

JUSTICE DISPOSITION ON THE ROLE OF LABOR ORGANIZATIONS IN ACHIEVING LABOR WELFARE IN INDONESIA

Jarot Jati Bagus Suseno
Elfi Indra
Tutut Ferdiana Mahita Paksi

ABSTRACT

Industrial relationship between employers and labours is the most essential part in business. It is because the smoothness of industrial flow development is determined by whether or not the industrial relationship is harmonious. In the development, however, the interest of labours and employers cannot be fulfilled because of the difference paradigm that they believe. On the other hand, employers expect that the improvement of labour welfare must be based on the skills and work performance of labours. The labours often feel unfair because of the workload and welfare which are inappropriate. Regarding to this issue, the role of labour organizations is needed to balance the difference paradigm. This research is doctrinal research which is focused on normative legal study related to labours organization regulation in Indonesia. The result of the study shows that labour organization has not been able to realize the efforts of labour welfare equally and fairly. This is caused by the various interests and goals of each labour organization, its bad management, and lack of human resources who become the organizations's members. Coming to worldwide issue, labour organization condition in Indonesia will affect the business and investment climate in Indonesia.

Keywords: disposition, justice, labour organization, labour welfare

INTRODUCTION

Workers' rights which are fought for by workers organizations must be balanced by the obligations of workers organizing to improve workers' work ethic. In the globalization era, job opportunities can be gained in the country or abroad. It is proven by the high number of Indonesian workers abroad and foreign workers in Indonesia. Regarding this job opportunity, Indonesian workers must be able to improve their work quality and responsibility to compete with foreign workers.

Indonesian workers must be able to do their responsibility as good as possible and full of responsibilities to avoid work accidents, fault procedural, and maintain the product and service quality. By doing so, is hoped that Indonesian workers try to minimize the risk in production to maximize work quality and productivity. Therefore, companies are hoped to do their responsibility towards their workers and create workers' welfare. The improvement of self quality at work can be achieved by each party, which means, everyone has the right to develop themselves in fighting for their rights collectively to develop the society, nation, and country.¹ In fighting for their collective rights, they must obey the boundaries which are set by the regulations to respect others' rights and freedom.²

As written in point b preamble of the Law No.21/2000 on Worker and Labour Organizations, workers have the rights to form and develop worker organizations/labour organizations that are free, open, independent, democratic, and responsible. Next, point c preamble of the Law No 21/2000 on Worker Organizations/Labour Organizations states that worker organizations/labour organizations are a medium to make industrial development which is harmonious, dynamic, and fair. In improving the industrial development, workers/labours, and worker/labour organizations have a function to run the work based on the responsibilities, maintain the order for the production, deliver the aspirations democratically, develop the skills and expertise, participate in developing the company, and fight for the welfare of the members and their families.³

Workers/labours are people who work and receive a wage or other form of salaries.⁴ Article 4(c) of the Law No 13/2003 on Employment states that worker organizations are one of the means to reach the harmonious and fair industrial development. The government can play a role in creating harmonious industrial development by guiding the elements and employee activities and involve employer organizations and worker organizations in an integrated and organized way. Nevertheless, the role of worker organizations has not been effective yet, mainly in fighting for the employer's interest.

It happens because worker organizations are lack of responsibilities towards developing a work ethic and being responsible. The development of the worker industry and employers which is less successful results in inefficiency of the company and finally affects workers' earnings. Unsuccessful industrial development is against Article 33(1) of the 1945 Constitution of the Republic of Indonesia which states that the economy is ordered as a joint effort based on the family value. Article 33(4) supports the previous statement that the national economy is run based on economical democracy with togetherness value. That fact is also against the Law No 21/2000 on Worker organization/Labour Organization which explains that worker organizations/labour organizations are means to realize the harmonious, dynamic, and fair industrial development.

¹ Article 28C(2) of The 1945 Constitution of Republic of Indonesia

² Article 28J(2) of The 1945 Constitution of Republic of Indonesia

³ Law No. 13 of 2003 on Employment, Art 102(2).

⁴ Law No. 13 of 2003 on Employment, point 3 of general provision.

The role of labour organizations which often has less optimum development particularly related to the efforts to realize labour welfare can be seen from many regions that have not got a deserving wage for labours.⁵ The less optimum role of labour organizations in creating labour welfare in the central government has been discussed and criticized by Kahar S. Cahyono in his book entitled "*Buruh Bergerak!, Pengalaman Aliansi Organisasi Buruh Serang* (Labour Moved: Experience of Serang Labour Organization Alliance)". On his book, Cahyono wrote that:⁶

Some of the reasons for the weak influence of labour organizations in Indonesia are the less effective central organization (confederation) of doing their jobs as an umbrella organization, which in turn, would trigger distrust to the central organization by the organizations under it. Meanwhile, national labour organizations keep working on their problems and have not been able to show the ability to build labour strength which can be relied on, the opposite development happens in many regions these recent years. This development is the recent form of labour organization movement in the reformation era in Indonesia.

Cahyono's point of view implicitly shows the fact that central labour organizations cannot guarantee the need and welfare of labours. Besides, it can be seen that the Law No 21/2000 has pluralism aspect of labour organizations. Based on this problem, there are two causes of industrial development that are less successful as seen in the worker organization aspect, namely managerial system and human resources. The problem of the managerial system happens because of a lack of human resources' skills. It is caused by education related to labour skills and character education which leads to managerial system problems. External factors are labour resources and employers' goal which only aims to enrich themselves without paying attention to labour welfare. This condition, as stated by Satjipto Rahardjo, is an effort to fulfill a physical and biological need and is the initial goal of people that later distracted by the desire to be rich by anyways. Employers' mindset is one of the problems in the industrial system in Indonesia which cannot be defended by labour organization massively.⁷

Those problems show the weakness of labour organization management which leads to the minimum function of labour organizations in harmonizing industrial development. It causes the distraction to the harmony of the investment, economy, and industrial development directly or indirectly. The effect of the distraction of this harmony to the sectors is labour problems such as termination of employment (PHK).

Based on the problems, there is a need to review human resource empowerment in labour and labour organization aspects, therefore, the model of empowerment through formal and informal learning related to the work culture and worker organization is needed to give a fundamental base for workers as stated in D.W. Livingstone and M. Raykov's paper:⁸

Both formal and informal learning are deeply embedded in many union cultures. As the Canadian Auto Workers (CAW) Education Department (CAW Canada Web Page, 1996) recognizes: Working people learn from their everyday experiences, from their struggles for dignity and equality, and their democratic participation in the life of the union at all levels.

The result of D.W. Livingstone and M. Raykov's research shows that becoming a member of worker organizations, for certain ages and periods, gives a positive influence on formal education achievement; female workers who are involved in organizations pay more attention to education than those who are not.⁹ Nevertheless, D.W. Livingstone and M. Raykov's proposal cannot run well in Indonesia because labour organizations cannot accept the knowledge about labours and labours themselves are not yet qualified for industrial development.

RECENT ROLE OF LABOUR ORGANIZATIONS IN REALIZING LABOUR WEALTH

Misunderstanding about the obligation to maintain sustainability and peace in an industry which grows rapidly and influences industry in Indonesia has happened in government and Indonesian labour unions (SPSI). The wrong mindset firstly arise in the release of Ministerial Decree on Employment No 438/1992 which states one of the alliance functions is to develop members' skills and loyalty to maintain companies, improve participation and responsibility for preserving work and business composure.¹⁰

According to Munir, in his work *Gerakan Perlawanan Buruh, Gagasan Politik, dan Pengalaman Pemberdayaan Buruh Pra Reformasi* (Worker's Movement, A Political Ideas and Pre-Reform Worker Empowerment Experiences), SPSI looks partially supported one side. It is supported by the same book of Munir that SPSI is means has two confusing goals. On the one hand,

⁵ The less optimum role of labour organization related to labour welfare can be seen from 5 regions in Indonesia which have low increase in wages: (1) Yogyakarta Rp. 99.945; (2) Central Java Rp. 102.000; (3) West Java sebesar Rp. 108.269; (4) East Java Rp. 114.510; (5) Bengkulu Rp. 125.000. It is ironic seeing labour wages in other ASEAN countries (Read: Liputan 6, *Lima Daerah Di Indonesia Dengan Jumlah Kenaikan Upah Buruh Terkecil*, retrieved from Liputan6.com on January 12, 2017).

⁶ Kahar S. Cahyono, *Buruh Bergerak!, Pengalaman Aliansi Organisasi Buruh Serang*, Trade Union Rights Centre, Jakarta, 2010, p. 5.

⁷ Satjipto Rahardjo, *Membangun dan Merombak Hukum Indonesia, Sebuah Pendekatan Lintas Disiplin*, Genta Publishing, Yogyakarta, 2009, p. 77.

⁸ D.W. Livingstone And M. Raykov, *Union Influence On Worker Education And Training In Canada In Tough Times*, Ontario Institute For Studies In Education Of The University Of Toronto (OISE/UT) Toronto, Canad, 50 JUST LABOUR Vol. 5 (Winter 2005).

⁹ *Ibid.*

¹⁰ Munir, *Gerakan Perlawanan Buruh, Gagasan Politik dan Pengalaman Pemberdayaan Buruh Pra Reformasi*, Intrans, Malang, 2014, p. 39.

SPSI is expected and perceived as means of labours struggles. On the other hand, SPSI is given responsibilities in the managerial industry.¹¹

Those SPSI's problems happen because the stakeholder and employers involve in the development and arrangement of SPSI. This situation has happened since the pre-reformation era which created an only labour organization. It could cause a problem of the ineffective role of labour organizations in fighting for labour welfare if that one organization has two goals as stated before. Munir calls this problem as a self-loyalty problem of labour organizations.

Besides self-loyalty of labour organizations, another problem is labour organization independence after the release of the Minister of Manpower regulation on the Collection of Labour Unions. This regulation is the foundation for limiting labour unions' authority over the collection of contribution fund management. According to Munir, it is excessive interference in the existence of labour organization.¹²

Besides those problems, labour organizations' problems in the lowest level is one of the factors that hinder labour organization development. Problems in the lowest level is related to the guarantee of labour freedom to take part in organizations. The need for labours to participate in organizations historically must be arisen from their thoughts, where context determines the concept and goal of an organization establishment. According to Munir, without labours' authentic thoughts, labour organizations would lose their visions and missions, or worse, when the leader does not have a sense of belonging to the organization and the activities are perceived just as a new profession which produces a salary from the members' contribution fund collection.¹³

Problems of pluralism related to labour organizations that appear after the Law No 21/2000 legally arise as the labour world is developing in Indonesia recently. The problem after the Law No 21/2000 is legalized is supported by Article 104 of the Law No 13/2003. This problem causes much interest in inequality between one member and other members and among labour organizations.

Problems of pluralism are seen on tripartite representatives where employers and government are difficult to decide who would represent the labours. This condition weakens the movement of labour welfare. At first, the pluralism problem appears as the consequences of the rule of law in the modern age.¹⁴ Rule of law in the modern age obliges every country including Indonesia to guarantee the right to participate in an organization and to be an opposition. This fundamental idea then develops based on the concept of human rights which has been fought for including in the field of labour welfare. Generally, human rights' struggles for labours campaign through ILO¹⁵ where Indonesia becomes one of its members and accommodates the freedom of association. Freedom of association is regulated through Law No 21/2000 which later creates a problem of labour organization pluralism in Indonesia.¹⁶

According to the Indonesian Institute of Sciences (LIPI), the development of labour organizations is not balanced with members' equality which leads to advocacy inequality in labour field by labour organizations.¹⁷ Besides, Article 1(1) of the Law No 21/2000 also causes a problem of labour organization independence, namely about members want labour organizations to be a political party. This condition makes labour organizations' members who become political party's members do not focus on labour welfare but the political party.¹⁸

Another problem is the low quality of human resources who become a committee of labour organizations. The low quality of human resources causes irresponsible people to take advantage of labour organizations. Those people take advantage of the big amount of donation from other countries and of conflicts among labour organizations in a company because it is free for labours to establish organizations.¹⁹

The other problem is the admittance of labour organizations in a normative way by where labour organization established. The problem is the requirement of labour organization establishment which needs at least 10 members. It is a difficult requirement if it is implemented to informal labours whose members less than 10.²⁰ It is obvious that the general responsibility and role of an

¹¹ Problem of SPSI's dualism function shows that besides fighting for labour welfare, SPSI is expected to maintain industrial sustainability. According to Munir, it is not proportional because productivity and industrial sustainability should be guaranteed by employers and not SPSI's job. *Ibid.*, p. 40.

¹² *Ibid.*, p. 42.

¹³ *Ibid.*, p. 51.

¹⁴ Zulkarnain Ibrahim, *Eksistensi Serikat Pekerja/Serikat Buruh dalam Mensejahterakan Buruh*, Jurnal Media Hukum, Vol. 23 No. 2, 2016, p. 152

¹⁵ The labour's right to organize is conducted based on the Freedom of Association and Protection of the Right to Organise Convention No.87, Right to Organise and Collective Bargaining Convention, 1949 (No.98), Forced Labour Convention, 1930 (No.29), Abolition of Forced Labour Convention, 1957 (No.105), Minimum Age Convention, 1973 (No.138), Worst Forms of Child Labour Convention, 1999 (No.182), Equal Remuneration Convention, 1951 (No.100), and Discrimination (Employment and Occupation) Convention, 1958 (No.111). These general conventions are adopted to declare the recognition of the principle of freedom of association to increase the welfare of the labour. Specifically in Indonesia, this convention is being the fundamental norm to regulate the labour organization.

¹⁶ *Ibid.*

¹⁷ LIPI, *Menjaga Independensi Serikat Buruh*, accessed from Lipi.go.id at March 21, 2017.

¹⁸ *Ibid.*

¹⁹ Zulkarnain Ibrahim, *Loc.Cit.*

²⁰ In the development, there is a high number of job vacancies and informal labours mainly in household assistants. However, labours in this sector do not have freedom to establish labour organizations which are as means to fight for their rights. (Read: Zulkarnain Ibrahim, *ibid.*, page. 152).

organization is to make effort and realize labour welfare which has been a bullying object for government and employers. In the development, it cannot run effectively because of the interference of the government and employers as mentioned before.

The problem is caused by the low offer of labours in every negotiation between labours and employers. The previous explanation is clearly stated that labour organization development stands in two points which are labour protection and a guarantee of employers' interest in the industry. Based on the explanation about the problems of labour organizations, it is clear that labour organizations cannot play their roles and do their responsibilities.

JUSTICE REPOSITIONING ON THE ROLE OF LABOUR ORGANIZATIONS IN REALIZING LABOUR WELFARE

It has been explained previously that the problem of labour organizations could not be separated from the existence of *carpe diem* or moral problems which affect the values and all of the aspects of the life of the community and the existing legal issues. According to the problem of labour organizations, the phenomenon of *carpe diem* almost exists in all aspects. It could be seen in the law, the system of labour organizations, and the management of labour organizations. Moral issue in the field of labour organizations has caused various problems so that the preamble message of Law No 21/2000 is broken.

This is shown by the amount of employers and companies rights which have been damaged because of many movements of labour organizations particularly the labour organizations which are at the base or company level. Moral issues in the field of labour organizations from normative and sociological aspects are basically based on the problem of habitual patterns which cause cultural changes in the body of the labour organization into deviant habits. An approach of cultural relativism will be used²¹ to explore more deeply about the problem of *carpe diem*. Based on the approach of cultural relativism, it is clear that each group and individual has confidence in the essence of morality based on their respective cultures. This happens at almost various scales in society; among individuals, groups of individuals, communities, between communities and nations, and between nations. Related to this opinion, James Rachels adds that the demands of each member of society according to this theory differ. The main point is due to different moral codes that cause people to have different demands on the needs and problems with their right parameters according to culture and different moral codes. This results in the absence of universal truth which is acceptable in all ages, however, the truth come from moral which that depart from different cultures.²²

Unlike the theory of cultural relativism, which is pessimistic about cultural issues, van Peursen's theory shows more about good cultural creation procedures to be able to create good morals and create good legal regulations and the implementation of the law, especially related to problems of labour organizations in Indonesia. Peursen sees that each culture, group, and society has a fundamental foundation that had existed in society before an individual and group were born in society. These values were discovered by previous generations then it was conceptualized together and carried out together with their relevance tested and continue to grow along with people's lives so that they accumulate in the long run and are embedded as fundamental roots in every community life.²³

Further Peursen states that value was born from the existing facts which are in the society and the facts would create judgment towards these facts. Peursen states that facts are inseparable from the issue of value because facts are a clear limitation of reality. It makes humans are involved in discussions about the meaning of values. This causes a situation where facts do not always precede values, but values always precede facts.²⁴ Based on the arguments above, it could be said that the values which become the basis and develop in a tradition and culture would become new facts in people's lives and then trigger the birth of the meaning of new values and it makes new facts called culture itself. Peursen further claimed that facts are fossils of value.²⁵ Starting from the meaning of Peursen's thought, it could be seen that Indonesian society has a culture that was born from the value of Indonesian society on a large scale and inside of it there are cultures of the sub-system of Indonesian society which are based on the values of Indonesian society but they develop according to the interpretation of values subjectively and in groups so that the values in the scale of the community sub-system could also deviate. Van Peursen also states that the existing culture of society is a reflection of values which consist of: a) Value of Religious; b) Value of Humanity; c) Value of Community Sociality; d) Value of Companionship, and e) Value of Harmony.²⁶

²¹ Cultural Relativism is an approach which studies about moral problems through cultural differences and their values in society, (Read: James Rachels, *Moral Philosophy, The Elements Of Moral Philosophy*, New York, McGraw-Hill, 2003, Page 45)

²² *Ibid*,

²³ Janes Alexander Uhi, *Filsafat Kebudayaan, Konstruksi Pemikiran Cornelis Anthonie van Peursen dan Catatan Refleksinya*, Pustaka Pelajar, Jogjakarta, 2016, p. 84-85.

²⁴ *Loc, cit*

²⁵ *Loc.cit*.

²⁶a) Religious values according to Peursen are values which are born as a result of community interaction in the religious field which is not limited by space and time. According to Peursen the value of religion depends on human desire to be close to God so that the measure is with worship and obedience at all levels, namely the level of thought and level of action; b) Human values are principles and benchmarks that could be developed through the truth of knowledge about the culture of society which gives birth to humanist human work. This is because all human creations including cultures that are realistic for the survival of human life and the natural surroundings; c) The value of community sociality shows that every human being born in the world leads every human being to be able to blend into each other so that a spirit of solidarity is formed between fellow human beings; d) The value of companionship is a value formed through feelings to share and help and be useful for each other, with this value the feeling of primordialism will be able to be neutralized from a superior feeling so that what is created is a culture of mutual love, love, respect, help one another; and e) The value of harmony is the value that guides humans to always create a harmonious condition between humans and nature, between humans means that humans must be able to conceptualize themselves as a small part of the community that is exposed to other individuals who live with different thoughts different. *Ibid*, p. 85-136.

Van Peursen states that if every habit of an individual, group, and society carries out these values, it would make morality at every scale in society be achieved well.²⁷ Problems of labour organizations in various aspects and levels show that the problems which are due to noble values which according to Peursen do not run in their habits which are related to the labour organizations in Indonesia, especially in points b, c, d, and e.

The values as intended by Peursen, in Indonesia, grow and develop under the name of Pancasila. Pancasila, as explained above, contains many noble values that are born from the life of Indonesian society and it makes culture. However, problems of the roles and responsibilities of labour organizations occur due to the habits and moral codes of labour organizations that undergo deconstruction following the values and habits which were born individually from the mentality of the management of labour organizations, workers, employers and government in Indonesia.

Starting from this phenomenon, it is necessary to make legal regulations which contain ideas by making Pancasila as a philosophical, sociological and juridical foundation. In addition, the accommodating of Pancasila could be applied to the legal issues related to the roles and responsibilities of labour organizations in society, to the aspects of the process of making legal regulations to the process of implementation, to the evaluation and supervision processes in each aspect related to regulations concerning responsibilities and roles of labour organizations up to their implementation. The implementation parameters would be related to how far the existing regulations which contain and are implemented would be following the mandate and the values of Pancasila. Thus, the roles and responsibilities of labour organizations would be created based on the value of moral justice.

After seeing the explanation above, it is also necessary to do a reconstruction of the administrative system of labour organizations. Dror explains that if people want to see labour organizations as a system, law enforcement as a process would involve a variety of interconnected components and some even have a fairly close dependency. These components include personnel, information, budget, substantive law facilities, procedural law, decision rules, and decision habits.²⁸ As a result, the absence of one component could lead to inefficient and useless so that the goal of the law aspired is difficult to realize. In the matter of the roles and responsibilities of labour organizations, it is necessary to have qualified personnel both in terms of formal, non-formal and quality knowledge in terms of morality.

Besides, it also has extensive information related to labour and industry issues, has a clear source of funds and a clear flow of expenditure as well as a clear financial management system, and has the means and pre-facilities in organizational development to facilitate the objectives of the labour organization. It also has clear rules and regulations which are made by the authorities and they are also applied by giving a penalty to the members and management of the labour organization.

In addition to the matters which are stated by Dror above and the matters which are related to the development of labour organizations according to the Trade Union Rights Center states that several things are needed, namely:²⁹

1. Labour organization management system is needed by the office to become the center of the organization's activities and the organization's communication center which is called the secretariat.
2. In addition to union of workers' organizations, they also need a Memorandum & Article of Association which is the basic law in carrying out the organizational mechanism so that it is binding on all members and administrators of labour organizations;
3. In addition to these aspects, it is necessary to have an educational aspect for the members and management of labour organizations to develop the existing human resources in labour organizations.

Therefore, in order to create a just labour organization, it is necessary to formulate several things which are not clearly regulated in any regulations concerning labour organization. They are:

1. Coaching and Skills Training

It has been explained that in its development there are still many members and management of labour organizations who have not had various skills in carrying out their roles, especially those which are regarding the roles and responsibilities of the labour organization itself. Due to this problem, it is necessary to hold training and education in law education which is related to industrial relations, organizational management, and character education of each member and management of a labour organization.

Related to legal training on industrial relations, besides receiving written material in class about basic knowledge of industrial relations law and basic knowledge which is related to industrial dispute resolution, the members and management of labour organizations must also receive knowledge which is related to the aspects of economic development and fundamental knowledge regarding the procedures for conducting research about transparency in the industrial world both in terms of material and formal. The outcome of the research could be in the form of journals, books, and discussion among the members. Labour organizations must also be given education in the form of advocacy skills in the world of industrial relations disputes which later on could be used to overcome various violations in the world of the industrial relation. The discourse would take place when labour organizations and academics work closely with academics and the skills training section of the labour organization section of the Ministry of Manpower and Transmigration.

²⁷ *Ibid*, p. 83

²⁸ Yehezkel Dror, *Ventures in Policy Science, Concepts and Application*, New York, Oxford, Jerusalem: Elsevier, 1971.

²⁹ Trade Union Right Centere, *Sistem Administrasi Dalam Menjawab Kebutuhan Serikat Buruh Di Indonesia*, TURC, Jakarta, 2014, p. 27-28.

2. Supervision

In addition to an education which is related to science, every member of the organization and management of labour organizations must receive education in the form of leadership, integrity, and disciplinary based on the implementation of the values of Pancasila in each of their activities.

It has been explained above that in all aspects both aspects of the preparation of legal regulations and aspects of partnership system implementation and education and skills training need to be done joint supervision of various related elements. However, supervision itself needs to be done in two ways, namely:

a. External Supervision

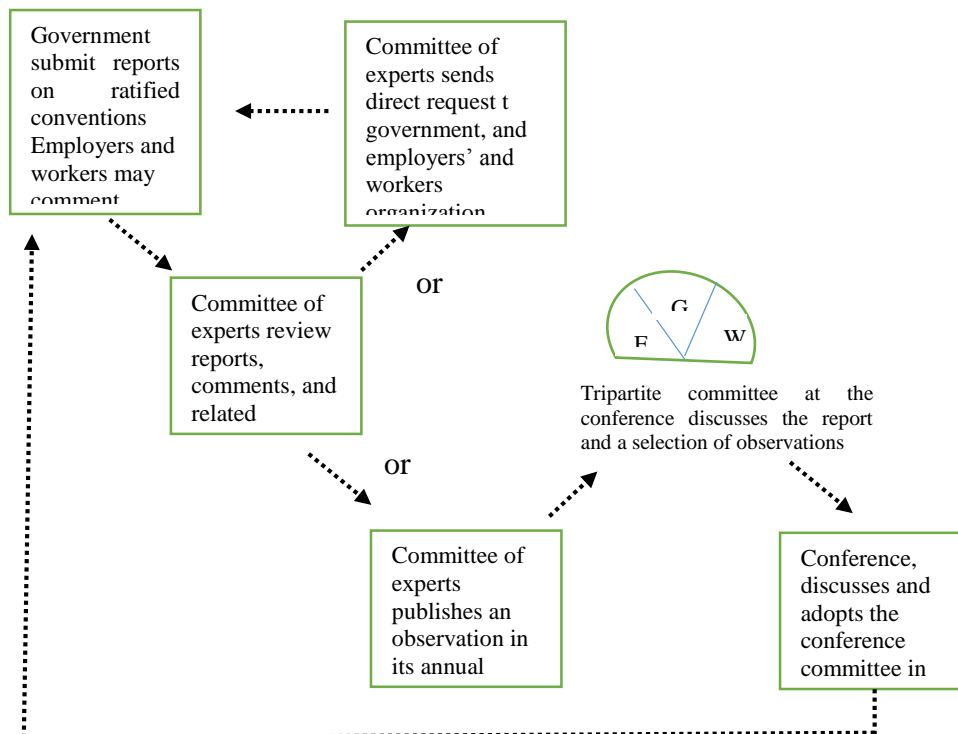
External supervision is supervision which is carried out by people who are not inside of the partnership system and are neutral or impartial, professional, transparent, and also have good electability. Also, external supervisors must have the ability and experience in the field of industrial relations, organizational management, financial management, as well as the ability to evaluate existing legal regulations. External supervisors usually consist of: a) Academics; b) Non-Governmental Organizations which concern about the disputes of other industrial relation outside the labour organizations, for example, research institutions; c) Experienced Senior Members of Labour Organizations; d) Experienced Senior Members of Organization of Entrepreneurs, and e) Government.

b. Internal supervision

In addition to external supervision, internal supervision is also needed. Internal supervision is carried out by elements in the partnership system which is formed together to become a supervisory team in the partnership system in which the members are selected by having neutral or impartial, professional, transparent, and also have good electability. Also, external supervisors must have the ability and experience in the field of industrial relations, organizational management, financial management, as well as the ability to evaluate existing legal regulations. The internal supervision team members consist of: a) Academics; b) Experienced Labour Organization Members; c) Experienced Member Organization of Entrepreneurs; and d) Government.

Both external and internal supervision must be followed by Government seriousness in solving the labour organization problems. One of the supervisory act can be started as follow:³⁰

Figure 1
Regular Supervisory Process



³⁰ Jajoon Coue, *The International Labour Organization and ILS: An Introduction*, presented at ILO Decent Work Team Bangkok June 2016, retrieved from https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/presentation/wcms_493331.pdf.

To support the realization of that supervisory ideas, the Indonesian government should revise the Law No.21/2000 because it is no longer relatable to nowadays situation. Besides, the idea of revising the Law No.21/2000 should be reflected in the fundamental right of freedom of speech through the organization. The labour organization is a platform to help the labour speaking up their voice. That fundamental right is in line to Article 28, Article 28E (3), and Article 28I (1) of the 1945 Constitution of the Republic of Indonesia. Therefore, the government needs to revise the Law No.21/2000 and the delegated legislation under it.

CONCLUSION

According to the various explanations above, it could be stated that the role of labour organizations has not been effective in realizing labour welfare. Thus, this creates injustice for workers and it also makes constipation in the flow of industrial development in Indonesia. This is caused by regulations which are related to the labour organizations which creates pluralism in labour organization which has the goals and interests which are not only focused on the realization of labour welfare. Therefore, formulations that are related to labour organizations need to return to *Pancasila* by realizing improvements in the labour organization management system, both in terms of Human Resources, Organizational Management System, and a balanced and fair Supervision System.

REFERENCES

- Alexander, Jane Uhi. (2016). *Filsafat Kebudayaan, Konstruksi Pemikiran Cornelis Anthonie van Peursen dan Catatan Refleksinya*. Yogyakarta : Pustaka Pelajar
- Cahyono, Kahar S. (2010). *Buruh Bergerak!, Pengalaman Aliansi Organisasi Buruh Serang*. Jakarta : Trade Union Right Centre
- Dror, Yehezkel. (1971). *Ventures in Policy Science, Concepts and Application*. New York, Oxford, Jerusalem: Elsevier
- Munir. (2014). *Gerakan Perlawanan Buruh, Gagasan Politik dan Pengalaman Pemberdayaan Buruh Pra Reformasi*. Malang: Intrans
- Rahardjo, Satjipto. (2009). *Membangun dan Merombak Hukum Indonesia, Sebuah Pendekatan Lintas Disiplin*. Yogyakarta: Genta Publishing
- Rachels, James. (2003). *Moral Philosophy, The Elements Of Moral Philosophy*. New York : McGraw-Hill
- Trade Union Right Center. (2014). *Sistem Administrasi Dalam Menjawab Kebutuhan Serikat Buruh di Indonesia*. (Jakarta: TURC).
- D.W. Livingstone And M. Raykov, Union Influence On Worker Education And Training In Canada In Tough Times, Ontario Institute For Studies In Education Of The University Of Toronto (OISE/UT) Toronto, Canad, 50 *JUST LABOUR* Vol. 5 (Winter 2005).
- Ibrahim, Zulkarnaen. Eksistensi Serikat Pekerja/Serikat Buruh dalam Mensejahterakan Buruh, *Jurnal Media Hukum*, Vol. 23. No. 2. 2016.
- The 1945 Constitution of the Republic of Indonesia.
- Freedom of Association and Protection of the Right to Organise Convention No.87
- Law Number 21/2000 on Worker and Labour Organizations
- Law Number 13/2003 on Employment
- Liputan 6, *Lima Daerah Di Indonesia Dengan Jumlah Kenaikan Upah Buruh Terkecil*, retrieved from from Liputan6.com
- LIPI, *Menjaga Independensi Serikat Buruh*, accessed from Lipi.go.id at March 21, 2017
- https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/presentation/wcms_493331.pdf.

Jarot Jati Bagus Suseno
School of Law
Islamic University of Sultan Agung, Semarang, Indonesia
Email: jarotjati21@gmail.com

Elfi Indra
Researcher at Esmi Warassih Discussion Group
Semarang, Indonesia
Email: blog.elfi@gmail.com

Tutut Ferdiana Mahita Paksi
School of Law
Gadjah Mada University, Yogyakarta, Indonesia
Email: tututferdiana@gmail.com