

Administrative Reforms And The Role Of The State In Labor Conflict Resolution (Studies in Public Policy Challenge Settlement Labour disputes in Malang)

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Abstract

Labor issues over the years attracted the attention of many parties . Labor problems that give rise to labor conflicts , such as the case of labor disputes , violence , fraud , arbitrary dismissal , wages are not up to standard, is increasingly complex . Factors affecting the labor conflict mostly due to lack of common ground needs of employers and workers , in part because the job prospects are not clear , especially labor conflict occurs because the working hours are not clear ; costs low and uncertain job stability also causes conflict ; poor working conditions with a high risk of social dialogue and Leg . Various conflicts encountered in more labor conflict is a conflict group . The state's role in the settlement of labor disputes during this time was as an impartial facilitator between the first two elements . But in reality the Government was not able to carry out that role properly . This is evident from the birth of the rules or policies that tends to be controversial , such as Law no . 21/2000 and Decree No. . 150/2000 . Besides the existing labor legislation often fickle and many are outdated (out of date) . Therefore, it needs to be done in the future two-way communication and continuous between employers and workers to prevent prejudice from both sides in order to achieve good industrial relations , as well as the employers should respond quickly to the demands of the workers make approaches to the representation of the union / workers , so that the demonstrations and strikes can be prevented or at least protest or strike does not result in huge losses for the company and the workers

Keywords: Labor , Conflict and the Role of Government

1. Introduction

Labor problems over the years has Attracted the attention of many parties . Labor concerns labor conflicts , as in the case of labor conflict , violence , fraud , arbitrary dismissal , salary , the which do not conform to the standard , more and more complex . Factors Influencing the Emergence of the labor dispute by the caused by the fact that there was no contact between the needs of employers and workers , partly Because REMAIN work prospects unclear , due to labor Disputes at work , it is not clear , low costs and the uncertain stability also causes conflicts , poor working conditions with a high risk and social dialogue . Different types of conflicts found in labor Disputes is the conflict into several groups . The role of the State in labor Disputes during this is as impartial as a mediator between the first two items . But in fact the Government had been Unable to fulfil this role properly . This is clear from the birth of rules or policies roomates growing niche to be controversial , such as the Law Nr . Ministers Decree No. . 21/2000 . 150/2000 . In addition , the existing labor legislation and regulations change frequently , and many of them have the time (date) . Thus , the future need to do and continuous two - way communication between employers and employees to Prevent Damage from both sides to Achieve a good industrial relations , and must respond to the demands of employers ' labor Rapidly , making approaches for trade unions / workers , such as demonstrations and strikes can be prevented or at least a protest or strike it big losses for companies and workers .

The phenomenon of labor is an interesting problem from the first. Even more so at this present moment , where the uncertain economic conditions caused the company and the workers . For companies operating cost overruns and for workers with a fixed wage conditions increasingly difficult to make ends meet .

Labor issues over the years attracted the attention of many parties . Labor problems that give rise to labor conflicts , such as the case of labor disputes , violence , fraud , arbitrary dismissal , wages are not up to standard, is increasingly complex . The case is important to get the perspective of the protection of human rights in the labor law that expressly provide for the protection of labor rights .

This phenomenon in almost all countries today , the problem of labor or labor is always growing and evolving , both in developed and developing countries , both of which implement the ideology of capitalism and socialism . It was evident from the department in charge of labor in any cabinet formed . It's just the reality of each country provide a variety of real problems that sometimes led to various alternative solutions . Generally , developed countries dwell on the problems related to employment ' expensive ' labor wages , rising unemployment due to mechanization , illegal labor , as well as the demands of the economic status of consummation , and social , even political . Meanwhile , in developing countries are generally labor problems related to the limited employment opportunities , high unemployment , low capacity of human labor , low wage

levels , as well as social security almost non-existent . Not to mention the adverse treatment of workers employers , such as ill-treatment , immoral acts , humiliation , sexual abuse , a ban on headscarves , worship , and others .

As a result , various problems concerning the rights of the workers is not resolved properly . More ironically , with the government acting repressive apparatus suppress the labor movement to achieve their rights . The following are some of the problems associated with employment .

1. Problem Salary / UMR
2. Life Welfare Problem
3. Termination Problem
4. Social Benefits and Health Problems
5. Jobs Scarcity Problem

With this background the formulation of the problem in writing , as follows :

- 1) What factors are affecting the labor conflict ?
- 2) Various conflicts encountered in labor disputes ?
- 3) How is the state 's role in the resolution of labor disputes ?

2. Theoretical

Writing is very attractive for labor continues to be discussed , given the topic and the existing studies have not turned out to be implementable solution in resolving labor issues in Indonesia . Failure to complete the labor dispute has not only technical factors settlement theoretical academic course also issues that have not provided a framework solution- implementation. This section will discuss how the actual problems in the realm of theoretical academic studies during the labor dispute , what criticisms and findings that can be used as entry point in reviewing labor dispute in the present study .

In practice , the implementation of employment policies , especially on the labor dispute still can not be completed and can not even defend workers' rights . Adverse labor conditions increasingly possible because (1) the direction of government policy and investment-oriented principles and mechanisms to protect the loosening of labor , (2) regulatory factors in the form of laws and regulations made is very open to the diversity of interpretation , (3) law enforcement very weak , (4) lack of quality and quantity of labor forces , (5) power imbalances between the company and the trade unions (6) not been determined by social security as a means to protect workers within the framework of a flexible labor market policies .

It is hoped later can provide what applicative solutions can be provided using theoretical academic realm as one of the inspirations of making solution for problems of existing labor dispute . This section will discuss the theoretical criticism of the administration reform , public policy , public policy analysis , political economy of labor , industrial relations concepts and principles as well as the examination of research on workers that have the same theme and focus .

2.1. Administration reform

Administrative reform or administrative renewal is done because of the inability to carry out administrative functions are assigned. Studies conducted Heady (1995) , found five common characteristics of public administration in developing countries , namely : (1) the basic pattern (basic pattern) public administration (imitative) than native (indigenous) , (2) bureaucracy in developing countries lack (difficient) skilled human resources to carry out the construction . This deficiency is not in terms of quantity but quality .

Of the phenomenon and the face of public administration , the reform of public administration reform or be a demand and necessity . Bintoro Tjokroamidjojo (1998) , said that the development of public administration or government bureaucracy reform programs aimed at the following : (1) deregulation and de-bureaucratization and decentralization of economic and dekonsetrasi government , (2) improving the efficiency of the bureaucracy (including reducing unofficial levies) , (3) quality , orientation , and empowerment ministry bureaucracy , (4) career system and the effectiveness of the bureaucracy , (5) employee welfare and personnel administration services .

According to Riggs (1996) administrative reform is a pattern that shows an increase in the effectiveness of utilization of available resources to achieve the goals set . Bureaucracy itself in the eyes of the former, is a concrete organization , consisting of roles that are hierarchical and interrelated , formally acting as a tool (agent) to an entity (entity) or the larger social system . Thus according to this view , the purpose of bureaucracy set by powers outside the authority of the bureaucracy itself . On this basis , then responsibility (accountability) of the bureaucracy is very essential in carrying out its duties . Therefore , administrative reforms will be closely associated with an increased responsibility in the decision-making process or in terms of how resources are

mobilized to achieve instrumental goals .

Updates (reform) administration is one of the important determinants in the public administration system that play a role in the transformation process that is focused on achieving value for government purposes . State administration should be undertaken with a clear vision and apply the principles of good governance . The task of the government in nation-building process so complex that includes various dimensions of life and involve the entire community of nations with diverse socio -cultural and economic systems and processes that require a reliable government management . Revitalization and development of the public sector today is directed to creating a public bureaucracy that is able to manage the task of governance and development in an efficient , effective , responsive and responsible .

Public administration reform is directed at the implementation of the overall management functions of government based on the need for increased speed and effectiveness of quality of service in accordance with the dynamics of social progress and development challenges . Strong public administration also has meaning has credibility and accountability of government to solve problems in an increasingly complex and fundamentally sustainable , especially in efforts to achieve a just and welfare improvement in order to enhance the competitiveness of establishing themselves in the era of regional autonomy and decentralization of local governance .

In the perspective of public administration , reform of the public should appreciate the position and role and follow the development of more advanced administrative discipline . This condition is necessary in the face of progress and changes in the strategic environment is multidimensional . Targets to be achieved is the establishment of a professional government bureaucracy , ethical , and effective in carrying out its duties and responsibilities , as well as to meet the public demand for increasing quality of service requirements . With the increasing need for services to the community it needs to be accompanied by an understanding of the importance of the accountability of all policies and measures taken by the government . Society will demand that bureaucracy has responsibility in carrying out their duties in order to meet the needs and interests of the public . For that in every execution of tasks and construction administration of public bureaucracy should be transparent and accountable governance in the implementation of management functions such as the management of public policy and public service .

3. Discussion

3.1 . Factors Affecting the Labor Conflict

The conflict comes from the Latin verb meaning configure hit each other . In sociology , conflict is defined as a social process between two people or more (can also group) where one party trying to get rid of the other party to destroy it or made powerless .

None of the people who have never experienced any conflicts between members or with other community groups , the conflict will only disappear with the loss of society itself . The conflict is motivated by differences in the characteristics of individuals who brought in an interaction . such differences include involving physical, intelligence , knowledge , customs , beliefs , and so forth . With individual characteristics in social interaction , conflict is a reasonable situation in every society and not the people who have never experienced any conflicts between members or with other community groups , the conflict will only disappear with the loss of society itself .

Conflict contrary to integration . Conflict and Integration runs as a cycle in the community . Controlled conflict will result in integration . otherwise , imperfect integration can create conflict . There is some sense of conflict , according to some experts .

- According Taquiri in Newstorm and Davis (1977) , conflict is a legacy of social life which may be applicable in different circumstances than to disagreement , controversy and conflict between two or more parties in the quest .
- According to Gibson , et al (1997 : 437) , in addition to creating a relationship of cooperation , mutually dependent relationship can also result in conflict . This occurs if the individual - each component organization has its own interests or goals - his own and do not cooperate with each other
- According to Robbins (1996) , the presence of conflicts within the organization in the organization is determined by the perception of the individual or group . If they are not aware of conflicts within the organization is generally considered to be no conflict . Conversely , if they perceive that the organization has no conflict then the conflict has become a reality .
- Seen as behavior , conflict is a form interactive that occurs at the level of individual , interpersonal , group or organization level (Muchlas , 1999) . This conflict primarily at an individual level very close relationship with the stress.

- According to Minnery (1985), organizational conflict is an interaction between two or more parties are related to each other and interdependent, but separated by goal difference.
- Conflict in organizations often do not occur symmetrically aware of only one party and provide a response to the conflict. Alternatively, one party perceives the presence of others who have been or will be attacked negatively (Robbins, 1993).
- Conflict is an expression of the conflict between the individual with other individuals, groups with other groups for several reasons. In this view, the dispute shows the differences between two or more individuals who expressed, remembered, and experienced (Pace & Faules, 1994:249).
- Conflict can be felt, known, expressed through communication behaviors (Folger & Poole: 1984).
- Kept in conflict centered on some of the main causes, namely objectives, resource allocation - resource that is shared, decisions, and behavior of each party involved (Myers, 1982:234 - 237; Kreps, 1986:185; Stewart, 1993: 341).
- Interaction between individuals is called communication with each other, will undeniably lead to conflict in different levels - different (DeVito, 1995:381).

In particular, based on the above explanation, if you look at the case of existing employment labor disputes occur for several reasons, namely:

- Job prospects are not clear, especially labor conflict occurs because the working hours are not clear. Sometimes workers are required to work from morning to midnight.
- Costs are low and uncertain job stability also cause konflik. This relates to the case with contract workers.
- Conflict of labor, also caused by poor working conditions with a high risk of social dialogue and Leg. Moreover, communication is usually the company's current or foreign workers with indigenous subordinates. Supposedly, the foreign workers who work in Indonesia using local labor so that conflicts do not occur with

Conflict of employment is not "stuff" in Indonesian new, but until now still many who have not found a bright spot of its solution. In fact artifacts Indonesia Law No. 13 of 2003 which regulates the rights and obligations of the employer and executing work. Supposedly, with this kind of regulation, konflik in any form does not need to occur between the company and employees.

3.2. Life Welfare Problem

When the workers only have a source of income in the form of salary (wages), then pencapaian well-being depends on the ability to meet the various needs of their salary in his life. In fact, the amount of salary is relatively fixed, while the necessities of life is always increasing (disasters, hospitals, schools, child added, the prices of goods go up, electricity, telephone, transportation costs, etc.) This cause of public welfare (including labor) lower.

Countries usually only disburse funds (free) emergency to help people when socio-economic crisis has been so severe, such as SSN (Social Security), free medical care, and so on. That, too, in limited quantities, with the proviso that often burdensome, and that obviously is only temporary (for a moment). Yet again, the amount of leakage from such funds. As a result, the amount received by the people is minimal. On the other hand, abundant natural resources is very much in almost all corners of the country, was only controlled by a handful of people (employers and authorities) to satisfy the lust wealthy and powerful lust alone. Collusion between the employer and the intra and authorities through corrupt practices, contract work, exploitation rights, and so on occur every day regardless of the misery of living of the workers. For labor (and other people's components) let alone to meet the need to live more comfortably secondary, primary need to eat alone is very difficult.

Conditions that afflict the workers are actually not much different from the majority of the people / people other than the workers. That is, the welfare problem is more systemic problem only to the extent of the economic problems, especially problems with the considerable labor settlement between workers and employers alone.

If you want to resolve the problem of well-being, both for the workers and the people at the macro level, of course, the solution must be able to cover the settlement and at the same casuistry settlement efforts are accompanied by systemic - integralistic. If the settlement is done merely casuistry and partial, then the fundamental problem about the welfare of the workers and the people as a whole will not be completed.

3.3. Termination Problem

One of the major problems facing today's workers are laid off. The layoffs became a source of unemployment in Indonesia. Unemployment in Indonesia is very large. According to the Center for Labor and Development Studies (CLDS), in 2002, the number of unemployed was estimated at 42 million people

(Reuters , 13/05/02) . Surely , unemployment will impact on other sectors of life . Actually , layoffs are commonplace in the world of employment cases . Of course provided in accordance with the collective labor agreement (CLA) , both the workers and employers should be sincere and agree on the termination . However , under conditions when there is no balance of bargaining power and work is the only source of income for life , then laid into ' major disaster ' very frightening workers .

In general layoffs occur due to several reasons , such as his own request , the expiration of the employment contract , tort labor , retirement , health / physical condition does not allow , or because of death . Problem layoffs usually happen and then another cause greater problems among workers due to several conditions in labor - employer relations , among them :

- The position of one of the weaker party (usually the employee) so that the other party is more powerful easily terminate the employment of new workers and replace them with as you wish . This was done with a logical reason or engineered .
- Obscure contract (time) work so layoffs can happen anytime . Policies set CLA (Collective Bargaining Agreement) is not done and well controlled so that cases can occur at any layoffs .
- The low HR workers suffer increased difficulty of finding alternative employment , and no guarantee of the fulfillment of basic needs by state surprisingly , layoffs become like ' death sentence ' for the fulfillment of the basic needs of a normal life .
- The absence of third-party assistance in resolving the case of layoffs thoroughly satisfying both parties, especially the workers who most often receive a ' defeat ' . Although the government has drawn up the technical regulations on layoffs in Act 12 of 1964 which is enhanced by the Minister of Manpower No.PER-03/MEN/1996 , but in reality many technical implementation prejudicial to the rights of the workers themselves . In casuistry , it is more due to the lack of understanding of workers to various government regulations , low bargaining power , and the absence of serious escort agency that defends the conditions of the workers in the face of layoffs this case .

3.4. Social Benefits and Health Problems

In a capitalistic society like today, the task of the state over the regulatory functions , the regulator of the freedom of its citizens . Therefore , this system does not recognize the task of the state as the " person in charge of the management and fulfillment of basic needs of its people " . People who want to meet their needs absolutely must work , both to meet the basic needs and requirements so that the complementary principle of struggle for life is really happening . If a person affected or their needs increase , she must work harder absolutely . Similarly, when he was unable to work because of age , accident , or other causes layoffs , so he did not have the funds inflow door again . This condition causes tremendous hardship , particularly for a citizen who has been unable to work or work with very minimal salary can not afford to make ends meet .

In some regions , the states usually require business owners to enter the value of Social Security workers commonly known as the Employees' Social Security (Social Security) . Social Security in Indonesia is regulated in the Labor Law (Law No.3/1992) that included in Chapter I Article 1 , paragraph 1 states : Social Security is a protection for workers in the form of monetary compensation in lieu of lost or reduced earnings and service as a result of events such as accidents, illness , pregnancy, maternity , old age , and death. Thus , the scope of the Social Security covers accident insurance , life insurance , pension , and health insurance .

In the implementation of technical , practical government course only make regulations , while the implementation left to the (owner) of the company. In practice , the workers themselves who provide compulsory dues to implement this program . Funds needed for health insurance , accident insurance , retirement savings , and life insurance , in fact borne by the workers themselves obliged to save a percentage of their salary each month for savings , then processed in a usury system in order to meet the needs of flowering continues throughout the bail the .

3.5. Jobs Scarcity Problem

Scarcity of employment can occur when imbalances arise between the number of potential workers are many , while the field is relatively little effort , or the number of jobs, but the quality of the labor of the workers there are not in accordance with the required quality . Scarcity of job opportunities this brings high unemployment rate which can result in wider social aspects . Problem employment shortages caused by :

- Low business investment due to regulatory problems are considered difficult for investors , high -level official corruption , or because of social problems and the securities business .
- Lack of government's role in improving the quality of human resources and entrepreneurship attitude of society . Also , due to the lack of government support in helping private businesses / wiraswata for society

(capital , training market opening , ease of business licenses , elimination of various taxes , security protection , etc) .

- Mastery of capital and natural resources on a handful of people (conglomerate) causes small business people/citizens of small capital can not compete and ultimately grow a small business in large quantities (eg , instant noodles business , food products , livestock and poultry feed , monopoly lane distribution , and others.
- The government does not function as an appetizer and a provider of employment for its people , but only serves as a regulator of employment . In fact , many land -intensive effort that can be managed by the government to cover the business of land scarcity . In Islam , for example , land that is not managed for three years , will be taken by the state . Then , the state handed it to those who need and want to manage them .

4. Conclusion

By looking at the above explanation , it can be concluded that :

- 1) Factors affecting the labor conflict mostly due to lack of common ground needs of employers and workers , in part because the job prospects are not clear , especially labor conflict occurs because the working hours are not clear ; costs low and uncertain job stability also causes conflict ; poor working conditions with a high risk of social dialogue and Leg .
- 2) Various conflicts encountered in more labor conflict is a conflict between the other groups is the problem of salary / minimum wage , welfare , termination of employment , health and social benefits as well as the scarcity of jobs.
- 3) The state's role in the settlement of labor disputes during this time was as an impartial facilitator between the first two elements . But in reality the Government was not able to carry out that role properly . This is evident from the birth of the rules or policies that tends to be controversial , such as Law no . 21/2000 and Decree No. . 150/2000 . Besides the existing labor legislation often fickle and many are outdated (out of date) .

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