

# Legal Protection For Informal Workers In Realizing Decent Work To Achieve The Sustainable Development Goals

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## Abstract

Goal 8 of the Sustainable Development Goals aims to promote inclusive and sustainable economic development, provide full and productive employment, and ensure decent work for all individuals. Regrettably, in Indonesia, the concept of decent work encompassing social security, workers' rights, social dialogue, and employment is exclusively applicable to the formal economic sector, neglecting the informal economic sector, which comprises unregulated wage workers, employers, and homeworkers. Indeed, informal economic development is a fundamental foundation of



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the nation's economy. Achieving this type of decent work is a goal for sustainable development and would help support a lasting economy, as stated in Article 28, paragraph (2) of the constitution. This research seeks to examine the legal safeguards for labor and decent work, the realization of labor rights post-labor legislation, and the correlation between employment and sustainable development. The research methodology used is normative, using both a conceptual framework and an analysis of laws and regulations. This study's findings indicate a correlation between employment and sustainable development. An adept workforce may expedite the nation's developmental trajectory, enabling it to compete with more advanced nations. The results will positively influence the process of entering new markets.

**KEYWORDS** *Decent Jobs, Work, Legal Protection, Sustainable Development Goals*

## **I. Introduction**

The Sustainable Development Goals (SDGs) are a joint agreement that is carried out globally, both by developed and developing countries, as part of a collective effort to improve the welfare of society as a whole. The initiative was formally adopted at the United Nations General Assembly in September 2015, and includes 17 goals and targets designed to be achieved by 2030. The SDGs are designed as a development framework that not only focuses on meeting the needs of the current generation, but also ensures the survival of future generations. Based on the principle of sustainability, the SDGs emphasize the importance of integration between economic growth, social justice, and environmental sustainability. The approach applied is holistic and comprehensive, reflecting a commitment

to create a more just, prosperous, and sustainable life for all humanity.<sup>1</sup> Every effort within the framework of the Sustainable Development Goals (SDGs) always considers the environmental consequences of the social and economic activities carried out. The SDGs emphasize the importance of minimizing, even preventing, negative impacts on the environment as part of the commitment to maintain ecosystem sustainability, both in the present and for the benefit of future generations.<sup>2</sup>

According to Hasan and Azis, the concept of sustainable development cannot be narrowed down to the economic dimension alone, but includes various other interrelated sectors. They emphasized that development success in non-economic areas also plays an important role in supporting the achievement of the overall sustainable development goals. Development in these sectors is assumed to be more optimal if it is preceded by success in the development of the economic sector.<sup>3</sup> Based on the previous description, sustainable development includes three main policy dimensions, namely economic development, social development, and environmental protection. These three aspects, as stated by the United Nations, are interconnected and form the main foundation in achieving the goals of sustainable development. In the context of economic policy, one of the key elements that supports sustainability is job creation. Making the expansion of employment opportunities central to economic planning and development strategies will not only generate decent work, but also encourage more inclusive and sustainable economic growth and contribute significantly to poverty reduction. This positive interaction forms a development cycle that strengthens the economy while improving the

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<sup>1</sup> Widjajanti, et al., 2014, Understanding Sustainable Consumption education; National Recommendations and Guidelines for Policymakers and Educators, Foundation for Sustainable Development and the United Nations of Environment Programme, p. 16. ISBN 978-979-1487-30-6.

<sup>2</sup> Alisjahbana, A.S., & Murninintyas. E, 2018, Sustainable Development Goals in Indonesia; Concept, Target and Implementation Strategy, Bandung, Unpad Press, p. 44

<sup>3</sup> Hasan M & Azis M, 2018, Economic Development and Community Empowerment; Human Development Strategies in the Perspective of Local Economy, C. Nur Lina in Collaboration with Pustaka Taman Ilmu.

welfare of the community at large, which ultimately accelerates the achievement of sustainable development.

Globally, Indonesia has shown its commitment to realizing decent work and playing an active role in encouraging employment issues to become an integral part of the Sustainable Development Goals (SDGs) agenda. This commitment is explicitly reflected in Goal 8 of the SDGs, which aims to promote inclusive and sustainable economic growth, create full and productive employment opportunities, and ensure access to decent work for all levels of society. The concept of decent work was first raised in 1999 in the report of the Directorate General at the 87th session of the International Labor Conference. This decent work is then detailed and incorporated into the components of employment, social security, workers' rights and social dialogue. Decent work applies not only to workers in the formal economic sector but also to workers without wage regulations, employers and domestic workers.<sup>4</sup> From this, it can be seen that one of the things that is considered feasible is about labor rights, which are then applied not only to the formal economic sector but also to workers without wage regulations, the self-employed and homeworkers. Thus, the fulfillment of workers' rights is not limited to the formal economic sector alone, but also includes a significant number of informal economic sectors. Based on the latest National Labor Force Survey (Sakernas) data in the period 2019 to 2021, it was recorded that the number of workers from both formal and informal sectors shows dynamics that are important to observe in the context of the formulation of inclusive and equitable labor policies:

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<sup>4</sup> Ghai Dharam, 2003, *Dexterity Work; Concepts and Indications*, International Labour Review, Vol 142 No. 2, Geneva

Formal Informal Labor	Number and percentage of the population aged 15 years and above who work formally/informally (million people)								
	Man			Woman			Sum		
	2019	2020	2021	2019	2020	2021	2019	2020	2021
Official	23.340	21.718	22.911	8.097	8.354	9.521	31.437	30.072	32.432
Formal Percentage (%)	49,96	44,24	46,32	34,36	30,04	33,64	44,73	39,10	41,71
Informal	23.374	27.376	26.549	15.471	19.454	18.784	38.845	46.830	45.333
Informal Percentage (%)	50,04	55,76	53,68	65,64	69,96	66,36	55,27	60,90	58,29
Sum	46.714	49.094	49.460	23.568	27.808	28.305	70.282	76.902	77.765
Number and Percentage of Population aged 15 years and above who work in accordance with Formal/Informal									

*Source : National Labor Force Survey of the Central Statistics Agency in 2021*

Looking at data from the National Labor Force Survey (SAKERNAS), the increase in the male labor force in the formal sector from 2019 to 2020 was 5.72%, while in 2021 it increased by 2.08%, and in the informal sector it increased from 2019 to 2020 by 5.72% and decreased in 2021 by 2.08%. In the female labor force, the formal sector decreased from 2019 to 2020 by 4.32% but increased in 2021 by 3.60%, while in the informal sector, for female workers increased from 2019 to 2020 by 11.2% and decreased in 2021 by 6.40%. This means that in 2021 there will be a decline in the labor force, both men and women, and this indicates that there is a decline in economic quality. The informal economic sector is often seen as one of the key components in driving economic growth, even in many cases considered a key pillar of the economy, especially in developing countries. However, there is another view that states that the informal sector reflects economic activities carried

out by business actors that do not fully comply with applicable institutional regulations, or operate outside the reach of the available legal and social protection systems.<sup>5</sup>

The Constitution of the Republic of Indonesia guarantees the right of every citizen, without discrimination based on sex, ethnicity, race, or religion, to obtain a job that is suitable and in accordance with his or her interests and abilities. This is affirmed in Article 27 paragraph (2) and Article 28D paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states that everyone has the right to work and a decent livelihood for humanity. In this context, governments have an important responsibility to protect, promote, uphold, and fulfill human rights, as stipulated in the constitution. Furthermore, the regulation regarding rights and obligations in industrial relations is explicitly regulated in the labor law, which serves as a normative guideline for workers and employers. Labor law provides protection for the basic rights of workers, as stated in Article 88 paragraph (1) of Law Number 13 of 2003 concerning Manpower, which states that every worker/laborer is entitled to protection which includes: (a) occupational safety and health; (b) the preservation of morals and morals; and (c) treatment that upholds human dignity and is in line with religious values. These rights are fundamental and are a guarantee of fair treatment and equality in employment relationships.

In Indonesia, there are several statuses of workers, both formal and informal, who in principle have the same workers' rights, namely: 1. The basic right to a decent wage, 2. The right to equal opportunities and treatment from the company without discrimination, 3. The right to receive job training to improve and develop work competencies, 4. The right to carry out work according to the specified time (Seven hours in one

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<sup>5</sup> Achmad Zaky Bachtiar, Analysis of the Influence of Informal Labor, Unemployment and Education on Economic Growth in Indonesia, FEB Student Scientific Journal, <https://jimfeb.ub.ac.id> accessed April 27, 2024

day for six working days in one week) or eight hours in one day for five working days in one week), 5. The right to labor placement, 6. The right to protection for occupational health and safety, 7. The right to welfare through labor social security, 8. The right to participate in trade unions or workers, 9. The right to leave for at least 12 working days after the employee has worked for one year continuously, 10. Right to rest, 11. the right to perform worship, 12. the right to strike, 13. the right to severance pay in the event of termination of employment.

Respect for basic rights and workers' rights, as described earlier, is an important foundation in creating decent working conditions. This includes ensuring occupational safety and health, providing fair wages, and protecting the physical and mental integrity of workers in carrying out their duties. The concept of decent work should not be limited to the formal sector only, but must include all types of work, including those in the informal sector. Decent work reflects the opportunity for every individual to engage in productive activities that provide adequate income, ensure job security, and provide proper social protection for workers and their families. In addition, decent work also includes opportunities for personal capacity building, social integration assurance, and better career prospects. No less important, people must be given space to express their opinions, organize, and participate in decision-making processes that affect their lives. The principles of equality and non-discrimination must also be upheld, so that women and men get equal opportunities and treatment in the world of work.<sup>6</sup> There are several elements in decent work, which include:

1. Job creation, where no one should be prohibited from doing the desired job due to lack of employment opportunities
2. Rights in the workplace, including minimum wage. Workers' rights include the right to fair and favourable conditions, holidays, 8-hour

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<sup>6</sup> Decent Work, <https://www.ilo.org/topics/decent-work>, retrieved 27 April 2024



working hours, non-discrimination and a decent wage for workers and their families

3. Social protection, namely all workers must get safe working conditions, sufficient free time and rest, access to benefits such as health services, pensions, leave and so on
4. Social dialogue, i.e. workers must be able to implement democracy in the workplace through trade unions and negotiate their workplace conditions as well as labor policies, national and international development.<sup>7</sup>

Work The concept of decent work is one of the key elements in the Sustainable Development Goals (SDGs), especially in an effort to encourage inclusive and sustainable economic growth. Through the provision of decent work that guarantees fair wages, social protection, and safe and humane working conditions, a strong foundation can be created for long-term economic development that is equitable for all levels of society.<sup>8</sup> The goal is to increase labor productivity, reduce unemployment and improve access to financial services and benefits. Thus, to achieve this, encouraging entrepreneurship and job creation is key. These targets aim to achieve full and productive employment, as well as decent work for both men and women by 2030.<sup>9</sup> Then what are the conditions of decent work in Indonesia today? Looking at the 2021 SAKERNAS data, it decreased both for male workers by 2.08% from 5.72 the previous year, but female workers increased by 3.60 from the previous year which actually decreased by 4.32%, which means that for female workers the increase is still not

<sup>7</sup> Campaign For Decent Work and Decent Wage, <https://apwld.org/decent-work-and-living-wage-campaign/> accessed April 27, 2024

<sup>8</sup> 8 Decent Work and Economic Growth, United Nations Development Programme of the Philippines, <https://web.archive.org/web/20190127210052/http://www.ph.undp.org/content/philippines/en/home/sustainable-development-goals/goal-8-decent-work-and-economic-growth.html> accessed April 27, 2024

<sup>9</sup> The Challenges of Implementing Decent Work in the Post-2015 Agenda in Europe and the World's Responsibilities, [https://www.ilo.org/global/about-the-ilo/newsroom/statements-and-speeches/WCMS\\_356963/lang-en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/statements-and-speeches/WCMS_356963/lang-en/index.htm) accessed 27 April 2024



optimal. in the formal sector in Indonesia is also not a guarantee of decent work, this can be seen from data from the Central Statistics Agency in August 2023 which shows that workers in the formal sector whose labor absorption is high (trade and agricultural sectors) but are still paid with wages below the national minimum wage.

Meanwhile, in the informal sector based on SAKERNAS, male informal workers increased by 3.60% from last year which suddenly dropped to 4.32% and female workers in the informal sector actually decreased to 6.40% compared to the previous year which increased by 11.96% which indicates that in 2020 there was a high absorption in the informal sector for female workers. As of August 2022, the absorption rate of informal labour is high and this suggests that many are dependent on the informal sector which is quite large. In this informal sector, there is a problem that is no less complicated, because the informalization of employment relations ultimately leads to the degradation of the protection and regulation of employment relationships.<sup>10</sup> This is what causes informal workers to lack or even not get legal protection. And of course, it has an impact when the informal economy is declared to grow and absorb a lot of labor, followed by many problems regarding rights in the informal sector.<sup>11</sup> From the above background, the issue of labor to get decent work needs to be legally protected not only in the formal sector but also in the informal sector, as this is a manifestation in the achievement of sustainable development goals.

This research uses a normative legal research method with a conceptual approach, which focuses on the study of the views and doctrines that apply in legal science. This approach allows researchers to build legal arguments based on theoretical frameworks and relevant legal

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<sup>10</sup> Indrasari Tjandraningsih, *Informal Workers and Labor Policy Reform in Indonesia: Policy Practices and Challenges*, in Andi Misbahul Pratiwi (ed.), *Informal Economy in Indonesia: A Critical Review of Labor Policy*, Trade Union Rights Centre, Jakarta, 2020, p. 29.

<sup>11</sup> International Labour Organization, *Decent Work and the Informal Economy: Sixth Item on the Agenda*, International Labour Office, Geneva, 2002, p. 39

principles to solve the problems faced. In addition, this study also adopts a legal approach, namely by comprehensively examining all laws and regulations related to the legal issues being studied.<sup>12</sup> In the context of national development, employment development is an integral part of the efforts to develop human beings and Indonesian society as a whole, which is based on the values of Pancasila and the country's constitution. The main goal of this development is to improve the dignity, self-esteem, and welfare of the workforce, as well as to create a just, prosperous, and equitable society both materially and spiritually. The protection of workers is expressly regulated in Law Number 13 of 2003 concerning Manpower, which aims to support the achievement of sustainable community development.<sup>13</sup>

Employment development is an essential element that cannot be separated from national development efforts based on the values of Pancasila and the 1945 Constitution. The implementation of this development is aimed at developing the potential of all human beings and building Indonesian society as a whole, with the main focus on improving the dignity and self-esteem of workers. In addition, employment development aims to realize equitable welfare and create a prosperous society materially and spiritually. Protection for workers is outlined in Law Number 13 of 2003 concerning Manpower, where the legal purpose of this law is to achieve the goal of community development. The protection in question includes guaranteeing the fundamental rights of workers or laborers, as well as ensuring equal opportunities and treatment without discrimination on any grounds, in order to achieve welfare for workers and their families, while still taking into account the dynamics and development of the business world. So that employment development must be regulated in such a way that basic rights and protection for workers are fulfilled and at the same time can also create conditions

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<sup>12</sup> Peter Mahmud Marzuki. (2011). *Legal Research, 11th edition*, Jakarta: Kencana, p. 157.

<sup>13</sup> Peter Mahmud Marzuki. (2011). *Legal Research, 11th edition*, Jakarta: Kencana, p. 93.

conducive to the development of the business world. And that protection is called decent work. When the workforce gets a decent job, then it can improve the welfare of its family. The protection in question includes guaranteeing the fundamental rights of workers or laborers, as well as ensuring equal opportunities and treatment without discrimination in any form, in order to realize the welfare of workers and their families. This protection must also consider the development and dynamics of the business world. Therefore, employment development policies need to be designed in such a way that basic rights and protections for workers can be fulfilled, while creating an environment conducive to the progress of the business world. The concept of protection is known as decent work. By getting a decent job, the workforce can improve the welfare of their families. This is in line with the 8th goal of the Sustainable Development Goals (SDGs), which focuses on inclusive and sustainable economic growth, the creation of productive and inclusive employment opportunities, and the provision of decent work for all people.

To realize decent work, there are 4 components described in the background, namely the right to work, employment opportunities, social protection and social dialog. An adequate income is essential to ensuring the well-being of the workforce and is an essential component of decent work. Both of these things are measured by the income received by workers who are sufficient to meet their basic needs. Then how can the law protect workers in achieving decent work?

## **II. Labor and Fair Labor Law Protection**

Juridical legal protection according to Article 5 of the Labor Law is to provide protection that every worker has the right and equal opportunity to obtain a decent job and livelihood regardless of gender, race, ethnicity, religion and political affiliation in accordance with the interests and abilities of the worker concerned, including equal treatment of persons

with disabilities. Furthermore, Article 6 of the same law regulates the obligation for employers to fulfill the rights and obligations of workers without discrimination based on gender, ethnicity, race, religion, skin color, or political affiliation. The protection of juridical law as stipulated in Article 5 of the Labor Law emphasizes that every worker has the right to equal opportunities to get a decent job and livelihood, regardless of gender, race, ethnicity, religion, or political affiliation, and includes equal treatment for persons with disabilities in accordance with the ability and interests of the worker. Thus, this legal protection aims to enable workers to carry out decent work by prioritizing human values.

According to Philipus, the concept of legal protection is always related to two main aspects, namely government power and economic power. In the context of government power, legal protection functions as a guarantee for the community as a governed party and for the government as the ruling party. Meanwhile, in terms of economic power, legal protection plays a role in protecting economically weak parties from pressure or domination of economically stronger parties, as well as the protection given to workers against employers.<sup>14</sup> Legal protection for workers is urgently needed considering their weak position as conveyed by Zainal asikin,<sup>15</sup> that legal protection from the power of employers is carried out if the laws and regulations in the field of employment that require or force employers to act as in the law are really implemented by all parties because we know that the applicability of the law cannot be measured only judicially, but it is also measured sociologically and philosophically.

Sociologically, the position of the worker is not free, as a person who has no other means of living than that, he is forced to work for others, and it is the employer who basically determines the working conditions. Given that the position of workers is lower than that of employers, it is necessary to intervene by the government to provide legal protection.

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<sup>14</sup> Philipus M Hadjon , "Legal Protection in the Pancasila Legal State", Bandung: Armico 2003, p. 42.

<sup>15</sup> Asikin, Zainal., et al. 2002. Fundamentals of labor law. Cet. 4. Raja Grafindo Persada. Jakarta.

Therefore, when viewed from the Labor Law, the scope of labor protection includes the basic rights of workers/laborers to negotiate with employers, occupational safety and health, special protection for workers/women, children and persons with disabilities, labor welfare and social security. Overall, the protection is a public legal norm that has the purpose of regulating employment conditions in the company, including all public law norms that affect and threaten the safety and welfare of workers' occupational health in carrying out their work. The scope of regulation includes two aspects, including material aspects which generally include work safety and physical care, then immaterial aspects, which include working time and improving the physical and psychological development of workers.

Soepomo also explained about worker protection which covers 5 areas, namely: a. Labor placement, b. Employment Relations, c. Occupational Health, d. Job security and worker social security. And Sopemo also groups work protection into 3 types of protection, namely economic protection, social protection, and technical protection. This technical protection is called social security which is the protection of workers/laborers related to their income. This protection includes efforts made to provide income that is certainly sufficient for the needs of workers and their families.<sup>16</sup> And it also includes protections for workers who work against their will. Regarding this income protection, the problem is the work remuneration earned by workers or often called wages. This always happens because it is difficult to bring together business actors and workers, because they have different interests. So in the context of economic protection, the presence of the state through labor regulations is an absolute requirement. The wage problem is not only experienced by the informal worker sector, which is indeed formalized in regulations made by the government. Meanwhile, informal sector workers are not connected. In fact, we know that based on Article 27 paragraph (2) of the

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<sup>16</sup> Ashhadie, Lih. Zaeni. 2007. Employment Law. RajaGrafindo Persada. Jakarta.

Constitution which states that every citizen has the right to work and a decent livelihood for humanity, this means that this right is not only for formal sector workers but also for the informal sector.

The relationship between business actors and workers discussed above is the relationship between the strong and the weak, which when pulled into the scope of the company, is the status of superiors and subordinates. Thus, relationships tend to place workers as objects, or in labor terms as extreme factors that are in the same position as the supplier customer or buyer customer and not an internal factor as an integral part.<sup>17</sup> Regarding wages, it has been followed by a rule on minimum wage standards, so that ignoring wages for workers is included in the category of human rights violations. And this is the responsibility of the state and even the state's obligation to provide socio-economic protection to workers by realizing it in the form of the implementation of social security programs.<sup>18</sup>

Then social protection for workers is the protection of workers who can carry out community activities. This aims to enable him to develop his life as a human being in general and as a member of society and family in particular. This social protection is often also called occupational health, because the provisions regarding occupational health are related to the social of the community. Occupational health contains rules that aim to limit the power of employers to treat workers as they wish. This also serves to make employers view the workforce as human beings who have human rights. That is, occupational health aims to protect and maintain workers from incidents/circumstances of employment relations that are detrimental to their health and morality in terms of workers doing their jobs. It is clear that every worker has the right to occupational safety and health protections such as prevention of accidents and occupational

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<sup>17</sup> Wijayanti, Asri. 2009. *Post-Reform Labor Law*. Graphic Rays. Jakarta.

<sup>18</sup> Indrawati, I. and Simanjuntak, T.R., 2019. *Criminal Liability for Companies That Neglect to Register Their Workers as Participants of BPJS Ketenagakerjaan*. Journal of Legal Horizons, 10(1), pp.50-57.

diseases, control of hazards in the workplace, health promotion, treatment and rehabilitation.<sup>19</sup> In formal sector workers, companies are required to register their workforce related to social security. However, in the informal sector workers such as farmers and traders, there are still many who have not received social protection. The absence of social protection for workers will be one of the factors that trigger extreme poverty, socio-cultural conditions, security and so on. Referring to article 28 H paragraph (3) of the Constitution that everyone has the right to social security that allows his development as a dignified human being. Therefore, both formal and informal sector workers are entitled to social protection, therefore every employer is required to register all workers/laborers as participants in BPJS Employment without exception.

Technical protection is protection to protect workers from the danger of accidents caused by work tools or materials used by the company.<sup>20</sup> This protection is a type of labor protection related to efforts to protect workers from the danger of accidents caused by work tools or materials worked by workers. This protection is more often referred to as occupational safety. And this protection is different from other job protections, because this period of employment not only protects workers but also employers and the government. The existence of occupational safety protection has an impact on a peaceful work atmosphere. Of course, workers will focus more on their work optimally without worrying if at any time they will be affected by a work accident. Then for business actors themselves, the existence of occupational safety arrangements in their companies will be able to reduce the occurrence of accidents which of course has an impact on entrepreneurs who must provide social security. For the government itself and the community, by paying attention to occupational safety regulations, what the government plans to prosper the

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<sup>19</sup> Endah Pujiastuti, *Introduction to Employment Law*, Semarang: Semarang University Press, 2008, p. 37.

<sup>20</sup> Abdul Khakim, *Basics of Indonesian Manpower Law*, PT Citra Aditya Bakti, Bandung, 2009, p. 106.



community will be achieved by increasing the company's production both in quality and quantity.

These three protections must be understood and implemented as well as possible by business actors as employers, and if they commit violations, they will be subject to sanctions. Labor protection to ensure the sustainability of a harmonious labor relations system without being accompanied by pressure from strong parties to weak parties. Still according to Soepomo, occupational safety is a rule that aims to maintain the safety of workers against the danger of accidents in doing work in the workplace that uses tools or machines, as well as hazardous processing materials.<sup>21</sup>

### **III. Fulfillment of Labor Rights After the Labor Law**

One of the reasons for the birth of Law Number 13 of 2003 concerning labor is because of several laws and regulations that have been in effect so far, including some of them are colonial products that place workers in positions that are considered less advantageous in labor placement and the industrial relations system that highlights differences in positions and interests so that they are no longer seen as suitable for current needs and future demands. Then, humans meet the needs of life for their survival in the world, so humans need to work to earn income, where humans have rights that must be guaranteed by the state and society every human rights they have and do not differentiate from each other. The fulfillment of these rights is to realize a prosperous, fair and prosperous Indonesian society based on Pancasila and the 1945 Constitution, besides that it is also the goal of sustainable development, namely pioneering welfare in life.

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<sup>21</sup> Abdullah Sulaiman and Andi Wali, *Manpower/Labor Law*, Jakarta: Human Resources Education and Development Foundation, 2019, p. 197.

Therefore, the state makes various efforts to fulfill rights in achieving welfare in life.

Legal protection is always associated with the role and function of the law as a regulator and protector of the interests of the community. In this case, the role of law functions as a tool to provide protection and functions as a legal function, to regulate associations and solve problems that arise in society. So protection is needed for workers. The government in the field of employment to maintain a balance for both business actors and workers through laws and regulations. So that the employment law is dual, namely private and public. Why is that? Because labor law is a functional discipline because it has a mixed character, namely public law and private law. The character of private law considering that the basis of the legal relationship carried out by the employer and the employee is the employment agreement. Meanwhile, it has a public legal character because the legal relationship carried out by employers and workers must be regulated and supervised and facilitated by the government in order to provide legal protection guarantees for workers.

To realize the protection of workers' rights, it can be done through labor supervision. This is an important element in labor protection, as well as efforts to enforce labor laws as a whole. Labor supervision is a system with an effective and vital mechanism in ensuring the effectiveness of labor law enforcement and the implementation of labor laws and regulations in order to maintain a balance between the rights and obligations of business actors and workers, maintain business continuity and work calm, increase work productivity and protect workers.

Supervision in the field of labor is also based on the points listed in convention No. 81 concerning Labor Inspection in the Field of Industry and Trade contained in the explanation. In addition, understanding and awareness of the applicable legal provisions must begin to be improved, both for business actors and workers/laborers. Because this is in principle contained in the labor law which not only regulates the rights and

obligations of each party, but also regulates legal threats. The threat is clearer in the face of actions that do not heed the fulfillment of workers' rights. The normative rights of workers/laborers have been clearly stated in the Labor Law, where workers/laborers basically get equality and also the opportunity to get treatment without discrimination for any reason in order to realize the welfare of workers and their families by not excluding profits and business competition. Therefore, they are obliged to get protection and get their rights in accordance with the provisions of existing regulations and other derivative rules such as company rules and employment agreements. These basic rights are such as negotiating with companies, then also the right to worker safety and health, as well as the protection of workers' social security and the protection of their wages. There are still violations on the ground, including violations of their basic rights as workers. These violations often occur in the formal sector, even though we know that this sector is formalized and regulated in labor law, not to mention the violations of rights experienced by the informal sector. This is the government's task in strengthening regulations on rights from both the formal and informal sectors.

One example of a case is about wages. Where the government has an interest in being able to set wages, but on the one hand it must also be able to guarantee a decent standard of living for workers and their families, and must also increase people's productivity and purchasing power. On the other hand, wage policy aims to encourage economic growth and expand employment opportunities and be able to contain the rate of inflation. Therefore, the wage system on the one hand must reflect fairness by rewarding according to work contributions and encouraging the improvement of the welfare of workers and their families. However, on the other hand, the wage system in the company must be able to encourage an increase in work productivity, as well as the organization and development of the company.

Workers must have a strong legal basis so that what they do can be complied with and in accordance with labor laws, so that the list of jobs in question must obtain strong legal legalization, and then be included in company regulations or collective bargaining agreements. In the event of a violation, based on Law Number 2 of 2004 concerning Industrial Relations Disputes, it is explicitly stipulated that there are 4 types of disputes between business actors and workers, namely: first, disputes about rights, second, disputes about interests, third. Termination disputes and fourth, disputes between trade unions/labor unions in a company. In the fulfillment of labor rights, and violations occur, dispute resolution can be carried out through two settlement processes that can be carried out. Settlement can be through litigation in court, and out-of-court dispute resolution, which is often known as *nin* litigation.

#### **IV. Decent work and sustainable development goals**

When talking about decent work, the first thing that comes to mind is the right to work, which is an inseparable human right because every human being has the right to participate, contribute and enjoy economic, social, cultural and political development. All of these are human rights and freedoms that are expected to be fully realized.<sup>22</sup> This is because all human rights must not be violated and no one right is superior to another, the enhancement of one right cannot be done by diminishing the rights of another. While development facilitates the enjoyment of all human rights, the lack of development can be used as an excuse for the reduction of human rights, so poverty eradication and development promotion are essential. This right to employment is also clearly stated in the Constitution.

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<sup>22</sup> United Nations Declaration on the Right to Development, 1986

Meanwhile, to provide protection, there is a labor law that provides protection for workers to guarantee workers' basic rights and ensure equal opportunities and treatment without discrimination on any basis in order to realize the welfare of workers and their families. As explained in the background, workers' welfare is an effort to alleviate poverty and one of the keys to the success of sustainable development. Sustainable development can realize long-term economic prosperity. A series of processes that include economic, social and environmental considerations that create the conditions for sustainability. In conditions like this, the needs of life can be met without sacrificing the fulfillment of the needs of future generations. From the social aspect, individual welfare and community welfare are things that will be achieved. And work is one of the ways to achieve well-being and for work that will guarantee long-term sustainability, it is called decent work.

If every business actor applies the principles of sustainable development and is supported by a sustainable roadmap and process, then the business sector will experience benefits because consumers tend to buy products that apply sustainability principles. Thus, profitability will increase which will then have an impact on economic growth in a country which will ultimately have an impact on the welfare of the community through decent work. Decent work is essential in achieving Goal 8 of sustainable development. The goal is to encourage economic growth, inclusive and sustainable, productive and decent work as a center for economic policymaking and development plans that not only generate decent job opportunities but also high economic growth, inclusive and can reduce poverty.<sup>23</sup>

Decent work is also a key aspect of poverty alleviation efforts and one of the keys to sustainable development success. Decent work according

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<sup>23</sup> International Labor Organization. (2021). [www.ilo.org](https://www.ilo.org). Retrieved 27 December 2021, from Decent Work and the 2030 Agenda for Sustainable Development: [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilojakarta/documents/publication/wcms\\_451904.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilojakarta/documents/publication/wcms_451904.pdf)

to the International Labor Organization is important for everyone around the world to have the opportunity to get a job that can guarantee survival. So everyone regardless of gender, and under any circumstances, can get a decent job, so that they can work productively in conditions that guarantee equality, freedom, security and dignity. In addition, sufficient income is important in ensuring the welfare of workers and is an important thing that must be prioritized by the government. Decent work also needs to be supported by a decent wage and other things that support welfare such as health compensation, benefits, facilities and others. In return, business actors demand productive work in exchange for wages and compensation received by workers. The productivity generated is generated by productive work provided by workers and decent wages and provided by business actors to ensure the sustainability of the business/company. Well, the sustainability of this business will produce goods or services and encourage economic growth. In addition, sufficient income is important in ensuring the welfare of workers and is an important thing that must be prioritized by the government. Decent work also needs to be supported by a decent wage and other things that support welfare such as health compensation, benefits, facilities and others. In return, business actors demand productive work in exchange for wages and compensation received by workers. The productivity generated is generated by productive work provided by workers and decent wages and provided by business actors to ensure the sustainability of the business/company. Well, the sustainability of this business will produce goods or services and encourage economic growth.

This is one of the roles of labor law regulated in labor law with the content of rules that regulate the relationship between business actors and workers. The purpose of establishing the labor law is:

1. Empowering and utilizing the workforce optimally and humanely

2. Realizing equal distribution of job opportunities and the provision of labor in accordance with national and regional development needs
3. Provide protection to the workforce in creating well-being
4. Improve the well-being of workers and their families

That employment and sustainable development have a very close relationship with each other. Because a quality workforce can accelerate the development process in a country, so that it is able to compete with more developed countries. It will indirectly have a positive impact on the opening of new jobs that can help reduce unemployment. The government has a central role in ensuring the protection of workers' basic rights, both in the formal and informal sectors. In addition, government policies can be the basis for maintaining social order and control for the community and as a legal basis for business actors and workers/laborers by containing the rights and obligations of each party.

So it is clear that employment is related to development, because employment and development have a very close relationship, where with quality labor will accelerate the development process in a country, so that the country will be able to compete with more developed countries, and conversely, with more advanced development in a country, will be able to create new jobs that will automatically provide jobs for the labor force and at the same time will reduce the unemployment rate. So work and development cannot be separated from each other. And the guarantee of labor protection is contained in regulations made by the government, which will protect the basic rights of workers. Labor law is stipulated as an umbrella of industrial law and is engineered to maintain order, as well as social control, especially providing a foundation for business actors and workers/laborers by containing the rights and obligations of each party.



## V. Conclusion

Economic prosperity is a form of sustainable development in the long term. It is formed from a series of processes that include aspects of economic policy, social development and social and environmental development policies so as to create sustainability conditions. In achieving this goal, the constitution has regulated guarantees for every Indonesian citizen to obtain work that is suitable for humanity as in article 28 paragraph (2). However, in reality, current regulations create a dichotomy regarding legal guarantees and protection between workers in the formal and informal sectors. Until now, the informal sector has not had adequate guarantees of rights in the workplace, such as workers in the formal sector. In fact, workers in the informal sector have an important role as supporters of the national economy. This issue is certainly a commitment that must be resolved jointly between the government as a policy maker and the community to support economic policies by opening up the widest possible employment opportunities for the community. The government is an actor who has a major role and responsibility in providing protection and fulfillment of workers' rights as mandated by the constitution as the highest law. Decent work must be realized in the formal and informal sectors, because decent work is one of the goals of achieving sustainable development because it will indirectly have an impact on sustainable economic growth. So the government must maximize its role by providing legal protection, ensuring the fulfillment of workers' rights based on available regulations and ensuring that the realization of existing regulations is in accordance with the goals of sustainable development and the community has a guarantee of decent work. In this way, poverty alleviation will be more effective, economic growth will be inclusive and sustainable, and productive and comprehensive employment opportunities will create decent employment opportunities for all, both in the formal and informal sectors.

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