

The Penetration of 4.0 Industry Revolution Through Strengthening Human Resources Related to The Right to Work for Humanity

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Abstract

The aim of this research is to assess the politics of employment law related to the right to work and the urgency of whether or not changes to Law Number 13 of 2003 are necessary to move towards the era of Industrial Revolution 4.0. This research is normative legal research with a statutory and conceptual approach. First, the right to work for every citizen aims for humanity as mandated by Article 27, paragraph (2) of the 1945 Constitution. Second, formal education and job training for workers are very important in facing the era of revolution 4.0 as strengthening human resources in the workplace. There is a need to change labor law, including regarding the regulation of job training, which is like two coins. Thus, efforts to face the era of Industrial Revolution 4.0 do not abandon the sense of humanity as part of the identity or identity of the Indonesian nation in the Preamble to the 1945 Constitution towards the life of Indonesian people towards goodness and the mandate in the 1945 Constitution regarding the right to work for everyone.

Keywords: Industrial revolution 4.0, strengthening human resources, right to work, humanity



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Introduction

Humans have the nature to work in order to live a prosperous and beneficial life for themselves, their families, and those around them. For the results of their work, a person has the right to receive wages or income to fulfill their daily living needs, which is one of their human rights. The problem is that when someone cannot meet the skills required by their place of work, it is inevitable that layoffs (PHK) will be replaced with technology in the form of machines, which the employer considers can save various costs that would be incurred in paying human workers, including providing benefits.

The Industrial Revolution 4.0 is currently seen as a pervasive phenomenon occurring not just in Indonesia but also in several other nations. It is a prevailing trend within the industrial sector, whereby automation technology and cyber technology are seamlessly integrated. The advent of automation and data exchange in manufacturing technologies has brought about significant transformations in several aspects of human existence, encompassing the economy, labor landscape, and even individual lifestyles. This shift is characterized by the integration of cyber-physical systems, the Internet of Things (IoT), cloud computing, and cognitive computing. The current phenomenon involves the integration of intelligent technology into several aspects of human existence.¹

The Industrial Revolution 4.0 will bring many changes with all its consequences, including the risk of reducing human resources that machines or robots will replace. Internet banking technology, mobile banking, and cash deposit automated teller machines (ATMs) have increasingly caused the role of tellers to erode. Banks must think about it from a business perspective and start limiting the opening of branch offices and relocating branch offices with less potential to areas with more potential. Banking for efficiency does not add employees rather than eliminating branch offices.²

Large banks in Europe have begun laying off large numbers of up to 60 thousand employees, one of which is Commerzbank from Germany, with around 4,300 employees being laid off as a restructuring effort. Headcount reductions across the Group are inevitable, and it is estimated that an additional 4,300 full-time positions will be cut across the Commerzbank Group. Banks in Spain, England, and France are cutting workers to increase profits, and 10 large European banks have laid off workers in 2019.³ In principle, Indonesia should be different from other countries because Indonesia has Pancasila, in which there are human values that the government and The people have agreed to work together to achieve prosperity. Prosperity can be achieved through human values.

Rapid technological developments are starting to have an impact on the banking sector. The Banking Workers Union Communication Network (Jarkom SP Perbankan) stated that an

¹ Sinta Agustina, "Peran Pemerintah Dalam Revolusi Industri 4.0," accessed September 18, 2023, <https://kkp.go.id/itjen/page/1724-peran-pemerintah-dalam-revolusi-industri-4-0>.

² Syahrizal Sidik, "Tsunami PHK Perbankan, Ini Saran Buat Bankir," 2019, <https://www.cnbcindonesia.com/news/20190116160751-4-50969/tsunami-phk-perbankan-ini-saran-buat-bankir>.

³ Ignacio Geordi Oswaldo, "Waduh! Deretan Bank Ini PHK Besar-Besaran, Hampir 60 Ribu Orang," 2019, <https://finance.detik.com/berita-ekonomi-bisnis/d-4720939/waduh-deretan-bank-ini-phk-besar-besaran-hampir-60-ribu-orang>.

estimated 50,000 bank employees were laid off due to being replaced by machines. Layoffs in the banking sector have occurred since 2016 until now. Layoffs happened in the context of company efficiency in a number of professions, such as tellers, customer service, and banking sales, which began to be reduced slowly. This condition is reflected in many cash deposit ATMs (Deposit Cash Machines). The union asked the regulator to be able to accept complaints and fears from employees. Based on Article 151 paragraph (1) of Law Number 13 of 2003, employers, workers/laborers, trade unions, and the government must make every effort to ensure no layoffs. Layoffs will not occur when there is a grand design for the banking industry that continues to pay attention to its employees with hope for the future.⁴

Many companies have replaced human power with machine power in the digital era. Regarding the fate of bank employees, the Managing Director of Compliance at Bank Negara Indonesia (BNI) stated that these changes happened by themselves. However, this does not mean that machines will replace all employees. In the current digital era, standard and routine work may be replaced by machines. Many positions cannot be replaced by machines that are on a relationship basis. The change from human power to machine power was caused by people's habits starting to change. Many people go to branch offices, whereas nowadays, everything can be done quickly with ATMs and smartphones. This affects the performance of bank tellers and customer service, which will become less needed over time and eroded by machines. Even though teller and customer service services are no longer required, this does not mean that banks will carry out large-scale layoffs. The bigger the business will need positions that machines, for example, the public relations department and loan sales, cannot replace.⁵

Competition between workers becomes a natural selection for companies for Termination of Employment (PHK) by selecting reliable workers. Changes in employment policies, along with their implementation and monitoring of companies, are very important. The government should impose obligations on companies to increase workforce capabilities for the sake of humanity. The problem is that when the industrial era 4.0 arrives, companies will only have skilled and experienced workers and machine operators in the future, even recruiting foreign workers to produce innovations in superior goods or services as a threat to the welfare of Indonesian workers, which is considered less skilled and expert.

Minimal education, lack of skills, and poverty are problems for the government to improve the welfare of Indonesian people, including finding work or a decent living. This problem is important to analyze and very interesting because Law Number 13 of 2003 concerning Manpower (Law Number 13 of 2003) has been in effect for 17 years to meet the legal needs of labor. Entrepreneurs/employers have been challenged by the Industrial Revolution 4.0, so The attitude and policy needed by the government is to refuse or postpone temporarily until it is ready or says it is prepared. Strengthening the politics of labor law is important to overcome the problems that will be faced in the future as a strategy, considering that Indonesia has a large population, but very few have skills. Based on this background, this research focuses on the following two things.

⁴ Fadhly Fauzi Rachman, "Digantikan Mesin, 50.000 Karyawan Bank Di RI Kena PHK," 2019, <https://finance.detik.com/moneter/d-4386840/digantikan-mesin-50000-karyawan-bank-di-ri-kena-phk>.

⁵ Fika Nurul Ulya, "Memasuki Era Digital, Bagaimana Nasib Pegawai Bank?," 2019, <https://money.kompas.com/read/2019/03/20/051700426/memasuki-era-digital-bagaimana-nasib-pegawai-bank->.

First, what are the politics of labor law regarding the right to work? And secondly, are changes to Law Number 13 of 2003 to move towards the era of Industrial Revolution 4.0 necessary or not?

METHOD

This paper is a normative juridical research on legal systematics through specific regulations, namely labor law, to identify the main/basic understanding of the right to work by examining the politics of labor law through Constitutional Court Decisions and Minutes of the Manpower Law Draft Session related to the era of the industrial revolution 4.0 in the future coming. The approach method used is a statutory approach, namely employment law, which is then linked to human rights in the form of the right to work contained in the 1945 Constitution and the Constitutional Court Decision. The data source in this research uses secondary data sources where data collection is carried out through a series of activities, including literature study and searching for relevant Constitutional Court Decisions. The analytical method used is a qualitative approach. Data analysis was carried out descriptively and qualitatively; the data obtained was presented descriptively, or the data was described through sentence descriptions and analyzed qualitatively.

RESULT AND DISCUSSION

Politics of Employment Law Related to the Right to Work

The primary duty of the government is to provide the maximum well-being and contentment of the largest possible portion of its populace. According to Bentham, the concept of pleasure or well-being is explicated by utility, which pertains to the usefulness of a certain entity. Bentham posits that whatever that has the capacity to generate greater happiness is deemed as good. On the contrary, an entity that elicits discomfort is seen highly unfavorable. According to the individual in question, it is imperative for governmental activities to consistently prioritize the maximization of societal happiness.⁶

One of the aims of human happiness is to work so that he has an income. To be able to work, a person as one of the resources in the place where he works must have the qualities to last a long time in his place of work. Quality human resources require several efforts, including developing human resources through formally organized education at primary, secondary, and tertiary levels, as thought by Theodore Schultz (Investment in Human Capital). Todaro also stated that the benefits of education for a nation's economic development include (1) increasing knowledge and skills, which can create a more productive workforce; (2) wider job opportunities available; (3) creating a group of educated leaders to fill important positions in the world of business and government; (4) encouraging increased skills and reducing illiteracy rates through various education and training programs.⁷ Based on these thoughts, increasing school participation can impact

⁶ Oman Sukmana, "Konsep Dan Desain Negara Kesejahteraan (Welfare State)," *Sospol : Jurnal Sosial Politik* 2, no. 1 (September 13, 2016): 105, <https://doi.org/10.22219/SOSPOL.V2I1.4759>.

⁷ Michael P Todaro and Stephen C Smith, *Pembangunan Ekonomi* (Jakarta: Erlangga, 2011).

the quality and quantity of a country's development,⁸ because the formation of human capital (human resources) is based on the level of expertise and education of the community.

The primary aim of the International Labor Organization (ILO) is to facilitate the advancement of both genders in accessing employment that is characterized by satisfactory conditions and productivity, while also ensuring principles of liberty, fairness, security, and human dignity.⁹ The pursuit of decent employment encompasses various dimensions such as opportunities for revenue generation, the acquisition of rights and recognition, the promotion of diverse perspectives, the fostering of family stability, and the facilitation of personal growth. Additionally, it encompasses the pursuit of justice and the promotion of gender equality, which are essential for fostering a harmonious and peaceful society. According to the International Labour Organization (ILO), the concept of decent work encompasses four key initiatives. These strategies include the promotion of basic principles and rights at work, adherence to international labor standards, the provision of job and income opportunities, the establishment of social protection and social security measures, and the facilitation of social dialogue and tripartite interactions. The promotion of decent work is a crucial endeavor in the pursuit of poverty reduction and the attainment of equitable, inclusive, and environmentally sustainable development.¹⁰

Regarding a decent living, one of them is having an income that can meet the living needs of workers and their families, namely education, as regulated in the Elucidation to Article 88 paragraph (1) of Law Number 13 of 2003 concerning Employment (UU Number 13 of 2003) which states "What is meant by with income that fulfills a decent living, is the amount of income or income of workers/laborers from the results of their work so that they can meet the basic living needs of workers/laborers and their families which include food and drink, clothing, housing, education, health, recreation and old age security." Based on the company's obligation to provide a decent income, in addition to meeting daily living needs, workers and their children can improve their education so that they can improve their quality of life in the future, namely away from the company's decision to lay off workers, because they are qualified human resources from an educational perspective.

The Preamble to the 1945 Constitution is the foundation for national legal development, which leads to the ideals of a rule of law state that is in accordance with the values and principles of a constitutional democratic state, including constitutional

⁸ M. L. Jhingan, *Ekonomi Pembangunan Dan Perencanaan* (Jakarta: Raja Grafindo Persada, 2010), 521-22; Michael P Todaro, *Pembangunan Ekonomi Di Dunia Ketiga* (Jakarta: Ghalia Indonesia, 2003), 343; Windhu Putra, *Perekonomian Indonesia: Penerapan Beberapa Teori Ekonomi Indonesia Pembangunan Di Indonesia* (Depok: Rajawali Pers, 2018), 202.

⁹ Adalberto Perulli and Tiziano Treu, eds., "Sustainable Development, Global Trade, and Social Rights" (Netherland: Wolters Kluwer, 2018), 176.

¹⁰ Perulli and Treu, 176.

rights in the form of the right to work.¹¹ Thus, the Employment Law is based on the Preamble to the 1945 Constitution. Laws were created not only to regulate but, more than that, to achieve noble goals, namely justice, happiness, and welfare of the people.¹²

Acceptance of Industry 4.0 technology not only causes a shift from human power to machine technology but also the sharing of personal data or information, which affects security risks to life and property as well as security from exploitation and unauthorized use or manipulation. Technological innovations, the need to address the workforce, changes in job descriptions, and different responsibilities in the future. To overcome this problem, workers are required to become skilled with other competencies (cross disciplines), such as flexible problem-solving, creativity, and strategy development.¹³ Based on this, the law must be comprehensive to meet the needs of society, including regulating the right to security over the use of personal data when misuse of personal data occurs. Viewing this era as a new opportunity to improve one's abilities to be more than before and new technological innovations that can benefit society, but must remain in the spirit of the Preamble to UUU 1945 to improve human welfare for humanity as the value of human life must not be abandoned by Indonesian society from various eras.

State administration cannot be separated from policies formulated by laws and regulations as a legal umbrella for implementing state activities. Developing the quality of progressive legislation is very important in creating the state's goal, namely prosperity, as mandated by the 1945 Constitution so that the role of state actors (DPR, DPD, and Government)¹⁴ along with business actors (industry and banks) and the workforce is needed to develop a draft labor law that embodies the arrival of industrial technology 4.0 not as a threat, but as a challenge to move forward and be ready to face it together through

¹¹ Garuda Wiko, "Pembangunan Sistem Hukum Berkeadilan," in *Memahami Hukum: Dari Konstruksi Sampai Implementasi*, ed. Satya Arinanto and Ninuk Triyanti (Depok: Rajawali Pers, 2009).

¹² Satjipto Rahardjo, *Sisi-Sisi Lain Dari Hukum Di Indonesia*, ed. Karolus Kopang Medan and Frans J. Rengka (Jakarta: Buku Kompas, 2003), 7.

¹³ Julian Marius Müller, Oana Buliga, and Kai Ingo Voigt, "Fortune Favors the Prepared: How SMEs Approach Business Model Innovations in Industry 4.0," *Technological Forecasting and Social Change* 132 (July 1, 2018): 2-17, <https://doi.org/10.1016/J.TECHFORE.2017.12.019>; Thuy Duong Oesterreich and Frank Teuteberg, "Understanding the Implications of Digitisation and Automation in the Context of Industry 4.0: A Triangulation Approach and Elements of a Research Agenda for the Construction Industry," *Computers in Industry* 83 (December 1, 2016): 121-39, <https://doi.org/10.1016/J.COMPIND.2016.09.006>; Dominic Gorecky et al., "Human-Machine-Interaction in the Industry 4.0 Era," *Proceedings - 2014 12th IEEE International Conference on Industrial Informatics, INDIN 2014*, November 3, 2014, 289-94, <https://doi.org/10.1109/INDIN.2014.6945523>; Robert Lawrence Wichmann, Boris Eisenbart, and Kilian Gericke, "The Direction of Industry: A Literature Review on Industry 4.0," *Proceedings of the Design Society: International Conference on Engineering Design* 1, no. 1 (2019): 2129-38, <https://doi.org/10.1017/DSI.2019.219>.

¹⁴ M. Ilham Putuhena F. Putuhena, "POLITIK HUKUM PERUNDANG-UNDANGAN : MEMPERTEGAS REFORMASI LEGISLASI YANG PROGRESIF," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 2, no. 3 (December 31, 2013): 377, <https://doi.org/10.33331/RECHTSVINDING.V2I3.66>.

a comprehensive legal umbrella, workforce skills and expertise, and technological innovation for the realization of human values, namely shared prosperity.

According to Satjipto Rahardjo, the law for humans is not entirely autonomous. It is always seen and assessed from its coherence with humans and humanity so that law can serve and make humans happy.¹⁵ When the word "humanity" is associated with the First Paragraph of the Preamble to the 1945 Constitution, "That in fact independence is the right of all nations..., then colonialism over the world..., because it is not in accordance with humanity...". Humanity is a state of freedom and not being colonized as a matter of right. When linked to the right to work, workers have freedom and are not treated arbitrarily by employers in the work environment. Based on the Fourth Paragraph of the Preamble to the 1945 Constitution, which states "... to establish an Indonesian State Government that protects the entire Indonesian nation... to promote general welfare,.... then National Independence was formulated in the Constitution of the Indonesian State,... based on..., just and civilized humanity,...". Arranging balanced rights and obligations for each person is part of the implementation of humanity, so in every article containing human rights in the 1945 Constitution the words "everyone" are used, including the right to work.

Achieving human values aims at perfect happiness not only in the mind but also in combining creativity, feeling, intention, and work to become one whole in the human soul, producing its own wisdom in living together in society.¹⁶ Humanity is linked to the right to work contained in the 1945 Constitution, namely Article 27 paragraph (2) of the 1945 Constitution. The right to work as one of the constitutional rights guaranteed by the 1945 Constitution includes:

1. Article 27, paragraph (2) of the 1945 Constitution states, "Every citizen has the right to work and a living worthy of humanity.";
2. Article 28D, paragraph (2) of the 1945 Constitution states, "Everyone has the right to work and receive fair and appropriate compensation and treatment in employment relationships."; And
3. Article 28E paragraph (1) of the 1945 Constitution states, "Every person has the right to embrace religion and worship according to his religion, choose education and teaching, choose employment, choose citizenship, choose a place to live in the territory of the country and leave it, and has the right to return."

Based on the mandate of Article 27, paragraph (2) of the 1945 Constitution, the right to work for every citizen is for humanity. Humanity the right to work when linked to the three articles in the 1945 Constitution, including (1) obtaining a decent living; (2) the right to work means the right to the opportunity to work; in this case, there must be no

¹⁵ Satjipto Rahardjo, *Biarkan Hukum Mengalir- Catatan Kritis Tentang Pergulatan Manusia Dan Hukum* (Jakarta: Buku Kompas, 2007).

¹⁶ R. Parmono, "Konsep Nilai Kemanusiaan Di Dalam Filsafat Jawa," *Jurnal Filsafat* 1, no. 1 (October 15, 2007): 101-13, <https://doi.org/10.22146/JF.31682>.

discrimination, namely differentiation of people based on religion, ethnicity, race, ethnicity, group, class, social status, economic status, gender, language, political beliefs (Article 1 number 3 of Law Number 39 of 1999 concerning Human Rights); (3) receive compensation; (4) fair and decent treatment in employment relationships; and (5) choose a job, that they are in a state of independence and are not colonized or treated arbitrarily by employers/employers in their work environment. Humanity manifests in the government's attitudes and policies for everyone without exception in living together in society for the common good.

Changes to Law Number 13 of 2003 Towards the Era of Industrial Revolution 4.0: Is it Necessary or Not?

Law Number 13 of 2003 is one of the laws that was formed in the reform era to replace Law Number 25 of 1997 concerning Employment and its amendments, which has not accommodated the needs of employment development (General Explanation of Law Number 13 of 2003) on Employment that several statutory regulations - existing employment laws, including some which are colonial products, place workers in a disadvantageous position in labor placement services and an industrial relations system that emphasizes differences in position and interests so that they are seen as no longer in accordance with current needs and demands. Future.

Law Number 13 of 2003 was also formed to ensure the protection of fundamental rights for workers/laborers in line with the 8 (eight) basic conventions of the International Labor Organization (ILO), which regulate respect for human rights in the workplace. These basic conventions can be grouped into 4 (four) things, namely: freedom of association (ILO Convention Number 87 and Number 98), discrimination (ILO Convention Number 100 and Number 111), forced labor (ILO Convention Number 29 and Number 105), and child protection (ILO Convention Number 138 and Number 182). They are strengthening the regulation of the fundamental rights of workers/laborers in line with the development of international legal instruments to guarantee opportunities and non-discriminatory treatment on any basis to realize the welfare of workers/laborers, including their families, while still paying attention to developments in the business world.¹⁷

The requirement to prepare academic texts only emerged after Law Number 12 of 2011 was enacted concerning the Formation of Legislative Regulations (UU Number 12 of 2011).¹⁸ The Petitioners in Case Number 012/PUU-I/2003 concerning Application for Review of Law Number 13 of 2003 concerning Employment submitted a request for formal review of the Law, assuming that the Law was legally flawed, which resulted in the annulment of Law Number 13 of 2003. According to the Court, despite the existence of an academic text, It is important to provide a scientific basis and considerations for a law designed to avoid miscalculations and logical errors. The existence of literary texts is not a constitutional requirement in the law formation process. The absence of an academic text on the Manpower Bill is not a legal defect that results in the Law being invalidated.¹⁹

¹⁷ Pendapat MK dalam Putusan MK Nomor 77/PUU-XVI/2018, hlm. 55-56.

¹⁸ Pasal 43 ayat (3) UU Nomor 12 Tahun 2011 berbunyi "*Rancangan Undang-Undang yang berasal dari DPR, Presiden, atau DPD harus disertai Naskah Akademik.*"

¹⁹ Putusan MK Nomor 012/PUU-I/2003, hlm. 102.

Klaus Martin Schwab asserts that humanity is currently seeing the onset of a revolution that will significantly alter our lifestyles, occupations, and interpersonal dynamics.²⁰ The advent of technological advancements has the potential to provide significant prospects for businesses, as exemplified by the introduction of ride-sharing platforms like Gojek, Uber, and Grab in the transportation industry. The advent of the Fourth Industrial Revolution ushered in a wave of novel enterprises, employment opportunities, and vocations that were formerly inconceivable. It is imperative to initiate a cognitive transformation, first with the alteration of pessimistic attitudes and apprehensions around Industry 4.0. This entails dispelling the notion that this technological advancement will inevitably diminish employment prospects or perpetuate the perception of complexity. Efforts are being made by society to continuously enhance learning abilities in order to correspond with the demands of the Industrial Revolution 4.0 age, with the aim of bolstering Indonesia's competitive edge. Indonesia maintained its grip at the advent of the Fourth Industrial Revolution. It is imperative for the government to foster a collective understanding within the business realm and society at large regarding the inescapable nature of significant transformations associated with Industry 4.0. I concur with the aforementioned notion and recollect the fervor and eagerness to attain collective prosperity as outlined in the Preamble to the 1945 Constitution, with a focus on the betterment of humanity. The future presents a pressing challenge in Indonesia, namely the imperative to enhance the skill set of the workforce. This is particularly crucial given that a significant majority, over 70%, of the workforce possesses educational qualifications limited to junior high school graduation. The inclusion of vocational school education is necessary in order to facilitate the immediate integration of workers into various industries. The fourth Industrial Revolution is not a cause for alarm. Indeed, there exists a growing array of options for individuals to make contributions to the overall national economy.²¹

Based on the explanation above, it is important to regulate the rights and obligations of a worker with the employer in labor law, which anticipates the era of the Industrial Revolution 4.0 in terms of, among other things, self-development of workers as an obligation of the employer as well as the obligation of the workforce through the highest level of education and the provision of skills and abilities. Based on Article 12, paragraph (1) of Law Number 13 of 2003, which states, "Employers are responsible for increasing and/or developing the competence of their workers through job training." Article 12 paragraph (2) of Law Number 13 of 2003 states, "Improving and/or Competency development as intended in paragraph (1) is mandatory for entrepreneurs who meet the requirements regulated by a Ministerial Decree." and Article 12 paragraph (3) of Law Number 13 of 2003 which states "Every worker/laborer has the same opportunity to take part in job training, according to the field of work." that self-development to obtain workforce skills through job training is an employer's obligation, and the right for workers to have equal opportunities is an important thing to be regulated in labor law, but the problem is that sanctions do not regulate the imposition of obligations on employers for workforce development.

This provision will result in Article 12 of Law Number 13 of 2003 not having any legal consequences for the employer, even though Law Number 13 of 2003 imposes criminal sanctions (Articles 183 to 189) in the form of imprisonment and/or fines and sanctions. Administrative (Article 190) in the form of warnings, written warnings, restrictions on business activities,

²⁰ Schwab Klaus, *The Fourth Industrial Revolution* (World Economic Forum, 2017).

²¹ Klaus.

freezing of business activities, cancellation of approvals, cancellation of registration, temporary suspension of part or all of production equipment, and revocation of permits.

Sanctions are a complete means of enforcing laws within state power.²² Furthermore, according to Pospisil, if sanctions are one of the legal attributes, the inclusion of sanctions is necessary in a statutory regulation. Legal rules that contain orders (obligations) require the inclusion of sanctions as threats so that they are obeyed or implemented.²³ Therefore, the government is tasked with regulating policies and sanctions, so when labor law regulates certain obligations for the employer that are not accompanied by the threat of sanctions, then the law will result in the employer not implementing it as a provision that was prepared in vain (wasteful). When rights, obligations, and sanctions are regulated in labor law, legal protection for workers is implemented optimally as mandated by the 1945 Constitution.

Article 12 of Law Number 13 of 2003 is included in Chapter V concerning job training. According to Article 9 of Law Number 13 of 2003, job training aims to equip, improve, and develop work competencies to increase abilities, productivity, and welfare. Law Number 13 of 2003 does not regulate sanctions for companies that do not provide job training, even though Article 12 paragraph (1) and paragraph (2) of Law Number 13 of 2003 regulate the responsibilities and obligations of entrepreneurs to provide job training—during the discussion of the Employment Bill, the DPR Session Minutes discussed the form of corporate job training institutions and apprenticeships.²⁴ This provision does not at all discuss sanctions when there is a violation of an entrepreneur's obligations. This leaves a problem because there are no sanctions so that mandatory norms can be implemented by employers (entrepreneurs). Based on the minutes of the Manpower Bill meeting, the sanctions in the Manpower Bill relate to (1) violations of provisions for employment protection, namely workers and entrepreneurs;²⁵ (2) burdensome legal consequences or consequences;²⁶ (3) to protect workers;²⁷ (4) responsibility;²⁸ (5) input from the Labor Repression Action Committee, etc;²⁹ (6) the existence of obligations and protection of

²² Mukhidin, "Hukum Progresif Sebagai Solusi Hukum Yang Mensejahterakan Rakyat," *Jurnal Pembaharuan Hukum* 1, no. 3 (2014): 267–86.

²³ Soerjono Soekanto, *Antropologi Hukum: Materi Pengembangan Ilmu Hukum Adat* (Jakarta: CV. Rajawali, 1984), 151–57; Zairin Harahap, "Pengaturan Tentang Ketentuan Sanksi Dalam Peraturan Daerah," *Jurnal Hukum IUS QUIA IUSTUM* 13, no. 1 (2006): 44, <https://doi.org/10.20885/IUSTUM.VOL13.ISS3>.

²⁴ Minutes of Meeting of the House of Representatives of the Republic of Indonesia Working Committee on Draft Law on Employment Development and Protection and Draft Law on Settlement of Industrial Disputes (RUU PPI) 2002-2003 Session Year III Session Period 8th Meeting on 19 June 2002, pp. 8-13.

²⁵ Minutes of the Working Committee Meeting on the Draft Law on the Development and Protection of Employment (RUU PPK) and the Draft Law on Settlement of Industrial Disputes (RUU PPI) 2002-2003 Session Year III Session Period 7th Meeting on 17 June 2002, p. 5 and Minutes of the 9th DPR Meeting dated 9 July 2002, p. 15.

²⁶ *Ibid.*, p. 29 and Minutes of the 12th DPR Meeting dated 16 July 2002, p. 19.

²⁷ *Ibid.*

²⁸ DPR Meeting Minutes dated 19 June 2002, p. 13.

²⁹ DPR Meeting Minutes dated 19 June 2002, p. 7.

human rights³⁰; (7) if the beginning of the provision contains the words "whoever";³¹ and (8) applies to both employers and workers.³²

Based on the various languages of statutory regulations, sanctions, according to Attachment II Chapter III, number 268 of Law Number 12 of 2011 concerning the Formation of Legislative Regulations, are the imposition of something for not fulfilling the obligations that have been determined. The word "obligatory" is a choice of words or terms used to express the existence of a debt that has been resolved. Based on the two things above, the regulation of the responsibilities and obligations of entrepreneurs/employers must be followed by sanctions, but sanctions for violations of these provisions are not discussed. Hence, preparing these provisions is less careful.

Regarding the obligations of entrepreneurs/employers, conclusions can also be drawn by linking the Elucidation to Article 12 paragraph (2) of Law Number 13 of 2003, which states, "Increasing and/or developing competency is mandatory for entrepreneurs because the company will benefit from the results of worker/labor competency." Based on the words "required" and "because," the legislators intend not to include sanctions because the entrepreneur will benefit from job training, namely improving the quality or quality of human resources to achieve the company's goals. When entrepreneurs do not provide job training for their workforce, the company's productivity will not increase, or even innovation will not occur. Of course, the party that suffers is the company itself. These regulations are not the company's obligations but depend on the entrepreneur's choice for the company (do it or not, it's your choice), not losses to the state or workforce. Based on this idea, violations of Article 12 paragraph (1) and paragraph (2) of Law Number 13 of 2003 are not regulated by sanctions in that provision.

Job training arrangements are like two coins. On the one hand, Article 12, paragraphs (1) and (2) regulate the responsibilities and obligations of entrepreneurs but do not regulate sanctions. On the other hand, job training for workers, according to the Elucidation of Article 12 paragraph (2) of Law Number 13 of 2003, is the choice of the entrepreneur/employer if the company wants to progress. This provision needs special attention, especially when Indonesia faces the era of Industrial Revolution 4.0 as a form of legal protection for workers and entrepreneurs/employers.

Law Number 13 of 2003 as legal protection for workers has been submitted for material review of the law to the Constitutional Court (MK) 27 (twenty-seven) times with a total of 10 (ten) cases granting decisions.³³ Law Number 13 of 2003 contains 193 (one hundred and ninety-three) articles, and some of the articles were declared non-binding and contrary to the 1945 Constitution by the Constitutional Court; among these provisions, there are obligations without sanctions, causing the need for great attention to changes in labor law in the future. In the future, it will be implemented as well as possible by employers, workers, and the government.

Anne Phillips believes that society in a democracy is fully involved in every round of implementing policy agendas, resulting in society's participation in government policy

³⁰ Minutes of the 12th DPR Meeting dated 16 July 2002, pp. 13 and 15.

³¹ *Ibid.*, hlm. 38.

³² Drs delivered the Final Opinion of the Golongan Karya Party Faction. Tjarda Muchtar, MBA. Regarding the Bill on Employment Development and Protection dated 25 February 2003, p. 6.

³³ Mahkamah Konstitusi Republik Indonesia, Putusan Mahkamah Konstitusi, <https://mkri.id/index.php?page=web.Putusan&id=1&kat=5&cari=ketenagakerjaan&menu=5>, accessed March 31, 2020 (Data source processed by the Author).

processes.³⁴ It is necessary to involve all parties receiving the impact of the Industrial Revolution 4.0 era in dialogue in drafting labor law. Protection of the right to work for everyone is related to humanity to achieve a prosperous life, so the government must provide maximum legal protection to create a good life.

On this basis, Jürgen Habermas, in his ideas, states that human rights and the promises of a good life (decent living, receiving decent rewards, etc.) are based on a shared idea of goodness, which is sometimes achieved through communicative action, negotiating agreement through rational dialogue about goodness.³⁵ In line with Habermas' thoughts, according to the author, negotiating an agreement through dialogue is an effort to humanize humans, which is very important in policy making in welcoming the era of the Industrial Revolution 4.0 by sitting together and discussing equally in an equal position between the government (DPR and the Ministry of Manpower) as policymakers, workers and employers on an ongoing basis, so that based on this sustainable relationship a harmonious situation can be built in mutual solutions resulting in mutual agreement in the form of attitudes and policies towards a good life.

Amendments to Law Number 13 of 2003 also require policy support in terms of formal education. The key to skilled, expert, professional, competent, competitive, productive, creative, innovative, and motivated human resources is intelligent humans. Of course, these humans can compete in the era of the Industrial Revolution 4.0. The expertise of workers obtained while working is an obligation of the employer. Still, the government must pay attention to the main provision, namely formal education for future generations of prospective workers, in welcoming the industrial era 4.0.

Regarding the problem of massive layoffs due to inadequate human resources, to reduce the financial burden borne by employers, human resources will be replaced with machine power (technology). This situation will cause workers to lose their right to work and ultimately cause a decline in society. Freeing society from backwardness or ignorance, poverty, inability to pay for children's education, being unable to save, low levels of investment, and increasing unemployment rates can be overcome with education and training (training) and providing employment opportunities. Groups of people who are less educated will produce offspring who are increasingly worse off because low education is synonymous with ongoing poverty, which means that generation cannot escape the cycle of poverty. The government needs to empower poor people with the opportunity to obtain training, primary education through formal education, and skills that enable them to get work opportunities with decent wages. A decent salary will only be obtained by productive human resources.³⁶ The government's anticipation of providing guarantees for workers to have adequate skills and formal education will protect a person's right to work, which will save them from poverty. Protection of the right to work is the attitude and policy of the government together with society to face the era of the Industrial

³⁴ Anne Phillips, "Feminism and the Attractions of the Local," in *Rethinking Local Democracy*, ed. Desmon King and Gerry Stoker (Mac Millan Press Ltd, 1996), 125; Faisal Akbar Nasution, "Demokrasi Dan Pengaruhnya Bagi Pembentukan Peraturan Perundang-Undangan Dan Pembangunan Hukum Di Indonesia," in *Negara Hukum Yang Berkeadilan: Kumpulan Pemikiran Dalam Rangka Purnabakti Prof. Dr. H. Bagir Manan, S.H., M.CL.*, ed. Susi Dwi Harijanti (Bandung: PSKN FH UNPAD, 2011), 492.

³⁵ Jürgen Habermas, *The Theory of Communicative Action: Reason and the Rationalization of Society* (Boston: Beacon Press, 1984), xl.

³⁶ Soeharsono Sagir, *Sistem Ekonomi Kerakyatan: Pro Poor, Pro Job, Pro Growth Ekonomi Ampera, Ekonomi Kosntitusi 1945* (Bandung: UNPAD, 2011).

Revolution 4.0, without abandoning the sense of humanity as part of the identity or identity of the Indonesian nation in the Preamble to the 1945 Constitution towards leading Indonesian human life towards goodness. The next step is the readiness of the Indonesian government and society to mobilize all parties, namely companies, educators, and experts, to produce innovations that prioritize shared prosperity for humanity but still strengthen the views based on the Preamble to the 1945 Constitution for the sake of humankind.

CONCLUSION

The conclusions that can be summarized in the description above are as follows. First, the right to work for every citizen aims at humanity as mandated by Article 27, paragraph (2) of the 1945 Constitution. Humanity's right to work, when linked to the three articles in the 1945 Constitution, includes (1) obtaining a decent living; (2) the right to work means the right to the opportunity to work. In this case, there must be no discrimination, namely the differentiation of people based on religion, ethnicity, race, group, class, social status, economic status, gender, language, and belief. Political; (3) receive compensation; (4) fair and decent treatment in employment relationships; and (5) choose a job in a state of independence and not being colonized or treated arbitrarily by employers/employers in their work environment.

Second, formal education and job training for workers are very important in facing the 4.0 revolution era as strengthening human resources in the workplace. There is a need to change labor law, including regarding the regulation of job training, which is like two coins. On the one hand, Article 12, paragraph (1) and paragraph (2) regulates the responsibilities and obligations of entrepreneurs but does not regulate sanctions. On the other hand, job training for workers, according to the Elucidation of Article 12 paragraph (2) of Law Number 13 of 2003, is the choice of the entrepreneur/employer if the company wants to progress. This provision needs special attention, especially when Indonesia faces the era of Industrial Revolution 4.0 as a form of legal protection for workers and entrepreneurs/employers. Therefore, in order to embrace the era of the Fourth Industrial Revolution, it is crucial to uphold the principles of humanity as an integral aspect of the Indonesian national identity, as stated in the preamble of the 1945 Constitution. This commitment is essential for promoting the well-being of the Indonesian population and fulfilling the constitutional mandate of providing equal employment opportunities for all individuals.

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