

CHAPTER ONE

INTRODUCTION

A. Background

The Sustainable Development Goals (SDGs) are a continuation of the Millennium Development Goals (MDGs) which ended in 2015. The MDGs are the result of an agreement between the Head of States and representatives from 189 countries at the United Nations meeting in New York in September 2000. The world communities work together in achieving the MDGs by 2015. SDGs has 17 goals and 169 targets that should be achieved by the end of 2030.¹

Based on the data of employment population ratio taken between 2016-2017 by the Central Bureau of Statistic (*Badan Pusat Statistik*) there was a very large gap between male and female employment in which 77,95% male population were employed while just 48,12% of female population.² This data can be assumed that there still discrepancy in obtaining certain jobs in Indonesia.

In Indonesia, poverty has been a serious problem in Indonesia since long time ago. As a member of the United Nations, Indonesia is committed to solving problems in line with the Sustainable Development Goals declaration. Indonesia is required to achieve the targets set by the UN declaration.³ Decent work is one of the main efforts to reduce poverty and increase economic growth. It is the way

¹ Bambang Wardoyo, "Penerapan Sustainable Development Goals (SDGs) dalam Pembangunan Ketenagakerjaan di Indonesia," *Jurnal Bina Ketenagakerjaan*, Vol. 1 No. 1 (2020), p. 19.

² Badan Pusat Statistik, 2018, *Indikator Pekerjaan yang Layak*, Jakarta, BPS RI, p. 19.

³ Ishartono and Santoso Tri Raharjo, "Sustainable Development Goals (SDGs) dan Pengentasan Kemiskinan", *Share Social Work Journal*, Vol. 6 No. 2 (2016), p. 160.

to achieve equitable, inclusive, and sustainable development as mentioned in the 8th SDG.⁴

According to International Labour Organization, there are four pillars of decent work⁵.

1. Rights at work, there are four sub pillars in this first pillar: a) freedom of association and the right to collective bargaining, (b) the elimination of forced or compulsory labour, (c) the abolition of child labour, and (d) the elimination of discrimination in employment.
2. Fostering employment, in order to reducing the poverty, ILO's member nations should establish policy and strategies to achieve appropriate pay for work and achieve full employment.
3. Social protection; it requires ILO's member nations to establish policy in order to prevent injury or illness, over excessive working hours, paid of leave rights, and other conditions of inability to work.
4. Social dialogue; it requires members to support tripartite consultation, negotiation, and agreements between workers and their employers.

Based on the data released by *Badan Pusat Statistik*, there were 137,91 million people were employed as collected by February 2020. It increased to 1,73 million people since February 2019. Meanwhile, unemployment people

⁴ International Labour Office, 2012, "Profil Pekerjaan yang Layak Indonesia", taken from: https://www.ilo.org/wcmstp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/publication/wcms_180582.pdf, accessed on October 7th, 2020 at 23.17.

⁵ Diane F. Frey and Gillian MacNaughton, "A Human Rights Lens on Full Employment and Decent Work in the 2030 Sustainable Development Agenda", *Journal of Workplace Rights*, Vol. 6 No. 2 (2016), p. 2-3.

were increased up to 60.000 people, but the statistic of the unemployment people were decreased to 4,99% of total population of Indonesia.⁶ It indicates that jobs availability are limited compared to current population of Indonesia. The government at this point must provide as much job opportunities for the citizens, increase the economic activity and expand employment opportunities.⁷ Therefore, the government must promote this movement in order to achieve the goals of 8th SDG.

Referring to the Law No. 13 of 2003 concerning Manpower, there are 4 main purposes of promoting and providing job creation. They are:

1. Empowering and Utilizing Labour Optimally and Humanely

According to Article 4 (a) of the Law No. 13 of 2003 concerning Manpower⁸, it is expected that Indonesian workers can optimally encourage national economic growth.

2. Realizing Equitable Job Opportunities and Provision of Manpower in Accordance with the Needs of National and Regional Development

According to Article 4 (b) of the Law No. 13 of 2003 concerning Manpower⁹, it is expected that the government providing equal opportunities to obtain jobs for all Indonesian workers according to their talents, interests,

⁶ Badan Pusat Statistik, 2020, “Februari 2020: Tingkat Pengangguran Terbuka (TPT) sebesar 4,99 persen”, taken from <https://www.bps.go.id/pressrelease/2020/05/05/1672/februari-2020--tingkat-pengangguran-terbuka--tpt--sebesar-4-99-persen.html>, accessed on October 8th, 2020 at 23.57.

⁷ Paulus Kindangen and Johan Tumiwa, 2015, “Kewirausahaan dan Kesempatan Kerja di Kabupaten Minahasa Tenggara”, *Jurnal LPPM Bidang EkoSosBudKum*, Vol. 2 No. 2, p. 86.

⁸ Article 4 (a) of the Law No. 13 of 2003 concerning Manpower

⁹ Article 4 (b) of the Law No. 13 of 2003 concerning Manpower

and abilities. Efforts should be made to equal distribution of workforce placement in order to fill the needs of all sectors and regions.

3. Providing Protection to Workers in Realizing and Improving the Welfare of Workers and Their Families

According to Article 4¹⁰ and (d) of the Law No. 13 of 2003 concerning Manpower¹¹, it is expected that the government ensure the welfare of workers and their families with changed the current manpower law into a public law which originally was private law.

4. Provision on Work Agreement on the Law No. 13 of 2003

There is a highlight on the issue of this law; that is relationship between employers and workers. As stated on Article 1313 of Indonesian Civil Code states that “agreement is an act which one or more person agreed to bind each other.” Discrimination is one of the acts which is prohibited by the law. As stated on Article 5 of the Law No. 13 of 2003 states that “workers are have the same opportunities in acquiring job.”¹² Meanwhile, on Article 6 states that “workers are deserved to receive the same treatment without any discrimination in acquiring job.”¹³

One of the goals of Indonesia as stated on 1945 Constitution is achieving the welfare of the Indonesian. The way can be achieved through opening as much of job opportunities. So, the government needs to provide and promote job creation

¹⁰ Article 4 (c) of the Law No. 13 of 2003 concerning Manpower

¹¹ Article 4 (d) of the Law No. 13 of 2003 concerning Manpower

¹² Article 5 of the Law No. 13 of 2003 concerning Manpower

¹³ Article 6 of the Law No. 13 of 2003 concerning Manpower

in increasing economy of the nations. Besides of the Law No. 13 of 2003, the Law No. 11 of 2020 concerning Job Creation as one of the solutions is arranged during the reign of Jokowi-Ma'ruf, but it reap many critics from society.

As mentioned above, there are several ways that need to be taken by the government in order to provide decent work for achieving social welfare and increasing economic of the nation as in line with the 8th SDG. Furthermore, there are some polemics under the establishment of Omnibus Law concerning Job Creation. Therefore, whether the Omnibus Law concerning Job Creation may become as a good option in achieving the 8th SDG which set by United Nations or not. Thus, the author would like to conduct a research on government responsibilities and initiatives towards SDGs in providing decent work in Indonesia.

This study is the new research that provides the information regarding Decent Work and the Omnibus Law concerning Job Creation in Indonesia. The research focusing on the aspects of government responsibilities and initiatives toward the issue of decent work in Indonesia with analysis of Omnibus Law concerning Job Creation. This research also analyses about the Omnibus Law concerning Job Creation as the new legal framework. Therefore, this research also discussing the pillars, indicators, and principles of decent work which should be done by the government in promoting the 8th SDG in Indonesia.

B. Statement of Problems

1. What are the government responsibilities in order to provide decent work in Indonesia?
2. What are the government initiatives in providing decent work in Indonesia?
3. Will the Omnibus Law on Job Creation really support the government duty to provide decent work in Indonesia?

C. Objective of Research

1. To know the forms of responsibilities given by the government in providing decent work in Indonesia.
2. To know the forms of government initiatives in providing decent work in Indonesia.
3. To analyse whether the Omnibus Law on Job Creation as the new legal framework will really support the government duty to provide decent work in Indonesia.

D. Benefit of Research

Based on the problems and objectives of the research, the benefits of research are as follows:

1. Theoretical Aspect

The study provides information about the form of responsibilities of the government in providing decent work in Indonesia with special reference of relating regulations.

2. Practical Aspect

This research describes the benefit for the government to consider the better regulation in handling the issue of labour in Indonesia.