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Government Authority in Regulating Employment Relations between Employers and Workers/Laborers in Indonesia

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Abstract

The working relationship between employers and workers/labourers is civil/private in nature because it was born after the existence of a work agreement. The existence of jobs, orders and wages as elements of work relations is left to the parties. The work agreement as the basis of the employment relationship is an autonomous rule for employers and workers/laborers in exercising their rights and obligations. However, work agreements do not fully contain private elements. The position of the worker/laborer and the entrepreneur is not balanced, for example in terms of "work" and "orders" the worker/laborer is in a weak position because the employer has previously determined it according to the type of work agreed upon. Likewise the issue of "wages", even though the entrepreneur has set the amount, it may not conflict with the provisions of labor regulations. Labor is very crucial because it is one of the main pillars in carrying out national development. Therefore, a heteronomous rule is needed as a safeguard in supervising the working relationship between the parties. This raises the public aspect in the field of employment. This research will discuss the authority of the government in employment relations. The research method uses normative juridical with a focus on laws and regulations. The presence of the government is principally in order to monitor and balance the relationship between the two parties through labor law instruments that apply as heteronomous rules. This raises the public aspect in the field of employment. This research will discuss the authority of the government in employment relations. The research method uses normative juridical with a focus on laws and regulations. The presence of the government is principally in order to monitor and balance the relationship between the two parties through labor law instruments that apply as heteronomous rules. This raises the public aspect in the field of employment. This research will discuss the authority of the government in employment relations. The research method uses normative juridical with a focus on laws and regulations. The presence of the government is principally in order to monitor and balance the relationship between the two parties through labor law instruments that apply as heteronomous rules.

Keywords: Government Authority, Work Relations

INTRODUCTION

Manpower development as an integral part of national development based on Pancasila and the 1945 Constitution of the Republic of Indonesia, is carried out in the framework of the development of the Indonesian people as a whole and the development of Indonesian society as a whole to increase the dignity, dignity and self-esteem of the workforce and create a prosperous, just society. , prosperous, and evenly distributed, both materially and spiritually. As one of the main pillars in carrying out national development, the problem of labor is a crucial factor in Indonesia. Even the labor factor is a very dominant tool in the life of a nation, because labor is one of the determining factors for the death and survival of a business/activity (Djumadi, 2004).

In addition, companies have an important role in economic development and job creation, so that policies in the world of work must be supported by the government and other relevant institutions, one of which is by issuing laws, decrees, and other regulations to regulate labor in Indonesia. All workers and parties who employ labor must comply with these regulations. These regulations cover many things such as legal protection of workers,

obligations of entrepreneurs or companies, rights obtained by workers, and so on (Sinda Eria Ayuni, 2019).

The 1945 Constitution contains the eternal goals (vision) and mission of the Indonesian nation. The eternal vision referred to as stated in the Preamble of the 1945 Constitution is "an independent, sovereign, just and prosperous Indonesian State", while its mission is to protect the entire Indonesian nation, promote public welfare, educate the nation's life, participate in carrying out world order based on freedom, eternal peace and justice. social. The elaboration of the vision and mission concerning the welfare of the community is then set forth in the Articles of the 1945 Constitution relating to the welfare of the people (Kasyful Mahlli, 2015). Industrial relations is a system of relations formed between actors in the process of producing goods and/services consisting of entrepreneurs, workers/labourers and the government based on Pancasila values and the 1945 Constitution of the Republic of Indonesia (1945 Constitution of the Republic of Indonesia). From the definition of industrial relations it seems that there are three parties, namely workers/laborers, employers, the government. This indicates that the government intervenes in the relations between workers and employers. The state in this case is represented by the government as a tool of society that has the power to regulate relations between people in society (Miriam Budiardjo, 1992).

In order to meet the needs of his physical life, humans must work. Every job that is done aims to continue his life. Work is positioned as an urgent need that must be met by every individual because by working a person can earn income that is used to achieve prosperity which also refers to the welfare of every workforce in Indonesia.

The impact of today's industrial globalization is that more and more new types of work are emerging, but also the problem of employment is increasingly complex. At the same time, behind a number of positive impacts that have arisen with the development of science and technology progress, there have also emerged socio-economic problems marked by demonstrations due to injustice in the field of employment, workers' rights that have not been fulfilled/decent wages, weak workers' organizations as a channel for their aspirations, and low awareness implementing regulations among entrepreneurs (Novi Eriza, 2016). Problems in the field of employment cannot be ignored, they must be anticipated immediately. If allowed to drag on, it will affect the national stability of a country and even the international community.

On the other hand, Indonesia's industrial relations system adheres to an economic democracy system with a welfare state model (Bagir Manan and Susi Dwi Harjanti, 2014). This is confirmed by the formulation of Article 27 paragraph (2) jo. Article 28D paragraph (2) of the 1945 Constitution which states that every citizen has the right to work and a decent living for humanity, and everyone has the right to work and receive rewards and fair and proper treatment in work relations. So based on these two articles, the task of the Indonesian state is not only to create jobs but the state must guarantee that in every employment relationship all parties, especially workers/laborers, obtain a decent living as human beings and receive fair treatment.

RESEARCH METHODS

Research is a series of activities that contain certain procedures, have ways, orderly steps and create a fixed pattern. A series of ways and steps in the scientific world is called a method. The Scientific Method is a procedure for obtaining knowledge which is called science. Science is knowledge obtained through scientific methods (Jujun S. Suriasumantri, 2005). Peter Mahmud Marzuki (2007) argues that legal research is a process to find legal rules, legal principles, and legal doctrines to answer the legal issues at hand.The type of research used is

normative juridical or doctrinal research. In normative/doctrinal legal research, there will be a prescriptive interpretation of law as an ideal value system, law as a conceptual system, and law as a positive legal system.

The research location is carried out through a library study to obtain the materials needed, namely books, laws and scientific articles such as journals related to normative research themes. With regard to the type of research which is normative research, the type of data used in this study is a type of secondary data. Secondary data is data obtained through literature studies. Secondary data is obtained from a number of information or facts obtained indirectly, namely through literature studies consisting of documents, literature books, and others related to the problem under study.The data source used is secondary data obtained through library research. By analyzing the problems in this study through the approach of legal principles and related laws and regulations as the primary source of law, namely Law no. 13 of 2003 concerning Manpower.

Primary legal material is legal material that has an authoritative nature, which means it contains provisions and legal rules that are binding (have authority). The main legal materials in this research are: 1) Law No. 13 of 2003 concerning Manpower. 2) UU no. 2 of 2004 concerning Settlement of Industrial Relations Disputes

Secondary legal material is legal material that functionsto provide further elaboration of primary legal materials. Secondary legal materials provide explanations, support and strengthen existing primary legal materials so that it is possible for further study and construction. Secondary legal materials in this study include: literature, books, scientific articles and journals related to the problem under study. Tertiary legal materials are materials that provide instructions and material explanations for primary and secondary legal materials. These legal materials include: legal dictionaries, legal encyclopedias and the Big Indonesian Dictionary.

Data collection in this study was carried out by means of a study literature in the form of secondary data as the basic material to be researched by holdinga search of regulations and other literature related to the problem under study or often referred to as legal research literature. The data analysis technique used in this study is data processing, which essentially systematizes written legal materials. So that the activities carried out are in the form of data collection, then the data is reduced so that special data related to the problem being discussed will then be studied using material norms or retrieval of data content in accordance with existing provisions and finally conclusions / verification will be obtained so that objective truth will be obtained . In accordance with the type of descriptive data used qualitative data analysis techniques, namely by collecting data, qualifying, then connect the theories related to the problem and finally draw conclusions to determine the results. Data analysis is the next step to process research results into a report.

RESULTS AND DISCUSSION

Employment relations arise because of a work agreement between employers and workers/labourers. The work agreement contains the rights and obligations of the parties that bind both parties. The form of the work agreement is free, meaning that the work agreement can be made in writing or orally/not in writing. Article 51 paragraph (1) of the Manpower Act states "Employment agreements are made in writing or orally." Furthermore, paragraph (2) "Work agreements required in writing are carried out in accordance with the applicable laws and regulations." The elucidation of Article 51 paragraph (1) states that in principle work

agreements are made in writing but it is possible to make them orally due to the diverse conditions of society. However,

A work agreement contains rights, obligations and working conditions. These provisions are regulated in Articles 54-Article 55 of the Manpower Act. Article 54 paragraph (1) states "Work agreements made in writing contain at least: [...]". the obligations of the parties must not conflict with company regulations, collective labor agreements, and applicable laws and regulations.

1. Elements in the Employment Relations

The Labor Law regulates Employment Relations in Chapter IX. Chapter IX consists of Employment Relations (Article 50) FormsEmployment Agreements (Articles 51 and Article 63), Requirements for the Validity of Employment Agreements (Articles 52), Charging of Expenses Arise (Articles 53), Contents and Conditions of Employment Agreements (Articles 54-55), Types of Employment Agreements and Conditions (Articles 56-60) , Termination of Work Agreements (Articles 61-62), and Provisions regarding Contracting Work or Provision of Worker/Labor services (Articles 64-66). The following will describe the elements in the employment relationship.

1. *Elements of Work*

Juridically, the relationship between workers and employers is free or equal. A person may not be enslaved, stretched or enslaved, because this is not in accordance with the contents of the Pancasila and the 1945 Constitution of the Republic of Indonesia as the legal basis of the Republic of Indonesia, but in fact sociologically workers or laborers are not free, because with only their labor capital sometimes a worker is forced to accept the working relationship with employers even though the relationship is burdensome for the workers themselves, moreover, the current employment is not proportional to the number of workers in need. The element of work is that the work is free in accordance with the agreement between the worker and the employer as long as it does not conflict with the applicable laws and regulations.

The Labor Law recognizes work agreements made for a certain time (PKWT) or for an unspecified time (PKWTT). So there are 2 (two) forms of work agreements, namely agreements with a term in which workers with this agreement are usually called contract workers. Furthermore, agreements that do not have time limits are known as permanent workers.

The element of work in the Manpower Act is not explicitly regulated. Regarding what work can be agreed upon there is no complete explanation about this. However, when looking at Article 59 of Law No. 13 of 2003 concerning Manpower states that work agreements for a certain time can only be made for certain jobs which, according to the type and nature or activities of the work, will be completed within a certain time. The intended work includes work that is completed once or is of a temporary nature, work that is estimated to be completed within a not too long time and a maximum of 3 (three) years or seasonal work, work related to new products, new activities or additional products that are still under development. trial or exploration. It is further stated that permanent work may not be made in the form of a contractual agreement (PKWT). In addition, for PKWT there is a time limit for contract extension. PKWT may only be for a maximum period of 2 (two) years, if extended only 1 (one) time for a maximum period of 1 (one) year.

Regarding PKWTT there are also provisions that must be obeyed by the parties, namely workers/laborers and employers. For PKWTT, a probationary period is permitted for workers/laborers for a maximum of 3 (three) months. However, employers are prohibited from paying wages below the applicable minimum wage during the probationary period.

Provisions regarding work can be said to be private because it can be returned to the parties bound by the agreement, in this case the worker/laborer and the entrepreneur. In connection with this, Iman Soepomo explained that the contents of the work agreement, namely the subject matter, strictly speaking, the work promised, must not conflict with the provisions in the law which are coercive or in the law on public order or by obeying the morals of society (Iman Soepomo, 1990).). For example, the contents of a work agreement that contradicts the provisions of the criminal law, namely a work agreement that requires workers/laborers to make counterfeit money, clearly this is an act that is prohibited by law.

Meanwhile, work agreements are public if they are related to certain types of agreements as explained in Article 59 of Law No. 13 of 2003 concerning Manpower. If based on the Knowledge of Employment Law Rules where the parties can determine what work can be agreed upon, then such a rule is an Autonomous Rule of Law. However, if the law has determined the type of work, especially for a certain time agreement, then this provision is a rule of Heteronomous Law. The making of work agreements between workers/laborers and employers or employers has the nuance of special/private interests, but the terms of work, rights and obligations of the parties have the nuances of public/public interests. This is because the Labor Law regulates working conditions, rights, and obligations along with sanctions if not fulfilled. This is where one can see how the government intervenes with the nuances of public law.

2. *Command Element*

The relationship between employers and workers/labourers is a relationship that is carried out between superiors and subordinates so that it is subordinated (a vertical relationship, namely above and below) (Asri Wijayanti, 2011). Provisions of this kind can also be found in the Civil Code, Article 1601a, which states that a Labor Agreement is an agreement whereby one party, the worker, binds himself under the orders of the other party, the employer, for a certain time, to do work for a fee. Command is a manifestation of an unequal relationship. Thus the order in a work relationship is something that is private and the rule of law is an autonomous rule.

In Burgerlijk Wetboek (hereinafter abbreviated as BW) the term "order" (translation) is also found, namely in article 1601 a. Article 1601 a BW emphasizes, "a labor agreement is an agreement by which one party, the worker, binds himself to under the orders of another party, the employer, for a certain time, to do work for a fee." According to BW, an "order" is an element of a labor agreement or work agreement. In BW it is not explained about the meaning of "command". However, the word "order" in BW is clearer than the meaning of "order" in article 1 number 15 of Law no. 13 of 2003 concerning Manpower. In BW the word "order" is part of the phrase "under orders to do work". Thus according to BW the word "command" must be linked to doing work. When compared to the meaning of "order" contained in the BW it can be drawn to mean the meaning of "order" in article 1 number 15. Thus one of the elements of

the meaning of the word "order" in article 1 number 15 is that the order must be linked to doing work .

In Harrap's Essential English Dictionary it is emphasized that a command is "Someone in authority commands you to do something when they order you to do it" (Harrap's Essential English Dictionary, 1995). According to Harrap's dictionary, this is an element that must be in the "command" or "order" is "in authority" or in power or authority. This element of "in power" is very important in relation to the attachment of authority to certain legal subjects and when that power or authority is exercised. Holders of governing power (businessmen) are indeed attached to power, but power holders cannot rule at any time. A worker who is resting cannot be ordered by those in authority to command. The existence of power and when the power of command is exercised are important elements of command. There is a principle that every action must have a motive and purpose. Employers' orders to workers must be motivated. This means that the order must have a logical motive and be in accordance with the purpose of doing the work (Budiono, AR 2013).

The existence of an order as one of the elements in the employment relationship must refer to the employment agreement. An entrepreneur who employs workers/labourers, the relationship between the two of them has become a working relationship that arises because of an employment agreement. The work agreement contains terms of work as well as rights and obligations. Workers/laborers carry out their work because they have been indirectly instructed by the employer through a work agreement. So the employer's order is part of what is contained in the work agreement. The order is attached to the worker/laborer's obligations. The order must be in accordance with what is stated in the work agreement.

3. *Wages Element*

Article 1 point 30 of Law Number 13 of 2003 concerning Manpower states that wages are the rights of workers/laborers who are received and expressed in the form of money as compensation from employers or employers to workers/laborers who are determined and paid according to a work agreement, agreement, or laws and regulations, including allowances for workers/laborers and their families for work and/or services that have been or will be performed. Based on these provisions, the regulation of wages is a public arrangement because it determines how it is determined and the amount.

Wages are paid based on work agreements or statutory regulations. Wages can be based on work agreements, as long as the wage provisions in the work agreement do not conflict with statutory regulations. If it turns out that the wage provisions in the work agreement are contrary to statutory regulations, then what applies is the wage provisions in statutory regulations.

Saprudin in his research explained that government intervention in the field of wages had started in the Old Order Period, namely when Law Number 33 of 1947 concerning Work Accidents was promulgated. The state regulates wage provisions associated with compensation due to work accidents in employment relations (Saprudin, 2012). The government's role in wages is getting bigger with the stipulation of Government Regulation Number 8 of 1981 concerning Wage Protection. And this arrangement has lasted until now with the enactment of Government Regulation Number 78 of 2015 concerning Wages.

If it is based on the principles of labor law, the regulation regarding wages is a heteronomous legal rule. This can be seen from the provisions that employers are prohibited from paying wages lower than the minimum wage and wages must be received and expressed in money. Wages can be based on work agreements, as long as the wage provisions in the work agreement do not conflict with statutory regulations. If it turns out that the wage provisions in the work agreement conflict with statutory regulations, then what applies is the wage provisions in statutory regulations.

2. Government Authority in Work Relations

Realizing a just and prosperous society is one of the goals of an independent Indonesia. Therefore, the state has an obligation to create welfare for its people fairly. One of the instruments for realizing justice and prosperity is law. Through law, the state seeks to regulate relations between individuals or between persons and legal entities. This arrangement is intended so that there is no oppression from the stronger side against the weaker party, so that justice and peace can be created in the midst of society.

The constitution in Indonesia itself has stated that the relationship between the state and citizens is very clear and should be a legal basis that must be implemented by the government as an obligation. In general, the state's obligations are implicit in the Preamble of the 1945 Constitution, namely in the fourth paragraph which emphasizes that the state is obliged to protect the entire Indonesian nation and all of Indonesia's bloodshed, promote public welfare, educate the nation's life, and carry out world order based on freedom, peace. lasting, and social justice (Andriyeni et al., 2015).

The principle of legality is the basis for every administration of state and government or in other words, every administration of state and government must have legitimacy, namely the authority granted by law. Thus, the substance of the principle of legality is authority, namely the ability to carry out certain legal actions. According to HD Stout, authority is an understanding that comes from the law of government organizations which can be explained as a whole of the rules relating to the acquisition and use of government authorities by public law subjects in public law relations. According to FPCL Tonnaer,

Every country has an obligation to guarantee and respect human rights, protect and uphold them in their respective countries. The form of protection by the state is by enacting provisions that can protect the rights of workers as human beings who deserve to receive fair and equal treatment regardless of their degree, rank or position. Workers' protection can be carried out either by providing guidance, or by increasing the recognition of human rights, physical and technical protection as well as social and economic through the norms that apply in the work environment (G Kartasapoetra and Rience Indraningsih, 1982).

In Indonesia, provisions regarding employment that are normalized in the Labor Law in the General Explanation section state that:

"Manpower development must be regulated in such a way as to fulfill fundamental rights and protections for workers and workers/labourers and at the same time create conditions that are conducive to the development of the business world. Employment development has many dimensions and interrelationships. This linkage is not only with the interests of the workforce during, before and after the working period but also the linkage of the interests of the employer, the government and the community. For that we need a comprehensive arrangement"

Based on the general explanation of the Labor Law, it can be seen that there are public interests and special interests. According to Sendjun H. Manulang, the purpose of holding labor law is (Sendjun H. Manulang, 1990):

1. To achieve/implement social justice in the field of employment;
2. To protect workers against unlimited power from employers, for example by making or creating regulations that are coercive so that employers do not act arbitrarily towards workers as a weak party.

Based on the Scientific Perspective of FX Employment Law Rules. Djumiadji stated that employers and workers have a civil relationship, which means that both parties have civil status. In addition, the parties are also bound by an autonomous law, namely provisions made by employers and workers/workers. Furthermore,

Several laws and regulations in the field of Manpower, for example Law Number 21 of 2000 concerning Worker/Labor Unions, Law Number 13 of 2003 concerning Manpower, Law Number 2 concerning Settlement of Industrial Relations Disputes, and Law Number 39 2004 concerning the Placement and Protection of Indonesian Migrant Workers Abroad.

Every human being has their own rights as an employee, while the position of workers in terms of bargaining power is generally much weaker than that of employers. The low quality of workers and the high rate of unemployment mean that workers in Indonesia do not have many options for getting a job, which results in their low bargaining power with employers.

The written rules that were created to guarantee workers' rights are Law Number 13 of 2003 concerning Manpower. Apart from Pancasila and the 1945 Constitution of the Republic of Indonesia which clearly guarantee the protection of every Indonesian citizen, in this case, workers in particular, Law Number 13 of 2003 concerning Manpower was made specifically as a guideline for provisions to fulfill the rights and obligations of workers and employers as business actors. In this case the state exists to protect its citizens through legal instruments. The formation of industrial relations cannot be separated from the existence of workers, employers, the role of the government as a regulator, as well as actors in issuing various policies to provide a sense of comfort, order as well as institutions that carry out supervision and law enforcement.

The establishment of industrial relations within the employment agreement between employers and workers is a condition for achieving success in driving economic growth and improving the welfare of workers and their families. This is in accordance with the meaning of the provisions of Article 102 of Law No. 13 of 2003 concerning Manpower, namely the government as an arbiter and actor in carrying out supervision and law enforcement, establishing policies, and providing services to parties in the process of producing goods and/or services. (Soewono, DH, 2019)

Article 102 of Law Number 13 of 2003 concerning Manpower. explains the government's function in the implementation of industrial relations, namely that the government has the function of establishing policies, providing services, carrying out supervision, and taking action against violations of laws and regulations. When analyzed, based on Article 102 paragraph (1) the function of the government when associated with carrying out state functions consists of three forms, namely: bestur, politie, and rechtspraak.

The government as the administrator of the state in the field of manpower must be able to carry out this function properly, the function of the government is cumulative. The concept of juridical sociale rechtstaat P.Schnabel in Lanny Ramly, states that the duty of the state, in addition to protecting civil liberties, also protects the people's lifestyle (levenstjil), which is an extension of the function of the state (Lanny Ramly, 2010). In sociale rechtstaat the public interest is defined as the interest of all the people. Human rights related to social rights that are recognized in the socialrechstaat include industrial relations. Legal protection is always related

to power, there are two powers that are always a concern, namely government power and economic power. In relation to government power, the issue of legal protection for the (governed) people, against the (governing) government. In relation to economic power, the problem of legal protection is protection for the weak (economy) against (economic) attitudes, for example protection for workers against employers (Philipus M Hadjon, 2003).

The role of the state as a regulator in the field of manpower provides a framework for thinking, a framework for action, and a legal basis based on Pancasila values which are fundamental to the life of the Indonesian nation. The capacity of Pancasila as the philosophical value of the Indonesian nation, means that the values mentioned in the formulation of the Pancasila precepts are values that contain a universal general abstract understanding. If studied carefully, the universal general abstract understanding allows the realization or elaboration to vary according to the needs or areas of study (Soejadi, 1999).

Indonesia is a constitutional state (Article 1 paragraph (3) of the 1945 Constitution), which means that the state is responsible for providing legal protection for its citizens (Article 27 of the 1945 Constitution). In addition, Indonesia also understands the welfare state (welfare state). The state can use law as a means to regulate and organize and guarantee the welfare of its people. Moreover, the law is not a goal, but a reflection of people's aspirations in protecting the rights and interests of individuals as outlined in legal norms or legal principles as a bridge that will bring all Indonesian people to the ideals they aspire to. Sunaryati Hartono, 1991).

Countries that apply the notion of social democracy are often referred to as welfare states. This welfare state contains the idea that people's welfare is the most important responsibility for the state. There are three interpretations regarding the application of the welfare state, namely:

1. Provision of services for the welfare of society by the state, because the main responsibility of the state is the welfare of its citizens.
2. This responsibility is comprehensive, which is universal because it is a citizen's right and it is the state's obligation to fulfill it.
3. Services are fully provided by the state but are a combination of services by the state or state-owned companies, subsidized private companies or by non-profit organizations.

The state as a guarantor (provider) of people's welfare by creating equal industrial relations between workers and employers in the company environment, so that workers participate in determining company policies that are managerial in nature, workers are not considered as an external factor of the company, but as an internal factor of the company. In turn, this will foster a sense of belonging and a sense of responsibility towards the company where they work. Apart from that, through a worker share ownership program in companies, especially state-owned companies (BUMN/BUMD) so that all efforts will be made by workers to increase the progress of the company so that the company can achieve maximum profits.

The presence of the state through tripartite institutions in employment is also a form of government authority in employment relations. Where it becomes a forum for the parties involved in discussing labor issues. This is implemented through industrial relations facilities that regulate and supervise work relations that occur in companies, which are primarily discussion and communication in nature. The presence of a tripartite institution also acts as a mediator for parties who have the potential to disagree in interpreting legal abstractions, as well as various interests outside the legal aspect, both environmental, socio-cultural, and the value (sense) of justice for the working/labor community.

Furthermore, it relates to the authority of the government in terms of settlement of industrial relations disputes which are carried out through the industrial relations court. This dispute resolution process also becomes the scope of work relations where it takes care of

workers/labor relations issues that have the potential to result in the end of the working relationship for both parties. As for the juridical rules, apart from being contained in the labor law, they are contained in Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes (PPHI). The birth of this law as a form of government authority in regulating disputes that arise between the two parties in a work relationship.

Several forms of government authority can be seen as follows:

1. Article 4 paragraph (3) Law Number 2 of 2004 concerning Industrial Relations Dispute Settlement (PPHI); after receiving the records from one or the parties, the agency responsible for the local manpower sector is obliged to offer the parties to agree to choose a settlement through conciliation, or through arbitration.
2. Article 4 paragraph (4) of Law no. 2 of 2004 concerning PPHI in the event that the parties do not determine the option of settlement through conciliation or arbitration within 7 (seven) working days, the agency responsible for the field of manpower delegates the settlement of the dispute to the mediator. Procedures and legal remedies in the settlement of industrial relations can be carried out in two ways, namely by way of examination at the industrial relations court and by means of legal remedies.

The function of government in industrial relations in Indonesia relates to civil servants as industrial relations intermediaries who are given full duties, responsibilities, authorities and rights by authorized officials to carry out activities for fostering and developing industrial relations and settling industrial relations.

Based on Law Number 13 of 2003 Article 176 paragraph (1) that labor inspectors who have competence and are independent to guarantee the implementation of laws and regulations. Their objectives include overseeing the application of labor laws and regulations in particular. The Labor Inspector has a very strategic and decisive role as well as being the spearhead in realizing harmonious, dynamic and just industrial relations in the company. In the context of upholding labor law, Labor Inspectors can carry out inspections on the implementation of laws and regulations in companies/workplaces and guidance for employers and workers/laborers, which is carried out in accordance with predetermined inspection standards (preventive action). In line with that, a lecturer and practitioner of labor law at the University of Indonesia, Lanny Ramli explained that supervision by the government in the field of labor resulted in a shift in the paradigm of labor law which previously only covered two parties (bipartite), namely between workers and employers, to become three parties (tripartite). The supervisory action carried out by the government is an implementation of the main elements of the founding of a rule of law state as expressed by JF Stahl, namely the protection and recognition of human rights. In addition, this action is also carried out by the government in carrying out its function as a regulator forming statutory regulations and as a supervisor who guarantees the implementation of statutory regulations.

CONCLUSION

Based on the description above, it can be concluded that the consequences of the Indonesian state embracing the welfare state gives responsibility to the state, in this case the government, to protect and seek the welfare of its citizens. Likewise in work relations, as a crucial factor in the implementation of national development, the state is present with a number of authorities to oversee working relations between parties in order to create a conducive employment climate in Indonesia.

The suggestions related to the conclusions in this study are as follows: The government is required to play an active role in balancing the relationship between employers and workers/laborers through upholding labor law and creating responsive legal products that can accommodate increasingly complex labor relations issues.

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