalam membangun lingkungan kerja yang adil dan aman bagi pekerja di berbagai sektor dan tingkatan pekerjaan. Dengan adanya prinsip-prinsip sebagai pembelaan atas hak buruh mengenai kontrak kerja, upah, standar kesehatan, dan perlindungan serikat. Tujuannya agar dapat menjamin perlindungan yang sama bagi semua pekerja dan pemenuhan hak-hak mereka, prinsip-prinsip ini harus diterapkan secara tegas dan konsisten. Efektifitas yang dilakukan berupa tiga tahapan yakni</p>

berupa preventif edukatif, represif non yustisial, dan represif yustisial. Jika terdapat perselisihan hak atau kepentingan maka upaya yang dapat dilakukan adalah berupa perundingan. Terdapat pula sanksi atas pelanggaran perusahaan terhadap hak hubungan industrial berupa sanksi administratif, pidana, dan perdata.

**Kata Kunci:** *Ketentuan Hukum, Prinsip, Efektivitas.*

## Introduction

The Indonesian want to live in a just and prosperous state. Similar principles apply to the relationship between employees and employers, which require a legal basis to anticipate disputes between them. In Indonesia, labor functions as an abundant resource as well as a driver of economic growth. Due to various labor shortages and conflict, Indonesia has one of the highest unemployment rates in the world. So many people decide to work as migrants abroad.<sup>1</sup> The existence of regulations, doing work for others, and receiving compensation are the three components that form the meaning of employment law. Employment development is carried out in the framework of the complete development of Indonesian people. To create a prosperous, just, prosperous and equitable Indonesian society and society, employment development is carried out. Workers or laborers themselves are one of the interconnected dimensions in employment development. in relation to his right to live in prosperity.<sup>2</sup>

In the world of employment, labor enforcement refers to efforts to ensure the implementation of labor regulations and the protection of workers' rights. These principles and enforcement mechanisms vary by country, but essentially aim to protect workers' interests and create a balanced relationship between workers and employers. Until now, *Arbeidsrechts* is a translation of labor law. Regarding the definition of employment law, there are various perspectives and limitations. *Arbeidsrecht* is defined by Molenaar as a component of applicable law that basically regulates employee interactions with employers, other employees and the authorities. According to Mr. MG Levenbach, *arbeidsrecht* refers to the law regulating working conditions, where work is carried out under supervision and in living conditions that are directly related to working conditions.<sup>3</sup>

So the aim of this research is to find out the principles of Labor Enforcement based on the underlying principles. These principles include, Fairness in employment enforcement must be based on the principle of fairness, which includes fair treatment for all workers without discrimination. Legal Certainty: There is a need for regulations that are clear and can be well understood by all relevant parties to ensure that workers' rights are protected and consistently enforced.<sup>4</sup> Labor enforcement compliance involves compliance with existing regulations. All parties must comply with the regulations and legal action must be taken against violations that occur.

<sup>1</sup> Arliman S, Laurensius, "Perkembangan dan Dinamika Hukum Ketenagakerjaan Di Indonesia," *Jurnal Selat*, Vol. 5, No. 1 (2017): 76.

<sup>2</sup> Najmi Ismail and Moch. Zainuddin, "Hukum Dan Fenomena Ketenagakerjaan," *Focus : Jurnal Pekerjaan Sosial*, Vol. 1, No. 3 (2019): 166.

<sup>3</sup> Asri Wijayanti, *Hukum Ketenagakerjaan Pasca Reformasi, Hukum Ketenagakerjaan Pasca Reformasi*, 2009.

<sup>4</sup> Nurul Chotidjah, "Perlindungan Hak Asasi Manusia Mengenai Hak-hak Ekonomi, Sosial dan Budaya Kaitannya dengan Lingkungan Hidup," *Jurnal Ilmu Hukum Litigasi*, Vol. 4, No. 3 (2003): 54.

## **Research Methods**

The type of research used in this research is normative legal research which uses a statutory approach, a historical approach and a conceptual approach. The sources of legal materials applied consist of primary legal materials which include legislation and jurisprudence, while secondary law includes books written by legal circles and the opinions of several legal experts. Related to collecting legal materials is using literature or descriptive studies to obtain primary legal materials and secondary legal materials in the form of books, legislation, journals and articles related to labor law.<sup>5</sup>

## **Results and Discussion**

### **Definition and Principles of Employment Enforcement**

Employment law is called labor law, in Dutch it is known as *arbeidrechts*.<sup>6</sup> The meaning according to several experts related to employment law is;<sup>7</sup> Quoted from Zaeni's book, Molenaar defines labor law as legal regulations that will regulate the relationship between employers and their workers and/or regulate labor relations with fellow workers.<sup>8</sup>

Labor law is referred to by M.G Levenbach as law relating to employment relationships in which workers carry out their work under the auspices of leadership.

Soepomo emphasized that it is a collection of rules that are written or not, as people who have worked are required to receive a salary based on their competence.

As for Law Article 1 No. 3 of 2003 which regulates employment, that labor is every individual who has the ability to do a job well, whether carried out in an employment relationship or not, the aim of which is to produce goods or services that can be beneficial for those around him and himself. There is also an understanding related to labor as someone who has the ability to do work for himself or his family without getting a salary or getting a salary.<sup>9</sup>

Labor law has several elements in the form of a series of rules as follows:

- 1) Have a series of written or unwritten rules.
- 2) The employment relationship between workers and employers or their workers is regulated.
- 3) People who work are under the leadership of other people and get paid for their services.
- 4) Regulates the protection of workers or laborers.

Employment planning and information is regulated in Law Article 8 No. 13 of 2003, including related to job training, productivity, opportunities in work, industrial relations, protection of workers, and regulation of wages and welfare of workers.<sup>10</sup>

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<sup>5</sup> Indah Dwi Qurbani, "Politik Hukum Pengelolaan Minyak dan Gas Bumi Di Indonesia," *Area Hukum*, Vol. 6, No. 2 (2012): 65.

<sup>6</sup> Arifuddin Muda Harahap, *Pengantar Hukum Ketenaga Kerjaan, Literasi Nusantara*, 2020.

<sup>7</sup> Dayanto, "Rekonstruksi Paradigma Pembangunan Negara Hukum Indonesia Berbasis Pancasila," *Jurnal Dinamika Hukum*, Vol. 13, No. 3 (2013): 45.

<sup>8</sup> Applied Mathematics, "Penerapan Hukum Ketenagakerjaan Di Indonesia" 3 (2016), 1–23.

<sup>9</sup> Asep Saepul Muharam et al., "Urgensi Penambahan Fungsi Pengawasan Ketenagakerjaan Pada Balai Keselamatan Dan Kesehatan Kerja (K3)," *Jurnal Ketenagakerjaan* Vol. 17, No. 2 (2022): 121–132.

<sup>10</sup> Prasetyo. "Industri 4.0: Telaah Klasifikasi Aspek Dan Arah Perkembangan Riset," *Jurnal Teknik Industri*, Vol. 13, No. 1 (2018): 93.

Guidelines or regulations governing the defense and enforcement of labor rights are known as labor enforcement principles.<sup>11</sup> These guidelines are intended to ensure that justice, equity and equitable welfare are the guiding principles in the relationship between employers and employees.<sup>12</sup> Some of the main principles of labor law enforcement are as follows:

1. Equality and non-discrimination: according to this principle, all people should be treated fairly and equally in the workplace, regardless of gender, race, religion, ethnicity or other personal characteristics.
2. Fair remuneration: according to this principle, employees should be fair and equal according to their contribution and qualifications. This means refraining from paying inadequate or unfair wages.
3. Safe and healthy working conditions: this principle emphasizes the importance of providing a workplace that is safe, healthy and free from risks that could endanger the physical and mental well-being of employees. To do this, the relevant safety and health standards must be met, and their compliance must be monitored and enforced.
4. Protection of employee rights: this principle guarantees employees' basic rights, such as the right to organize, the right to engage in collective bargaining, the right to adequate rest and vacation time, and the right to fair treatment. In the event of termination of employment or termination of employment.
5. Equal opportunities: this principle emphasizes how important it is to give everyone access to equal opportunities for employment, promotion, training and career development. Affirmative action should be used to promote equality and prevent discrimination in employment opportunities.
6. Justice and dispute resolution: this principle emphasizes the importance of resolving labor disputes peacefully, transparently and quickly. This includes providing efficient channels for resolving disputes, such as labor courts or mediation procedures, so that disputes can be adjudicated fairly and in accordance with the law.<sup>13</sup>

This guideline seeks to maintain a balance between the interests of employers and workers while encouraging a fair, safe and productive work environment for the workforce. To guarantee equal protection for all workers and the fulfillment of their rights, these principles must be applied firmly and consistently.<sup>14</sup>

### **Legal Provisions in Employment Law Enforcement Principles**

There are several legal provisions that are important to understand in the context of enforcing employment law. The following are some examples of clauses for enforcing labor laws:

1. Employment Laws: laws governing the relationship between employers and employees exist in every country. This law establishes a framework in which workers' rights, such

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<sup>11</sup> Akbar Pradima, "Alternatif Penyelesaian Perselisihan Hubungan Industrial di Luar Pengadilan," *Jurnal Ilmu Hukum*, Vol. 9, No. 17 (2013): 86.

<sup>12</sup> Evy Savitri Gani, "Sistem Perlindungan Upah di Indonesia," *Jurnal Tahkim*, Vol. XI, No. Juni (2015): 23.

<sup>13</sup> Balai Sertifikasi Elektronik, "Dokumen Ini Telah Ditandatangani Secara Elektronik Yang Diterbitkan Oleh Balai Sertifikasi Elektronik (BSrE), BSSN," no. April 2020 (2021): 2021–2022.

<sup>14</sup> Gunarto, "Dampak Hubungan Industrial yang Bersifat Kapitalistik Terhadap Harmonisasi Hubungan Industrial Pengusaha dengan Pekerja (Studi Kasus di PT Fiscous South Pacific Kabupaten Purwakarta)," *Jurnal Dinamika Hukum*, Vol. 11, (2011): 90.

as wage rights, reasonable working hours, leave, occupational safety and health, and union organizing rights are protected.<sup>15</sup>

2. **Employment Contract:** An employment contract is an agreement that outlines the rights, obligations and responsibilities of the employee and employer. Employment contracts usually detail salary, title, responsibilities, hours of work, and other job-related requirements. It is very important to enforce employment agreements to ensure that all rights and obligations are upheld by all parties.
3. **Occupational Health and Safety Standards:** employers are required to comply with occupational health and safety standards, which are regulated by labor law. This includes creating a safe work environment, educating employees about safety, using personal protective equipment, and preventing workplace accidents.
4. **Minimum Wages:** Minimum wages for employees are required by law in many countries. Labor authorities must monitor and enforce minimum wage laws to ensure that employers pay wages in accordance with applicable laws.
5. **Prohibition of Discrimination:** labor law also prohibits discrimination on the basis of gender, race, religion, age, or other factors that are not related to the employment relationship. Protecting workers from unfair or discriminatory treatment is the goal of law enforcement.
6. **Trade Union Protection:** Labor laws often limit employees' ability to create or join unions. Protection from anti-union actions such as expulsion or discrimination against union members is part of enforcing the law in these situations.

Different countries and geographic regions may have different legal frameworks for enforcing these employment laws. To understand the specific provisions and guiding principles of labor law enforcement, it is important to consult the applicable labor laws in each region.<sup>16</sup>

### **Effectiveness of Employment Law Enforcement and Challenges of Employment Law Enforcement Based on Employment Principles/Mechanisms**

Labor law enforcement is carried out through three stages, namely educational preventive, non-judicial repressive, and judicial repressive. Educative preventive actions in enforcing labor law include:<sup>17</sup> Preventive activities through education and counseling to employers and workers about their rights and obligations in employment relations, Increasing awareness of employers and workers to comply with the law through educational preventive actions, Providing technical advice and advice to employers and workers regarding labor law provisions, ensuring decent working conditions through law enforcement and preventative measures. Improving workers' skills to suit the needs of developing types of work.<sup>18</sup>

In efforts to enforce labor law, educational preventive measures are very important to prevent legal violations and increase the awareness of employers and workers about their rights and obligations in employment relations. Labor inspection services aim to achieve

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<sup>15</sup> Mathematics, "Penerapan Hukum Ketenagakerjaan Di Indonesia."

<sup>16</sup> Ismail Shaleh, "Implementasi Pemenuhan Hak Bagi Penyandang Disabilitas Ketenagakerjaan Di Semarang," *Kanun Jurnal Ilmu Hukum*, Vol. 20, No. 1 (2018): 63–82.

<sup>17</sup> Refly R. Umbas, "Aspek Hukum dalam Perjanjian Kerja Bersama (PKB) Antara Karyawan Dengan Perusahaan," *Lex Privatum*, Vol. II, No. 3 (2014): 33.

<sup>18</sup> I Nyoman Jaya Kesuma and I Wayan Agus Vijayantera, "Perundingan Bipartit Sebagai Langkah Awal Dalam Penyelesaian Perselisihan Hubungan Industrial," *Jurnal Hukum Saraswati (JHS)*, Vol. 2, No. 1 (2020): 66–79.

decent working conditions through law enforcement and preventive measures. The function of labor inspection is to ensure the enforcement of labor laws and provide technical advice and counsel. The Challenges of Labor Law Enforcement are in line with the transfer of types of work and skills, the main challenge is preparing workers to suit these needs, problems in covering workers' rights include wage fraud, inadequate wages, unsafe work practices, etc. other. Apart from that, in efforts to enforce labor law, practitioners or legal observers are expected to read related books to gain insight and be useful for law enforcement efforts..<sup>19</sup>

The following are some regulations related to employment:<sup>20</sup>

1. Labor Law Number 13 of 2003 concerning employment.
2. Law Number 1 of 2000 concerning Ratification of Ilo Convention Number 182 Concerning The Prohibition and The Immediate Action For The Elimination of The Worst Forms of Child Labor
3. Government Regulation Number 4 of 2013 which discusses Procedures for Implementing Worker Placements Abroad.
4. Government Regulation Number 3 of 2013 which discusses the protection of workers abroad.
5. Regulation of the Minister of Manpower of the Republic of Indonesia regarding adjustments to wage times in industrial companies.
6. Articles 77 to 85 of Law Number 13 of 2003 which regulate working hours in the private sector

There are several workers' rights regulated in labor law, as follows:<sup>21</sup>

1. The right to adequate wages received by workers, which discusses minimum wages consisting of basic wages and fixed allowances and also discusses wage negotiations carried out to determine employee salaries.
2. The right to appropriate working hours, where working hours are usually 7 hours per day, so a week of 40 hours or 6 days, there are also 8 hours per day, so 40 hours per week or 5 days in one work, if you exceed this time limit you can say you are working overtime.
3. The right to overtime pay, overtime hours are usually 4 hours per day so employers must be obliged to pay overtime wages, provide sufficient rest time and provide food that cannot be replaced by money.
4. Rights to annual leave, rest and holidays that have been agreed upon by workers and employers.
5. The right to equal treatment and opportunities in a job, workers must be treated fairly by employers both in terms of salary and time
6. The right to receive job training, in this case workers have the right to develop their talents and interests in each company
7. Special rights for women such as maternity leave and breastfeeding rights
8. The right to occupational health and safety (K3) guarantees risks that occur for workers wherever and whenever while working.
9. Social security rights of workers

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<sup>19</sup> Ainal Mardhiah, "Penyelesaian Sengketa Melalui Mediasi Berdasarkan Perma No.1 Tahun 2008," *Kanun: Jurnal Ilmu Hukum*, Vol. 13, No. 1 (2011): 153–169.

<sup>20</sup> Phlipus M. Hadjon, "Ide Negara Hukum dalam Sistem Ketatanegaraan Republik Indonesia, Hakikat Hukum Pengupahan dalam Upaya Mewujudkan Kesejahteraan Sosial Pekerja," *Jurnal MMH*, Vol. 44, No. 4 (2015): 54.

<sup>21</sup> Muhammad Azhar, "Buku Ajar Hukum Ketenagakerjaan" (2015): 1–101.

10. The right to work assignments in accordance with the position of expertise
11. Right of association (free, open, independent and democratic)
12. The right to compensation for permanent and contract employees

Apart from that, there are also obligations for workers, as follows:

1. Assist with tasks according to the work agreement
2. Maintain the confidentiality of employee information
3. Do not harm other colleagues
4. Does not harm consumers
5. Does not harm the company's interests.

Law Number 13 of 2003 regulates employment, previously there were several laws and regulations which created differences in position between workers and the industrial relations system so that currently it is no longer appropriate to future needs. Having justice in employment means protecting workers from the power of employers through existing legal means. Below are several discussions covering labor enforcement mechanisms.<sup>22</sup>

1. Process for handling labor violations

If a labor dispute occurs in Law No. 2 of 2004, it is stated regarding the resolution of industrial relations disputes and regulating the settlement mechanism (UUPPHI). Before determining the process for handling violations, you need to know the type of violation because the steps in the resolution process will be different. UUPPHI divides 4 types of disputes, namely rights disputes, interest disputes, employment termination disputes, and disputes between labor unions.<sup>23</sup>

The next step is what is required according to article 3 paragraph (1) of UUPPHI, namely to first carry out bipartite negotiations regarding industrial disputes.

- a) Bipartite negotiations (Internal)

Negotiations will be carried out no later than 30 days from the start of the negotiations with the obligation to prepare minutes which are then signed by the parties so that a collective agreement (PB) is created. However, if within 30 days an agreement has not been reached or one of the parties does not want to negotiate then this is said to have failed. Any failure will be recorded by one or both parties to the local Manpower Office with evidence attached that attempts at bipartite negotiations have been carried out.<sup>24</sup>

- b) Mediation, conciliation and arbitration negotiations

The failure of bipartite negotiations between labor agencies offers several solutions that can be achieved through conciliation, arbitration or mediation depending on the type of dispute that occurred. Arbitration is an alternative dispute resolution institution where dispute resolution is carried out through arbitration only for types of interest disputes and between worker unions within one company. In the settlement, the parties will be represented by their legal representatives. Arbitration will seek peace first, if achieved then a Deed of Peace will be issued. Arbitration awards have permanent legal force and are final and have executorial

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<sup>22</sup> KEMENPERIN, "Undang - Undang RI No 13 Tahun 2003," *Ketenagakerjaan*, no. 1 (2003).

<sup>23</sup> Rocky Marbun, "Grand Design Politik Hukum Pidana dan Sistem Hukum Pidana Indonesia Berdasarkan Pancasila dan Undang-Undang Dasar Negara Republik Indonesia 1945," *Jurnal Padjadjaran Jurnal Ilmu Hukum*, Vol. 1, No. 3 (2014): 98.

<sup>24</sup> Ryan David Sinaulan, "Masalah Ketenagakerjaan Di Indonesia," *Ideas: Jurnal Pendidikan, Sosial dan Budaya*, Vol. 5, No. 1 (2019): 55.

powers which must be implemented by the parties. Disputes that are being carried out or have been resolved through arbitration cannot be submitted to the Industrial Relations Court.<sup>25</sup>

For mediation and conciliation, the parties are required to attend even though they are accompanied by legal counsel. If in these negotiations there is an agreement, the parties make a joint agreement. However, if there is no agreement between the parties, the mediator will issue written recommendations which can then proceed to the Industrial Relations Court.<sup>26</sup>

c) Industrial relations court

Having evidence of minutes of mediation and conciliation is an absolute requirement for filing a lawsuit. The parties cannot directly file a lawsuit without bipartite negotiations in the form of mediation and conciliation. In this trial, company organizations or work unions are allowed to act as legal representatives so that they can represent their members or parties using legal counsel.<sup>27</sup>

2. Sanctions for Violating Labor Laws

Sanctions on companies are divided into several types if there is a violation of rights in industrial relations, namely:

a) Administrative sanctions can take the form of warnings, written warnings, freezing of business activities, cancellation of approvals, restrictions on business activities, temporary suspension, and revocation of business permits.

b) Civil sanctions

c) And criminal sanctions, for example fines, imprisonment and imprisonment.

The role of labor law in the Indonesian legal system is currently closely related to the civil, criminal and administrative domains.<sup>28</sup> The position of labor law is significant because it is an application for law violators and because criminal law has an underlying principle of legality. Sanctions are imposed based on whether or not there is an error demonstrated by the cause and effect of the event. Because a person's rights are violated, democratic decision-making is used to impose sanctions.<sup>29</sup> Laws and other regional regulations are examples of democratic regulations because the people's representatives are heard in their creation. The relationship between workers and employers is based on employment agreements, and the application of employment law must be carried out in relation to each other. According to civil law, the agreement structure is part of the agreement. As a result of the application of *bestuur*, *politie*, and *rechspraak*, a work relationship must be supervised by the government throughout the process until its completion. If a violation occurs during the process, it will result in criminal sanctions.<sup>30</sup>

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<sup>25</sup> Manan, Bagir, "Peranan Hukum dalam Mewujudkan Cita-Cita Keadilan Sosial Menurut UUD 1945," *Jurnal Varia Peradilan*, No. 340, (2019): 56.

<sup>26</sup> Ahmad Fanani, "Historical Juridical Study on the Amendment of Law Number 32 of 2004 Juncto Law Number 23 of 2014 concerning Regional Government," *Rechtenstudent Journal*, Vol. 4, No. 2 (Agustus, 2023): 108.

<sup>27</sup> Fithriatus Shalihah, "Implementasi Perjanjian Kerja Waktu Tertentu (PKWT) Dalam Hubungan Kerja Di Indonesia," *Selat*, Vol. 4, No. 1 (2016), 70–100, <http://ojs.umrah.ac.id/index.php/selat>.

<sup>28</sup> M. Irwan Zamroni Ali, Ishaq, Muhammad Faisol, "Tuntutan Masalah Dan Problem Otentisitas Agama Dalam Pembaharuan Hukum Keluarga Islam," *Al Qalam: Jurnal Ilmiah Keagamaan dan Kemasyarakatan*, Vol. 17, No. 1 (2023): 25

<sup>29</sup> Dahliadan Agatha Jumiati, "Penyelesaian Perselisihan Hubungan Industrial Berdasarkan UU Nomor 2 Tahun 2004," *Jurnal Wacana Hukum*, Vol IX, No. 2, (2011): 32.

<sup>30</sup> Unidad Metodología D E Conocimiento D E Los, *Ketentuan Dan Unsur-Unsur Dalam Hukum Ketenagakerjaan*, n.d.



## **Conclusion**

The results of the research above can be concluded that the legal provisions in the principles of labor law enforcement contain several clauses such as the Labor Law which regulates the relationship between master and worker by determining the rights of workers. The main principles of enforcing labor law are equality without considering differences in the workplace, fair remuneration as equality for contributions made, emphasizing safe and healthy working conditions, protecting employee rights is a basic rights principle for employees or workers. The principle of equal opportunity should ensure that every individual has equal access to work. If a dispute occurs between workers, it is emphasized that they must resolve it through mediation, which has been adjudicated through law.

The effectiveness and challenges of labor law enforcement are carried out through three stages, namely in the form of educational preventive, non-judicial repressive, and judicial repressive. There is a monitoring service to achieve decent working conditions by enforcing measures and providing advice. Challenges faced by labor law include the issue of workers' rights, fraud regarding wages or salaries, and work practices that do not allow for security. The regulation of employment is contained in the Law and in Government Regulations with mention of the rights of workers. If an industrial relations dispute occurs, the settlement process that can be taken is in the form of internal negotiations, mediation, conciliation and arbitration.

## **Bibliography**

### **Book:**

Azhar, Muhammad. *Buku Ajar Hukum Ketenagakerjaan* (2015)

Harahap, Arifuddin Muda. *Pengantar Hukum Ketenaga Kerjaan. Literasi Nusantara*, 2020.

Los, Unidad Metodología D E Conocimiento D E. *Ketentuan Dan Unsur-Unsur Dalam Hukum Ketenagakerjaan*, n.d.

Wijayanti, Asri. *Hukum Ketenagakerjaan Pasca Reformasi. Hukum Ketenagakerjaan Pasca Reformasi*, 2009.

### **Journal and Article:**

Ali, M. Irwan Zamroni, Ishaq, Muhammad Faisol. "Tuntutan Masalah Dan Problem Otentisitas Agama Dalam Pembaharuan Hukum Keluarga Islam." *Al Qalam: Jurnal Ilmiah Keagamaan dan Kemasyarakatan*, Vol. 17, No. 1 (2023).

Chotidjah, Nurul. "Perlindungan Hak Asasi Manusia Mengenai Hak-hak Ekonomi, Sosial dan Budaya Kaitannya dengan Lingkungan Hidup," *Jurnal Ilmu Hukum Litigasi*, Vol. 4, No. 3 (2003), 54.

Dayanto, "Rekonstruksi Paradigma Pembangunan Negara Hukum Indonesia Berbasis Pancasila," *Jurnal Dinamika Hukum*, Vol. 13, No, 3 (2013).

Elektronik, Balai Sertifikasi. "Dokumen Ini Telah Ditandatangani Secara Elektronik Yang Diterbitkan Oleh Balai Sertifikasi Elektronik (BSrE), BSSN," No. April 2020 (2021)

Fanani, Ahmad. "Historical Juridical Study on the Amendment of Law Number 32 of 2004 Juncto Law Number 23 of 2014 concerning Regional Government." *Rechtenstudent Journal* Vol, 4. No. 2 (Agustus, 2023).

- Gani, Evy Savitri. "Sistem Perlindungan Upah di Indonesia," *Jurnal Tahkim*, Vol. XI, Juni (2015).
- Gunarto. "Dampak Hubungan Industrial yang Bersifat Kapitalistik Terhadap Harmonisasi Hubungan Industrial Pengusaha dengan Pekerja (Studi Kasus di PT Fiscous South Pacifik Kabupaten Purwakarta)." *Jurnal Dinamika Hukum*, Vol. 11, (2011).
- Jumiati, Dahliadan Agatha. "Penyelesaian Perselisihan Hubungan Industrial Berdasarkan UU Nomor 2 Tahun 2004," *Jurnal Wacana Hukum*, Vol IX, No. 2, (2011).
- Ismail, Najmi, and Moch. Zainuddin. "Hukum Dan Fenomena Ketenagakerjaan." *Focus: Jurnal Pekerjaan Sosial* 1, no. 3 (2019)
- Kesuma, I Nyoman Jaya, and I Wayan Agus Vijayantera. "Perundingan Bipartit Sebagai Langkah Awal Dalam Penyelesaian Perselisihan Hubungan Industrial." *Jurnal Hukum Saraswati (JHS)* 2, no. 1 (2020)
- Mardhiah, Ainal. "Penyelesaian Sengketa Melalui Mediasi Berdasarkan Perma No.1 Tahun 2008." *Kanun: Jurnal Ilmu Hukum* 13, no. 1 (2011)
- Mathematics, Applied. "Penerapan Hukum Ketenagakerjaan Di Indonesia" 3 (2016)
- Muharam, Asep Saepul, Khairul Ismed, Nurhani Nurhani, and Muhyiddin. "Urgensi Penambahan Fungsi Pengawasan Ketenagakerjaan Pada Balai Keselamatan Dan Kesehatan Kerja (K3)." *Jurnal Ketenagakerjaan* 17, no. 2 (2022)
- Manan, Bagir. "Peranan Hukum dalam Mewujudkan Cita-Cita Keadilan Sosial Menurut UUD 1945," *Jurnal Varia Peradilan*, No. 340, (2019).
- Marbun, Rocky. "Grand Design Politik Hukum Pidana dan Sistem Hukum Pidana Indonesia Berdasarkan Pancasila dan Undang-Undang Dasar Negara Republik Indonesia 1945," *Jurnal Padjadjaran Jurnal Ilmu Hukum*, Vol. 1, No. 3 (2014).
- Pradima, Akbar. "Alternatif Penyelesaian Perselisihan Hubungan Industrial di Luar Pengadilan," *Jurnal Ilmu Hukum*, Vol. 9, No. 17 (2013).
- Prasetyo. "Industri 4.0: Telaah Klasifikasi Aspek Dan Arah Perkembangan Riset," *Jurnal Teknik Industri*, Vol, 13, No. 1 (2018).
- Philipus M. Hadjon. "Ide Negara Hukum dalam Sistem Ketatanegaraan Republik Indonesia, Hakikat Hukum Pengupahan dalam Upaya Mewujudkan Kesejahteraan Sosial Pekerja," *Jurnal MMH*, Vol. 44, No. 4 (2015).
- Qurbani, Indah Dwi "Politik Hukum Pengelolaan Minyak dan Gas Bumi Di Indonesia," *Area Hukum*, Vol. 6, No. 2 (2012).
- Shaleh, Ismail. "Implementasi Pemenuhan Hak Bagi Penyandang Disabilitas Ketenagakerjaan Di Semarang." *Kanun Jurnal Ilmu Hukum* 20, no. 1 (2018)
- Shalihah, Fithriatus. "Implementasi Perjanjian Kerja Waktu Tertentu (PKWT) Dalam Hubungan Kerja Di Indonesia." *Selat* 4, no. 1 (2016)
- Sinaulan, Ryan David. "Masalah Ketenagakerjaan Di Indonesia." *Ideas: Jurnal Pendidikan, Sosial dan Budaya* 5, no. 1 (2019)

S, Laurensius, Arliman. "Perkembangan dan Dinamika Hukum Ketenagakerjaan Di Indonesia," *Jurnal Selat*, Vol. 5, No. 1 (2017).

Umbas, Refly R. "Aspek Hukum dalam Perjanjian Kerja Bersama (PKB) Antara Karyawan Dengan Perusahaan." *Lex Privatum*, Vol. II, No. 3 (2014).

**Legislation:**

Law Number 13 of 2003 concerning Employment

Law Number 2 of 2004 concerning Settlement of Industrial Relations Disputes

Law Number 1 of 2000 concerning Ratification of Ilo Convention Number 182 Concerning The Prohibition and The Immediate Action For The Elimination of The Worst Forms of Child Labor

Government Regulation Number 4 of 2013 which discusses Procedures for Implementing Worker Placements Abroad.

Government Regulation Number 3 of 2013 which discusses the protection of workers abroad.