
THE ROLE OF POLITICAL PARTIES WITH LABOR MOVEMENT IN REJECTING OMNIBUS JOB CREATION LAW RATIFICATION

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ABSTRACT

This study aims to determine the role of political parties in the worker's movement to reject the ratification of the omnibus law on Job Creation. The approach used is qualitative. This research relies on primary data collection mainly obtained through interviews with resource persons or key informants. Data were collected in two ways. The first is to conduct a literature study and content analysis of various literature and reports in the print media related to research problems, and secondly, by conducting interviews with resource persons. The role of political parties in the rejection of the Job Creation Law must straighten out the functions first, rights, and obligations of political parties according to the provisions of the current political law in Indonesia. Political parties' functions, rights, and obligations have been outlined in Law Number 2 of 2011 concerning Political Parties. The function of political parties is regulated in 11. One of the functions related to the context that we are talking about is Article 11, point 2 subpoint (a), which states that political parties function as a means of: "Increasing the political participation of members and the community to organize political and governmental activities." In addition, the role of the community, especially the laborers, in rejecting Indonesia's Omnibus Law (Law No. 11 of 2020 on Job Creation) is important for the suitability of government policies. It is stated in Presidential Regulation Number 68 of 2005 concerning Procedures for Preparing Draft Laws, Draft Government Regulations in Lieu of Laws, Draft Government Regulations, and Draft Presidential Regulations, particularly in Chapter VIII Article 41.

Keywords: *political parties; worker movement; job creation law; omnibus law*

INTRODUCTION

In economics, labor, also spelled labor, is the general body of wage earners. However, almost one billion people or one-third of the labor force or laborers are in the fate of low-wage workers who still lack necessities to support themselves or their families. Therefore, the laborers make an effort to increase their quality of wages and life quality by developing the labor movement. The effort made by the labor movement with political parties occurs for several reasons. Firstly, labor organizations cannot be separated from Political Unionism, defined as an effort by labor unions to reject capitalism in their country by building networks or partnerships with various groups and building political engagement with political organizations.

This labor problem has become a phenomenon that must also get attention from the government because of the large number of people who work as laborers, 29.76% farm laborers, 19.23% trade, and 13.61% processing industry (official statistics released by the National Center for Statistics 2021). Meanwhile, public welfare is the responsibility of the state based

on Pancasila and the 1945 Constitution of the Republic of Indonesia, which mandates the state to be responsible for protecting the entire Indonesian nation and promoting the general welfare in the context of realizing social justice for all Indonesian people.¹

However, this issue has not been resolved because of government policies that are considered to be less concerned about laborers. In this case, one of them is the law product of the Omnibus Job Creation Law. According to Muqsith, the process of developing the Omnibus Job Creation Law was neither open nor transparent.² The government said 14 worker's organizations were involved in drafting the Omnibus Job Creation Law. Still, all worker's associations rejected the government's claim and had not been involved since the drafting process began. It means that there is no open relationship between the government and the workgroup during the preparation of the Omnibuslaw Job Creation project. Three regulations touch on employment: Employment Law, National Social Security System Law, and National Social Security Administering Agency Law. The following are some points of view on Job Creation Law which is considered to decrease labor welfare.

1.Reduction of the minimum wage

Suppose the worker does not work following the working hours regulations. In that case, the worker will not get wages above the nominal working wage, meaning that this rule is contrary to Law no. 13 of 2003 and PP No. 78 of 2015, which regulates wages and working hours.

2. The loss of criminal law regulations for companies that violate the law

With the abolition of these regulations, companies are more flexible in regulating regulations and are more arbitrary in committing existing violations and easily eliminating their obligations to fulfill labor rights because no legal or regulation regulates the company.

3. Loss of leaves for menstruating or pregnant women workers

Menstruation or pregnancy is a natural biological condition for a woman. Removing the regulation means that female workers are forced to continue working so that there is no cut in their wages at a time that endangers their health.

4. Changing the word

“pay the severance pay and mass work award of service for laid-off workers *with the least amount*” to “pay severance pay and mass work awards for laid-off workers *with the highest number.*”

The change words can make the employer provide severance pay far below the existing provisions. The entrepreneur may have violated the law or the Job Creation Law if the severance pay exceeds the maximum limit regulated in the law.

Omnibus Law means one for all, namely laws oriented to a broad topic, and can revoke or amend several laws at once to simplify the applicable rules. With the ratification of the Omnibus Law, all other legal products that regulate the same subject automatically become invalid. According to Siti Solehah (2021), many people perceive the many deficiencies of the Omnibus Law on Job Creation materially and formally. The deficiency of this law project is an important problem for the workers. The material deficiency lies in the formal aspects of the legislation, which are not the same as other laws and regulations, particularly the lack of public participation in providing input to the law project and the impression of being in a hurry in its ratification.

¹ Nazifah, Dewa Gede Sudika Mangku, and Ni Putu Rai Yuliantini. (2021). “Fulfillment of Labor Rights for Persons with Disabilities in Indonesia.” *International Journal of Criminology and Sociology*, 10(8): 272–280. doi:10.6000/1929-4409.2021.10.33.

² Munadhil Abdul Muqsith. (2020). “UU Omnibus Law Yang Kontroversial.” *Adalah*, 4(3) 109–115. doi:10.15408/adalah.v4i3.17926.

Omnibus law specifically only benefits investors or corporations and forgets to fulfill the rights of laborers. In this way, the rejection of the omnibus law is the only way that workers and laborers must take to secure their rights because if they do not refuse, then the laborers will continue to be exploited by the rules made by the company. The company will find it easier to play industrial wheels because there are no rules governing the company's violations against workers³.

The workers' rejection of the Omnibus Job Creation project law aligns with the statement quoted on the DPR RI website, PKS faction (<https://fraction.pks.id/>) that PKS refuses to ratify the Omnibus Job Creation Law. The PKS faction rejected the Job Creation Law because it was considered that the articles in the Job Creation Law were more favorable to employers. Of the 575 members of the DPR RI, the number of members of the opposition faction in the DPR is only 104 members (18 percent), namely the PKS Faction, 50 people, and the Democratic Faction, 54 people. This number is called rasiic with the government supporting faction, which more than 80 percent. According to Ari, if the PKS faction relies on the political power of the opposition to carry out its plan, it won't be easy, especially if the plan is not approved or against the flow of the majority faction supporting the government. "In simple language, this is a 'find the stage' strategy because PKS is aware that their political power is weak in the DPR RI, the opposition faction is also weak. If we look at it, this is not the first time PKS has used an interruption in the plenary session to include another agenda," said the Communications Lecturer. In a written statement, the Politics University of Indonesia, Ari Junaedi, Tuesday (9/11/2021) (<https://news.detik.com>). PKS's refusal to ratify the job creation law is a question given that there is no official relationship between PKS and the Labor Union.

Therefore, the attitude of the PKS faction's rejection is interesting to study further, whether it is merely a labor welfare issue or there are other motives of interest. This research attempts to provide a new reference about political parties against their struggle against the workers, especially PKS, in the case of forming regulations related to the fate of workers with PKS in rejecting the Omnibus Job Creation Law. Thus, this research aims to provide a complete understanding of how the practice of the role of political parties is considered important to voice or reject policies that are considered detrimental to society, in this case, the workers. Workers and political parties can collaborate because political parties need the voices of the workers' groups and vice versa. Workers need the voices of political parties in voicing and fighting for workers' welfare.

LITERATURE REVIEW

Relation Between Political Parties and Laborers

According to Arianto, the role of political parties in maintaining Indonesian democracy is very important.⁴ The party must be able to provide political education so that people know the law and become politically mature. Of course, this must be demonstrated in advance by the political elite. Because the role model is not good, how can people recognize their rights and obligations in social life and become good citizens too? At this time, political parties must fill the public space by providing rational, civil education programs. Political parties that are different from most other ideologies will certainly have a major impact on the democratic system and people's democratic education. For example, workers are more likely to join the Indonesian Workers' Party than the PDIP Party. So that the participation of workers is

³Y. Marcella and K. Sudibya. (2018). "P. Peran Organisasi Serikat Pekerja/Buruh Dalam Pembangunan Perekonomian Indonesia." *Kertha Semaya: Journal Ilmu Hukum*, 4(3): 1-15

⁴H. Arianto. (2004). "Peranan Partai Politik Dalam Demokrasi Di Indonesia." *Lex Jurnalica*, 1(2): 77-89

maximized. Political parties must also be able to create a coaching climate that can be the glue of national unity and integrity

The next piece of literature that is still in line with this research is the research by Faedlulloh under the title “Labor Movement and Labor Failure in the Election of the Reform Era.”⁵ According to Dodi Faedullah, the Indonesian labor union movement is very strong. However, the labor movement is often subordinated to elite interests because these great powers have not yet been organized into a politically integrated force. It is undeniable that the labor movement has become a buffer for certain political parties. For example, certain political parties use the membership of the workers in various regions as a “weapon” to protest the ruling government’s policies. Dodi Faedullah’s work reflects Indonesia’s large but not yet prosperous labor union movement. The analysis that shows why the labor movement has not prospered is that the pioneers of the Indonesian labor movement were not transitioning from feudal society to capitalism as in Europe. Issues of ethnicity, religion, and class are more important than work problems because Indonesian people’s lives are much of primitive culture.⁶ In this case, there is an objective condition that cannot be denied: Indonesia is a unitary state with differences in religion, ethnicity, and race. This diversity makes Indonesia a multidimensional country. However, like two sides of the same coin, Indonesia is vulnerable to conflicts with different interests with its diversity of religions, ethnicities, and races. When these different and often conflicting interests arise, various tug-of-war and conflicts of interest occur simultaneously, affecting the situation of all social classes and Indonesia as a whole.

Labor Struggle Politics

According to the Ministry of Employment (2017), more than 40 million workers work in the formal sector. Only those registered as guild members with around 2.7 million. In today’s political reality, the voices of Indonesian laborers in elections are always contested by political parties. Although the impact on the labor movement is not great, the objective conditions for the birth of the Indonesian labor movement are different from the traces of the birth of the labor movement in the countries where capitalism was born in Europe. Today, the discourse about workers who will participate in the political struggle through elections is increasingly intense. In fact, in 2014, the slogan “labors go politics” was widely debated within the workers’ internal circles. The labor movement carried out political experiments to participate in elections. However, there is no affiliated Labor Party, so workers must join the existing party.^v

To dismantle the economic system that does not benefit the workers, the workers must be able to penetrate the normative logic of good governance. Where the market economy system always wins because the position of stakeholder groups cannot guarantee that the voice of the workers can break down the political door. The labor movement may succeed in fighting for the benefit of the workers. Still, in Dodi Faedullah’s view, failure often occurs and can weaken the spirit of the labor movement. It is time for the labor movement to move to the political stage. Suppose the labor movement “politics” has begun to pass political parties as legislative candidates (even as candidates for leaders) in recent years, in the future. In that case, the labor movement must gain independence through its politics as a political party that is the majority of workers.

⁵ Dodi Faedlulloh. (2019). “The Failure of the Labor Movement And Labor Party in the Reform Era General Election.” *Politica*, 10(2): 167-182. doi:10.22212/jp.v10i1.1448.

⁶ Nurdien Harry Kistanto. (2017). “Tentang Konsep Kebudayaan.” *Sabda : Jurnal Kajian Kebudayaan*, 10(2): 1–11. doi:10.14710/sabda.v10i2.13248. definitions, and theories about the ways of his life, into the conception about culture. Consciousness thus commenced from the gift of reason, his human instincts and feelings, which are not owned by other beings, such as animals. Leslie White (1973)

On the other hand, political parties are obliged to convey the people's wishes. However, until now, there has been no research that explores the role of political parties in responding to the omnibus law on job creation law in fighting for the welfare of workers. From the previous description, it can be seen that the Omnibus Job Creation Law is comprehensive and contains many articles that are considered detrimental to workers. Political parties can use political forums to convey policies considered confusing for workers. Therefore, it looks very different from previous studies. Therefore, in this study, the authors want to examine the role of political parties, especially PKS, in responding to the Comprehensive Job Creation Law in the struggle for workers' welfare.

Contentious Politics Theory

This theory is a concept related to social movements. This concept was developed by many scholars who observed, studied, and developed social movement theories⁷. This concept was rearing in 1990.⁸ According to Charles Tilly, controversial politics is "the use of disruptive technology to raise political issues and change government policies." A destructive approach to this problem is an action that interferes with the normal activities of society, such as demonstrations, strikes, riots, civil disobedience, terrorism, rebellions, and revolutions.⁹ This technique is widely used in social movements. Conflict policy is not a social movement, but much of the literature on conflict policy states that it can be seen as an early stage of the movement's emergence.¹⁰

Collective action and social movement are a set of interrelated concepts. Taro agrees with the view that collective action is not an abstract category out of historical context or separate from politics.¹¹ According to Tarrow, these collective actions are used by people and groups who do not have regular access to the system, act on behalf of new or unacceptable demands, and fundamentally challenge other conflicting authorities and policies.¹² On the other hand, according to Goodin and Tilly, conflict policies are developed when the gap between reality and expectations becomes unacceptable.¹³

In the context of the labor movement in Indonesia, especially in the phenomenon of the Job creation law, it shows the perspective of collective behavior emphasizing the behavioral crisis, feelings of being marginalized, and feelings of frustration that arise as a result of social, economic, political, and cultural changes. Conditions like this are easily triggered and turn into spontaneous, unorganized collective actions and do not use official channels. The political process perspective pays systematic attention to the political environment and the social movement's institutions. The progress and success of social movements are determined by the opportunities and constraints within a particular political system and the wider environment, or what is then more widely known as the concept of "political opportunity structure." As simple, this perspective views the external environment as greatly influencing social movements. For example, in a country that adheres to a democratic system or a democratic political configuration, there are opportunities (opportunities) for the people to carry out various forms of political participation. Thus, elements of social movements have the freedom to develop themselves. On the other hand, social movements will run slowly in a closed and repressive

⁷ D. McAdam, S. Tarrow, and C. Tilly. (2003). "Dynamics of Contention." *Social Movement Studies*, 2(1): 99–102.

⁸ Mark Irving Lichbach. (1995). *The Rebel's Dilemma*. Ann Arbor: University of Michigan Press, p. 404

⁹ Charles Tilly. (2008). *Contentious Performances*. New York: Cambridge University Press, p. 5

¹⁰ Mark Irving Lichbach. (1995). *The Rebel's Dilemma*. Ann Arbor: University of Michigan Press, p. 406

¹¹ R. Hardin. (1982). "Exchange Theory on Strategic Bases." *Social Science Information*, 21(2): 251–272

¹² S. Tarrow. (1998). "Fishnets, Internets, and Catnets: Globalization and Transnational Collective Action." *Challenging Authority: The Historical Study of Contentious Politics*, 78: 228–244

¹³ R. E. Goodin and C. Tilly. (2006). *The Oxford Handbook of Contextual Political Analysis (Vol. 5)*. New York: Oxford University Press.

political system. Still, this closedness can also stimulate the birth of hidden movements, brutal violence, rebellion, and radicalism.

The cultural perspective (the new social movement / GSB) developed as dissatisfaction with a willing capitalist society's social and political institutions, namely the transformation from an industrial to a post-industrial society, which increasingly emphasizes class boundaries. This perspective places the construction and politicization of identity as the glue for participants in social movements.

The Concept of Democracy

According to *Jean-Jacques Rousseau's* theory, democracy consists of steps or processes that a country must go through to achieve prosperity. Rousseau's statement says that democracy is a lesson for the state to develop a complete state administration. However, Rousseau realized that perfection does not exist in humans. Therefore, the size of democracy in a country is determined by considering the ongoing facts, not the ultimate goal.¹⁴ According to Hans Kelsen, the beginning of the emergence of democracy was the idea of freedom of the human mind. Initially, the word "freedom" was evaluated negatively. The definition of "freedom" was originally thought of as a lack of bondage, a lack of all obligations.¹⁵ However, Hans Kelsen refused. The reason is when a person is in the process of social construction, the concept of "freedom" can no longer be judged just like that and is not only not binding, but the concept of "freedom" is similar to the beginning of self-determination. It is what later became the basis of Hans Kelsen's democratic thinking.¹⁶

If examined, the development of Indonesian democracy can be divided into four periods: 1945-1959, 1959-1965, 1965-1998, and the post-new order. Democracy from 1945 to 1959 was known as the parliamentary system, which came into effect after the proclamation of independence. However, for Indonesia, this democratic model is considered inappropriate. The lack of a democratic culture compatible with a parliamentary democratic system has led to political fragmentation based on ethnic and religious affiliation. It led to political instability in the state and criticized the integration of the new state. Democracy between 1959 and 1965 was called guided democracy. This democratic identity was shaped by the dominance of presidential politics, the growing influence of the Communists, and the role of the Armed Forces (ABRI) in Indonesian politics. This situation led to the issuance of an executive order on 5 July 1959, seeking a way out of the political impasse. Democracy from 1965 to 1998 was the period when President Suharto ruled in the New Order. The new order is a critique of the previous era. With the change of the nation's leadership, President Sukarno replaced democracy with the elite of the new order, Pancasila democracy. Until recently, post-democracy has often been a period of reform. It is closely related to the reform movement that demands the implementation of democracy on human rights grounds.

Formulation of the problem

Based on the description above, the researchers raised the following problems:

What is the role of political parties and the labor movement in rejecting the ratification of the omnibus law?

¹⁴ James S. Fishkin. (2018). *Democracy When The People Are Thinking: Revitalizing Our Politics Through Public Deliberation, Gastronomía Ecuatoriana y Turismo Local*. New York: Oxford University Press

¹⁵ Hans Kelsen. (2020). *Pure Theory of Law*. California: University of California Press

¹⁶ Margit Gaffal. "Language, Truth and Democracy: An Introduction." in Margit Gaffal (ed). (2020). *Language, Truth and Democracy: Essays in Honour of Jesús Padilla Gálvez*. Berlin: De Gruyter, pp. 1-12

METHOD

The approach used to answer the research questions is qualitative. Qualitative methods can look at a social phenomenon in-depth, observe the process, and draw conclusions. Qualitative research does focus on processes rather than results or products.¹⁷ So qualitative research relies on primary data collection mainly obtained through interviews with key informants or sources. The qualitative method was also chosen because of its ability to build problems from the theory used. This research is to build ideas on how to practice the role of PKS in fighting for the fate of workers in the formation of the Omnibus Law on Job Creation.

Data were collected in two ways. The first is to conduct a literature study and content analysis of various literature and print media reports related to research problems. Print media that are generally used as objects of research are newspapers. The second is to conduct in-depth interviews with various related parties and have information related to research problems. The interviewees were representatives of legislative members from PKS who were involved in the rejection of the Omnibus Law on Job Creation. In addition, activists from labor groups took part in the journey to oversee the law.

No.	Name	Department
1.	Jazuli Juwaini	Head of Faction PKS DPR RI
2.	M. Martri Agoeng	Head of Employment PKS
3.	Said Iqbal	President of the Confederation of Indonesian Worker Unions (KSPI)
4.	Hotmaraja Nainggolan	Head of SBSI
5.	Willy Aditya	Deputy Chairperson of the Working Committee on the Job creation law

ANALYSIS AND DISCUSSION

The Function of Politic Party

Before describing the role of political parties against the rejection of the Job Creation Law, it is necessary to first straighten out the functions, rights, and obligations of political parties according to the provisions of the current political law in Indonesia. Political parties' functions, rights, and obligations have been outlined in Law Number 2 of 2011 concerning Political Parties. The function of political parties is regulated in 11. One of the functions related to the context that we are talking about is Article 11 point 2 subpoint (a) which states that political parties function as a means of: *"Increasing the political participation of members and the community in order to organize political and governmental activities."* Based on this function, the Law protects the role of political parties to absorb, collect and channel the political aspirations of the people. The ability to absorb aspirations means being able to explore and translate information about what the community feels and about the problems faced by the community. The constitution guarantees and protects the right to obtain and absorb information. Article 28 F of the 1945 Indonesian Constitution states: *"Everyone has the right to communicate and obtain information to develop their personal and social environment and has the right to seek, obtain, possess, store, process and convey information using all available channels."*

The right to absorb, collect and distribute information is an aspiration with political nuances in a wide-open society. It will be very useful if maximally used to formulate and determine state policies. The functionalization of political parties greatly determines their role in carrying

out the functions specified in Chapter V. This function is only one dimension of understanding. Apart from the function in this juridical sense, academics still have a wider and varied spectrum of meaning. Usually, the function of a political party is more visible if it is associated with the existence of the political party in a democratic country and a democratic government. It is important because political parties do not function in an authoritarian government. Experience shows how deep the Marcos government was in the Philippines. Mahathir in Malaysia and Suharto in Indonesia have shown authoritarian governments that have sterilized and narrowed the role of political parties except for power political parties.¹⁸

The function of political parties can only grow and function according to their functions under a democratic government. Political freedom is the key to how political parties can play their role. In the current reform era, the trend of relatively good and free political democracy has opened up opportunities for political parties to increase the role of absorbing, collecting, and channeling people's aspirations. If not, then political parties are just a place to stop for those who want to go on an adventure without idealism favoring the people, nation, and state. The adventure is most likely only for one's vertical mobility. At the same time, political parties must be a forum for the struggle to achieve noble ideals to build society and advance the nation and state.

The reason workers refuse the ratification of the Job Creation Law

In the Omnibus Law job creation law, one of the things that workers, especially laborers, rejected, was the abolition of the sectoral minimum wage.¹⁹ This sectoral minimum wage is determined from the Regency/City minimum wage (UMK) and Sectoral Wage (UMSK). The minimum wage is not actually abolished but is still determined in Law 13 of 2003, which the government then regulates. However, if there is a decrease in the minimum wage, the impact will still be on the disadvantaged workers whose wages refer to the Regency/City minimum wage. In PP No.78 of 2015, there are several differences in the calculation of wages. The new job creation law signed by President Jokowi has become a matter of debate. The minimum wage for labor is calculated based on regional economic growth and inflation²⁰ in the district/city concerned following article 88D of the job creation law. This law gives the governor the authority to set the UMP on the conditions of growth and inflation in the region concerned. However, the actual calculation is still adjusted to the needs of a decent living and the recommendations of the Provincial Wage Council.

The enactment of this work copyright law is tantamount to returning to the previous system with a low-wage regime. It is very contradictory because the elimination of the minimum wage is based on the UMSK and UMSP areas. This disappearance does not reflect an attitude of justice. Sectors between small and large companies are equated, for example, in the automotive industry sector, such as Toyota and Astra, and even the mining sector of PT. Due to the policy of this law, Freeport has the same minimum wage value as other small companies, such as crackers-making companies. Some points are omitted from the employment law and regulations in the job creation law. If workers cannot come to work, their wages will be deducted, severance payments to workers, and labor wages are calculated with income tax. In the enactment of the law on minimum wages in the 1990s, one of the standards for setting minimum wages was

¹⁸ Ramly Hutabarat. (2005). *Politik Hukum Pemerintahan Soeharto Tentang Demokrasi Politik Di Indonesia (1971-1997)*. Jakarta: Pusat Studi Hukum Tata Negara Fakultas Hukum Universitas Indonesia

¹⁹ Vendi Yhulia Susanto. (2020). *Omnibus Law Cipta Kerja Dinilai Menghapus Upah Minimum Sektoral Kabupaten Kota*. Kontan.co.id. Available from: <https://nasional.kontan.co.id/news/omnibus-law-cipta-kerja-dinilai-menghapus-upah-minimum-sektoral-kabupatenkota>.

²⁰ Abdul Basith. (2020). *Omnibus Law Ubah Penghitungan Upah Minimum Gunakan Pertumbuhan Daerah*. Kontan.co.id. Available from: <https://nasional.kontan.co.id/news/omnibus-law-ubah-penghitungan-upah-minimum-gunakan-pertumbuhan-daerah>.

based on a decent living for workers for the welfare of workers. However, in the current job creation law, one of these points is omitted in the provisions for determining the minimum wage. The work period that is not considered is also a controversial issue in this job creation law. In preparing the structure and calculation of the wage scale in the past, this Employment Law had to consider the position, class, education, years of service, and competence of the workers themselves. However, the job creation law eliminates these considerations and shifts the arrangement of the structure and scale of wages based on the ability and productivity of the company.

The Deputy Chairperson of the National Wage Council has never recommended increasing the provincial minimum wage for trade unions or laborers.²¹ It will be detrimental to all parties if it is associated with the conditions of various sectors. Sectors surging, such as the medical or health, food and beverage, plantation, agriculture, and logistics sectors, can at least get a wage increase from 2020 to 2021. The government should balance accommodating employers and workers with a wise attitude. So it must prioritize the principle of a win-win solution. In addition, there is a positive impact of the elimination of the minimum wage. The Omnibus Law will only recognize two types of wages, including the minimum wage and the industrial minimum wage. More than 33 provinces have different minimum wages in Indonesia and have become ineffective in their management.²² This minimum wage restores the main principle of the job creation law, namely for a safety net. The law states that the minimum wage applies to workers whose tenure is less than one year at the company they occupy.

It makes the workers not arbitrarily carry out their duties. Employers should also be able to increase the minimum wage for workers after one year of work has passed. With the ratification of the job creation law, there is also a positive side to laid-off workers. Layoff victims will be given a guarantee to protect workers with a Job Loss Guarantee program.²³ This program provides cash incentives and training for laid-off workers. Therefore, during this Covid-19 period, workers or laborers who have been affected by layoffs and are worried about the minimum wage being eliminated should be more selective in making decisions. Workers can take advantage of government programs that can be a solution for progress for a prosperous life in the future. One of the Job Loss Guarantee programs is not eliminating pensions and work accidents. Thus, this can benefit both parties, employers, and workers.

The role of political parties and the labor movement in rejecting the ratification of the job creation law

A role must be associated with a function. Based on that function, political parties determine what to do. What contribution to give, that is the role. This role will be sterile if there is no democratic climate. The function is conception. The role is action. The conception does not become functional if the action is confined. Therefore, action requires space and opportunity. Programs, implementers, and funds must also support the space and opportunity. However, the spirit and idealism factors are no less important in playing the role of political parties in absorbing people's aspirations. Absorbing the aspirations of the community can be interpreted in two ideas. *First*, people's aspirations in the context of policy formulation. *Second*, community aspirations in the context of meeting community needs.

²¹ Vadhia Lidyana. (2020). *UMSK Dihapus, Gantinya Pakai Kesepakatan Pengusaha-Buruh*. Detik Finance. Available from: <https://finance.detik.com/berita-ekonomi-bisnis/d-5215108/umsk-dihapus-gantinya-pakai-kesepakatan-pengusaha-buruh>

²² B. Kurniawan. (2020). "Redesain Rancangan Undang-undang Omnibus Law Cipta Lapangan Kerja." *Jurnal Akta Yudisia*, 5(2): 158

²³ Adinda Pryanka. (2020). *Menaker Selain Pesangon Korban PHK akan Mendapatkan JKP*. Republika.co.id. Available from: <https://republika.co.id/berita/qhtzgx383/menaker-selain-pesangon-korban-phk-akan-mendapatkan-jkp>

In this context, political parties must be able to disseminate their vision and mission to the community and try to build an “image” that political parties are fighting for the public interest; (3) Political parties as a means of political recruitment. Political parties also function to find and invite talented people to actively participate in political activities as members of political parties (*political recruitment*); (4) Political parties as a means of conflict management (conflict management). If there is a conflict, political parties try to resolve it. Not much different from Miriam Budiardjo, Sigmund Neumann also suggested four functions of political parties, namely:²⁴ (1) Regulating the chaotic general will; (2) Educating citizens to be politically responsible; (3) Liaison between government and public opinion; (4) Selecting leaders.

The description of the function of political parties, according to Miriam Budiardjo and Sigmund Neumann, can be used as insights and starting points to play the role of political parties in absorbing people’s aspirations, both in the context of policy formulation and implementation of development in various dimensions of life. The 1945 Indonesian Constitution became the constitutional basis for the umbrella of the people’s aspirations. Political parties have the right to carry out activities to increase their constructive role, both absorbing people’s aspirations and controlling or criticizing the administration of power. It is a logical consequence of the rule of law, which guarantees and protects the wheels of democracy running normally. The idealized democracy must be placed in the corridor of law. Without law, democracy can develop in the wrong direction because the law can be interpreted unilaterally by the authorities in the name of democracy. In other words, the law must be the basis for increasing the role of political parties. Otherwise, democracy can be not only misinterpreted but also misused. To increase the role of political parties in absorbing, collecting, and formulating the people’s aspirations in the development process, the extent of political parties’ political participation in the development process cannot be denied.

The explanation above is clear that the role of political parties in the rejection of the Job Creation Law is quite a role, namely as a forum for conveying the community’s aspirations. In addition, according to Jazuli Juwaini, there are several reasons the PKS Party faction refused to ratify the Job Creation Law, including that one of the policies in the Job Creation Draft Law contains the substance of liberalizing natural resources. In addition, according to Santosa et al., the ratification of this law can threaten the state’s sovereignty through the provision of facilities to private and foreign parties.²⁵ This provision can be observed in establishing a Land Bank primarily for investment purposes, granting Land Rights to Foreign Citizens through the issuance of Certificates of Ownership of Flats. The Job Creation Law also contains regulations that have the potential to cause damage to environmental sustainability. In article 37 of Indonesia’s Omnibus Law (Law No. 11 of 2020 on Job Creation) related to the amendment to the Forestry Law, the provision for the provision of a minimum area of 30% for the function of forest areas from watersheds is abolished. In addition, the obligation to make an analysis of environmental impacts or environmental management efforts and environmental monitoring efforts, to have risk analysis and management for those who use genetically engineered products; and make a statement of ability to provide adequate facilities, infrastructure, and emergency response systems to deal with fires as well as waivers for plantation business license holders. Likewise, in the geothermal sector, the abolition of the permit provisions for the use of water conservation areas will threaten environmental sustainability.

According to Martri Agoeng, the attitude of PKS that continues to voice its rejection of the Job Creation Act is due to its negative impact on workers, the environment, and the

²⁴ Sigmund Neumann. (1982). *Ke Arah Suatu Studi Perbandingan Partai Politik*. Jakarta: PT Gramedia

²⁵ Hedi Pudjo Santosa et al. (2022). “Omnibus Law Discourse on Television: Support Elite or Public?” *Jurnal ASPIKOM* 7, (1): 16. doi:10.24329/aspikom.v7i1.1017.

Regional Government Law, where regional heads are held hostage by the Act. The morale of the Regional Head has been damaged due to the Job Creation Law. Therefore, there is no other word but to refuse. He rejected the revision of Law no. 12 of 2011 concerning the Formation of Legislation and was disappointed with the government's attitude, which continues to enforce Law Number 11 of 2020 concerning Job Creation and all of its derivative regulations. Law No. 12 of 2011 shouldn't need to be changed because the negative impact will be even greater if it is changed. The Omnibus Law is blamed on the principle of its creation. Therefore, it cannot be legitimized by revising Law No. 12 of 2011. Then regarding a judicial review to the Constitutional Court, he believes that there is no decision from the Constitutional Court ruling ordering to revise Law No. 12 of 2011. Instead, Now reversed, Law No. 12 of 2011 wants to be amended according to the Omnibus Law on Job Creation. PKS's consistency in defending the workers is related to the Job Creation Law, but long before, for example, in 2006, when PKS held a large demonstration against the revision of Law No. 13 on employment which wanted to weaken the position of workers.

Then, the role of the community, especially the laborers, in rejecting Indonesia's Omnibus Law (Law No. 11 of 2020 on Job Creation) is important for the suitability of government policies. The role of the community in the formation of the omnibus law has been clearly stated in Presidential Regulation Number 68 of 2005 concerning Procedures for Preparing Draft Laws, Draft Government Regulations in Lieu of Laws, Draft Government Regulations, and Draft Presidential Regulations, especially in Chapter VIII Article 41 which is formulated as follows: (1) In the context of preparing and discussing draft laws, the public may provide input to the Initiator; (2) The input as referred to in paragraph (1) is carried out by conveying the main points of the proposed material; (3) The community in providing input must state their identity completely and clearly. In Article 21 of Law Number 12 of 2011, the public has the right to provide input orally or in writing in preparing drafts or discussing draft laws and draft regional regulations. The Decree of the House of Representatives of the Republic of Indonesia Number 1 of 2020 concerning the Rules of Procedure of the House of Representatives of the Republic of Indonesia, formulated in Chapter 3 regarding Drafting of Laws in Article 128 points (1), (2), (3) which each reads as follows: Point (1) "In drafting a draft law, members may request input from the public as material for perfecting the conception of a draft law"; Point (2) "In the preparation of draft laws, commissions, joint commissions, or the Legislative Body may request input from the public as material for the working committee to perfect the draft law conception"; Point (3) "To obtain input as referred to in paragraph (2), the commission, joint commission, or the Legislative Body may run (a) public hearings, (b) working visits to the regions, and (c) working visit abroad.

In terms of implementing community participation in the rejection of the ratification of the Job creation law, Muhammad A.S. Hikam 11 stated that community participation in the formation of the law had begun to develop. Initially, community participation began with providing input to the DPR through commissions or the Legislative Agency, starting from drafting a legislation program, preparing a draft law, and discussing a bill. This participation is then increased by providing input to the factions or directly to members of the DPR. The frequent holding also sees an increase in participation in seminars or similar activities related to issues related to the Draft Law.

Then apart from rejecting the Employment Creation Law, the laborers also have another vision in the political field, namely the revival of the labor party. It is following the confession according to Said Iqbal, President of the Confederation of Indonesian Worker Unions, that the reason for the revival of the Labor Party was the crushing defeat of the working class of farm laborers, fishermen, teachers, and other small people (related to) the omnibus law. The

Omnibus law, the Job Creation Law, triggered the Labor Party to be revived. The Labor Party wants to fight for the aspirations of the workers in parliament. Thus, the workers' struggle is no longer only carried out on the streets through demonstrations. The Labor Party also offers welfare to all workers and small people. Iqbal promised that the Labor Party would fight for people's subsidies to be increased for the people. How can outsourcing last a lifetime? America alone limits, Indonesia exceeds super-capitalist America. Contract employees are contracted repeatedly, and the UMK wages are removed. The UMK may or may not, but the value of the increase is small. Industrialist countries must have a Labor Party, while there is still none in Indonesia.

Third, Iqbal wants the workers' struggle not only to be carried out on the streets. So the party is one of the paths that we choose to participate in fighting for the voices of workers, farmers, fishermen, teachers, poor people in urban villages, women carrying herbal medicine, women, motorcycle taxi drivers, drivers, and street vendors must enter. The basic difference between the old Labor Party and the new one is the large number of supports. The old Labor Party was only supported by one trade union, namely the Confederation of the Indonesian Prosperous Labor Union. Meanwhile, the new Labor Party is supported by at least 11 workers union organizations, including the old Labor Party founders, KSBSI, Federation of Indonesian Metal Workers Union, Indonesian People's Organization (ORI), and KSPI. Then, the Indonesian Peasant Union (SPI), the Confederation of Indonesian Labor Unions (KPBI), the Federation of Mining Chemical Energy Workers Union (FSPKEP), the Federation of Health Pharmacy Workers Union (FSB Farkes), the Indonesian Honorary and Private Educator Forum (FPTHSI), and the Movement Indonesian Women (GPI). The Labor Party was also initiated and revived by 50 national-level trade union federations.

In addition, the role of workers in rejecting the Job Creation Law is very bold. Including the actions taken by workers, namely submitting a request for a judicial review as stated by Hotmaraja Nainggolan as the Chair of the SBSI. He said that he applied to the Constitutional Court to conduct a judicial review of Law Number 11 of 2020 concerning Job Creation which, according to the Petitioner, contradicts Article 27 paragraph 1 and paragraph 2, Article 28D paragraph 2, Article 28I paragraph 2, Article 28I paragraph 4 UU no. Indonesia's 1945 Constitution. The issue is the placement of the opening position of the 1945 Indonesian Constitution in the Job Creation Law. Then the regulation of Chapter IV concerning Employment in the Job Creation Law contradicts Article 27 paragraph 2 of the 1945 Indonesia Constitution. Then, the transitional provisions of Article 181 of the Job Creation Law are considered to provide legal uncertainty and are contrary to the principles adopted by Article 1, paragraph 3 of the 1945 Constitution. As well as, inaccuracy in Article 6 and Article 5 can lead to multiple interpretations that weaken one of the legal functions of providing legal certainty contrary to Article 1, paragraph 3 of the 1945 Constitution.

Meanwhile, regarding Article 6 of the Job Creation Law, material that is not careful and inaccurate is considered to cause loss of references and result in legal uncertainty contrary to Article 1 paragraph 3 of the 1945 Indonesia Constitution. Regarding the transition to Article 181 of the Job Creation Law, KSBSI assessed that it created legal uncertainty that contradicts Article 1, paragraph 3 of the 1945 Constitution. Meanwhile, regarding Chapter IV of Employment in the Job Creation Law, the K-SBSI presented several shreds of evidence that contradicted Article 27, paragraph 2 of the 1945 Indonesia Constitution.²⁶ Therefore, the K-SBSI asked the panel of constitutional judges to accept and grant all requests for judicial

²⁶ Surya Tjandra. (2016). *Labour law and development in Indonesia (Doctoral Dissertation)*. Leiden: Leiden University

review submitted by the applicant. If the panel of constitutional judges has another opinion on the quo case, it gives a fair decision.²⁷

Meanwhile, from the other side, Willy Aditya, Deputy Chair of the Indonesian Omnibus Law Working Committee (UU Number 11 of 2020 concerning Job Creation), said that he and representatives of five factions in the Indonesian House of Representatives (PDI-P, Golkar, Gerindra, NasDem, and PKB) received a visit from trade unions/labor unions regarding the Bill on Creation of Job Clusters at the Parliament Complex, Senayan, Jakarta.²⁸ Two things were agreed upon at the meeting. First, the DPR RI received the minutes of the discussion of the Employment Cluster Bill on Employment Creation due to the discussion by the Tripartite Technical Team in 2020. Second, the factions in the DPR are willing to open up space to receive input and suggestions from all trade unions/labor unions regarding the Bill on Creation of Employment Clusters,” said Willy Aditya recently. The NasDem Party politician also explained that the Indonesian House of Representatives opened itself as wide as possible for dialogue and received input from all workforce elements. Without discriminating against any alliance as long as it provides input related to the Employment Cluster Job Creation Bill. The discussion of Indonesia’s Omnibus Law (Law No. 11 of 2020 on Job Creation) in the DPR RI is always broadcast live through the DPR’s media, be it Parliamentary TV or DPR RI’s social media. They have nothing to hide from the discussion of Indonesia’s Omnibus Law (Law No. 11 of 2020 on Job Creation). Every meeting of the Working Committee is always open to the public. It can be watched on Parliament TV media and all DPR social media channels.

CONCLUSION

The role of political parties in the rejection of the Job Creation Law must straighten out the functions first, rights, and obligations of political parties according to the provisions of the current political law in Indonesia. Political parties’ functions, rights, and obligations have been outlined in Law Number 2 of 2011 concerning Political Parties. The function of political parties is regulated in 11. One of the functions related to the context that we are talking about is Article 11 point 2 subpoint (a) which states that political parties function as a means of: “*Increasing the political participation of members and the community in order to organize political and governmental activities.*” Based on this function, the Law protects the role of political parties to absorb, collect and channel the political aspirations of the people. In addition, the role of the community, especially the laborers, in rejecting Indonesia’s Omnibus Law (Law No. 11 of 2020 on Job Creation) is important for the suitability of government policies. It is stated in Presidential Regulation Number 68 of 2005 concerning Procedures for Preparing Draft Laws, Draft Government Regulations in Lieu of Laws, Draft Government Regulations, and Draft Presidential Regulations, particularly in Chapter VIII Article 41.

²⁷ Masuhara Ayako. (2015). *The End of Personal Rule in Indonesia: Golkar and the Transformation of the Suharto Regime*. Kyoto: Kyoto University Press

²⁸ Kompas.com. (2020). *Wakil Ketua Baleg: Pembahasan Omnibus Law RUU Cipta Kerja atas Persetujuan Pimpinan DPR*. Kompas. Available from: <https://nasional.kompas.com/read/2020/07/23/18122551/wakil-ketua-baleg-pembahasan-omnibus-law-ruu-cipta-kerja-atas-persetujuan?page=all>

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