# Law and Development: Workers Welfare Based on the Principles of a Welfare State

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### **ABSTRACT**

The concept of a welfare state is a system of government that aims to improve the welfare and quality of life of its citizens, including basic needs such as health, education, housing, and social security. A welfare state seeks to reduce social and economic disparities through income redistribution and equitable fiscal policies. Workers play a key role in social welfare development. Employment is a vital issue for many people and ultimately reflects the level of progress of a country's development. Workers must earn a decent living. This aligns with the demands of a welfare state to protect the people from negative aspects. Indonesia, as a country that adheres to the principles of a welfare state, carries out national development, particularly in the development of quality human resources, such as workers. Workers must receive welfare guarantees from the state based on the principles of a welfare state. The problem is How is the government's effort in realizing the development of workers' welfare based on the principles of the welfare state? The research method used is normative juridical with secondary data sources. The government's efforts in realizing the development of workers' welfare based on the principles of the welfare state through laws and regulations, for example Law No. 40 of 2004 concerning the National Social Security System (S[SN), and institutions established by the state to realize workers' welfare in accordance with the principles of the welfare state. such as the Employment Planning and Development Agency (Barenbang), the Directorate General at the central level, the Manpower Office at the provincial and city/district levels, BPJS Employment, Technical Implementation Units (UPTD) such as the Job Training Center. The laws and regulations and institutions established with their respective institutional duties and responsibilities are realized through programs from each institution.

Keywords: Law and Development, principles of the welfare state, Workers' welfare

## I. INTRODUCTION

Development in Indonesia is a mandate as stipulated in the 1945 Constitution, where the goals of the Indonesian state are to protect all the people and all of Indonesia's territory, advance general welfare, improve the nation's intellectual life, and participate in maintaining world order. The perspective towards achieving national development is also outlined in the national long-term and medium-term development planning documents as a systematic way to achieve these goals. National development also encompasses efforts to improve all aspects of national life, including the development of ideology. (M J Maspaitella and Nancy Rahakbauwi, 2014). In the implementation of national development, the workforce has a very important role and position as an actor and goal of development. Law Number 13 of 2003 concerning Manpower, which in principle emphasizes that manpower development is carried out in such a way as to fulfill the basic rights and protection for workers and laborers by creating conditions that are conducive to the development of the business world. (Wahyu &, Solechan, et.al Rissa Sushmitasari, 2016).

The concept of a welfare state is a system of government that aims to improve the welfare and quality of life of its citizens. This system encompasses a wide range of public policies and social services provided by the government to meet basic needs, such as health, education, housing, and social security. The welfare state seeks to reduce social and economic disparities through income redistribution and equitable fiscal policies. (M & Vitalina Kovalenko Riyanto, 2023).

Income redistribution is an activity carried out in order to distribute income from the well-off to the less fortunate. The reason for implementing income redistribution policies is to address problems related to social inequality in society. Broadly speaking, income redistribution can be interpreted as an effort to redistribute income received in society from the wealthy to other people from the less fortunate. According to Ramlan Surbakti, the goal of redistribution is to provide social security in meeting the basic needs of the population and reduce the income gap that occurs in society. (Muyassar, 2024)

Development is a process of change that involves improving people's living conditions. (Muhammad Rifqi &Rokhi Nur Hamim Febrian, 2004). Economic and social development, taking into full consideration the objectives of expanding employment opportunities and business activities that absorb a large amount of labor. (Kementerian Tenaga Kerja dan Transmigrasi, 2011). The objectives of workforce development are stated in UU 13 Tahun 2003 tentang ketenagakerjaan, among others:

- 1. empowerment of the national workforce,
- 2. equal employment opportunities,
- 3. protection of workers, and
- (i) welfare of workers and their families. These four goals serve as indicators of the success of workforce development in Indonesia, and over time, measurement is needed to monitor its achievement. (Undang-Undang Republik Indonesia Nomor 13 Tahun 2003)

Workers play a crucial role in social welfare development. Employment is a vital issue for many people and ultimately reflects the level of progress of a country's development. (Badan Perencanaan dan Pengembangan Ketenagakerjaan,, 2021). Workers must earn a decent living. This aligns with the demands of a welfare state to protect the people from negative aspects. (Aji Halim Rahman, 2025). Indonesia is a country that adheres to the principles of a welfare state. The state carries out national development, particularly in developing quality human resources, such as workers. Workers must receive welfare guarantees from the state based on the principles of a welfare state.

Principles of the welfare state is a system in which the government undertakes the chief responsibility for providing for the social and economic security of its population, usually throught unemployment insurance, old age pensions, and other sosial security meansures; a social system characterized by such policies.(Budi Setiyono, 2018)

Indonesia as one of the adherents of the material concept of a state of law which also adopts the concepts of a welfare state, and implicitly can be found in the general

explanation of the 1945 Constitution, and overall the contents of the 1945 Constitution can be concluded that the state of Indonesia is a material state of law or a state with the concept of a welfare state where the state has absolute responsibility to advance general welfare and realize social justice for all its citizens including workers.

#### II. LITERATURE REVIEW

# A. Employee and Worker Welfare

In UU Nomor 13 Tahun 2003 tentang Ketenagakerjaan, Workers/laborers are "every person who works and receives wages or other forms of compensation."

The demand for every company to be able to compete in a free market is to strive to improve the skills and abilities of the workforce used, so that special and good attention and management is needed for the workforce. (Ari Agustina & Khairul Saleh, et.al, 2018)

Worker welfare is a form of protection of human rights by the state in the employment sector which is a fundamental aspect. Legal guarantees play an important role in ensuring that workers' basic rights are fulfilled fairly without discrimination, both in protecting the welfare of workers and their families. (Dewi Asri Puannandini & Dwinan Ali Dzulfqar, et.al, 2023)

#### **B.** Welfare State

A welfare state is a country with a government that is responsible for ensuring the standard of living for all its citizens. Jeremy Bentham stated that a welfare state is a state where the government has the responsibility to guarantee its citizens the greatest possible happiness. Elviandri & Khuzdaifah Dimyati, et.al, (2019)

Gosta Esping-Andersen classifies welfare states into three categories:

### 1. Liberal

In liberal welfare states, the focus of policy is on protecting individuals through the market and free market mechanisms. Social protection in these countries is very limited and tends to be aimed only at the most disadvantaged groups. Examples of liberal welfare states include the United Kingdom, the United States, Canada, and Australia.

## 2. Conservative

Conservative welfare states focus their welfare programs on social protection through the family and traditional communities. Social protection in these countries tends to be aimed at groups deemed eligible, such as veterans, retirees, and the disabled. Conservative welfare states include Germany, France, and Italy.

#### 3. Socialist

Socialist welfare states emphasize social protection through the state and redistributive mechanisms. Social protection in these countries tends to be aimed at all members of society with the goal of achieving equitable social welfare.

Scandinavian countries such as Denmark, Sweden, and Norway are known as socialist welfare states. (Nurdin & Elviandri, 2023)

Several definitions of welfare are:

- a. As a state of well-being. This definition usually refers to the term social welfare, which refers to the fulfillment of material and non-material needs. A state of well-being occurs when human life is safe and happy because basic needs for nutrition, health, education, shelter, and income are met; and when people are protected from the main risks that threaten their lives.
- b. As a social service. In the United Kingdom, Australia, and New Zealand, social services generally include five forms: social security, health care, education, housing, and personal social services.
- c. As a social benefit. In the United States, social benefits are provided to the poor, with the majority of welfare recipients being the poor, disabled, and unemployed.
- d. As a planned process or effort undertaken by individuals, social institutions, communities, and government agencies to improve the quality of life through the provision of social services and social benefits. (Marsudi Dedi Putra, 2021)

#### III. RESEARCH METHODOLOGY

The writing method in this research uses a doctrinal approach that is normative or normative-juridical, which is essentially an activity that examines aspects of positive law. The normative-juridical approach refers to applicable laws and regulation.(Nur Solikin, 2011)

The data collection technique used in this paper is a document or literature study using secondary data sources. The secondary data sources consist of primary legal materials, secondary legal materials, and tertiary legal materials related to workers, the state, and the welfare state.

Primary legal materials consist of statutory regulations, including:

- 1. UU No. 13 Tahun 2003 tentang Ketenagakerjaan.
- 2. UU No. 40 Tahun 2004 tentang Sistem Jaminan Sosial Nasional (SJSN).
- 3. UU No. 24 Tahun 2011 tentang Badan Penyelenggara Jaminan Sosial.

Secondary legal materials are legal materials consisting of: law books, legal journals containing basic principles (legal principles), the views of legal experts (doctrines), legal research results, legal dictionaries, legal encyclopedias. Interviews with legal expert sources to provide legal opinions on a legal event or phenomenon can be interpreted as secondary legal materials, however, it is necessary to consider their scientific capacity and they should not be involved in the event so that the comments provided are objective.(Muhaimin, 2020)

#### IV. RESULT AND DISCUSSION

## A. Formation of Employment Regulations

Rights are subjective law. Every individual is understood to have the freedom to do or not do something from birth. This is the essence of rights: the freedom for legal subjects to behave.

The state's goal of "promoting the general welfare" reflects Indonesia's position as a welfare state that deeply desires the welfare of its people through a dominant or significantly significant role for the state. (Fitriana, 2022)

The government continues to strive to improve the welfare of all Indonesian people (workers) by issuing regulations and programs.

Several regulations have been issued by the State as a basis for realizing worker welfare:

- 1. Undang-undang (UU) Nomor 6 Tahun 2023 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 tentang Cipta Kerja menjadi Undang-Undang
- 2. UU No. 24 Tahun 2011 tentang Badan Penyelenggara Jaminan Sosial. Jaminan sosial adalah salah satu bentuk perlindungan sosial untuk menjamin seluruh rakyat agar dapat memenuhi kebutuhan dasar hidupnyayang layak. Pada Bab III dijelaskan terkait badan penyelenggaran jaminan sosial.
- 3. UU No. 40 Tahun 2004 tentang Sistem Jaminan Sosial Nasional (SJSN).
- 4. UU No. 2 Tahun 2004 tentang Penyelesaian Perselisihan Hubungan Industrial.
- 5. UU No. 13 Tahun 2003 tentang Ketenagakerjaan, misalnya pada Bab X tentang Perlindungan, pengupahan dan kesejahteraan.
- 6. UU No. 21 Tahun 2000 tentang Serikat buruh.
- 7. Peraturan Menteri Ketenagakerjaan Republik Indonesia Nomor 5 Tahun 2023 Tentang Penyesuaian Waktu Kerja Dan Pengupahan Pada Perusahaan Industri Padat Karya Tertentu Berorientasi Ekspor Yang Terdampak Perubahan Ekonomi Global.
- 8. Peraturan Menteri Ketenagakerjaan Republik Indonesia Nomor 10 Tahun 2021 Tentang Rencana Strategis Kementerian Ketenagakerjaan Tahun 2020-2024.
- 9. Peraturan Menteri Ketenagakerjaan Republik Indonesia Nomor 2 Tahun 2025 Tentang Perubahan Atas Peraturan Menteri Ketenagakerjaan Nomor 15 Tahun 2021 Tentang Tata Cara Pemberian Manfaat Jaminan Kehilangan Pekerjaan.

The concept of a welfare state involves state assistance, with non-cash services provided. Indonesia's position as a welfare state means the state must intervene in the lives of its citizens, including in the employment sector. Labor law, or employment

law, has shifted from a civil law aspect to a public law aspect or state administrative law.

The industrial relations system aims for national economic development, where all parties involved directly or indirectly in the industrial relations system, whether workers/laborers, employers or the government, are obliged to cooperate with each other by carrying out their respective functions and duties well, to strive to increase company productivity and worker/laborer welfare, in order to realize the goal of national economic development to achieve the state's goals as stated in the preamble to the 1945 Constitution, paragraph 4 (four), namely achieving general welfare.(Nabila Marsiadetama Ginting et al, 2025)

According to Ida Susanti, to realize the legal ideals (rechtsidee) in industrial relations, it is necessary to trace the path of Pancasila in positive regulations/laws related to industrial relations, such as the Principle of Belief in One Almighty God. Regarding workers' religious obligations, there is a link between Articles 5 and 6 of the Labor Law, which prohibit discrimination against workers in obtaining employment and prohibit discriminatory treatment by employers. Several employment development policies include:

- 1. Improving the Quality of the Workforce
- 2. Coordination and Collaboration to Improve the Quality of Human Resources
- 3. Job Creation and Expansion
- 4. Job Market Information
- 5. Synergy in Employment Development between Regions
- 6. Strengthening Vocational Training Institutions
- 7. Workforce Protection
- 8. Building a Sensitive and Caring Apparatus for Workers.(Rini Nurhayati et al.,2024)

Manpower development covers areas such as:

- Workforce planning: Manpower planning is the process of systematically developing workforce plans that serve as the basis and reference for formulating policies, strategies, and implementing sustainable workforce development programs.
- 2. Population and workforce: Population and workforce are all individuals capable of performing work to produce goods and/or services, either to meet their own needs or those of the community.

- 3. Employment opportunities: the willingness of production businesses to employ the workforce needed in the production process, which can refer to jobs or available employment opportunities that exist at any given point in time in economic activity. Employment opportunities can be created when there is demand for labor in the labor market; therefore, in other words, employment opportunities also indicate demand for labor.
- 4. Training and competency: Training and competency are all activities to provide, acquire, improve, and develop work competency, discipline, work ethic, and attitude at specific skill and expertise levels according to the qualification level of a position or job.
- 5. Labor Productivity, is the results created by the workforce, whether in the form of goods or services.
- Industrial Relations: A system of relationships formed between actors in the production process of goods and/or services, consisting of employers, workers, and the government, based on the values of Pancasila and the 1945 Constitution.
- 7. Work Environment: The situation or conditions existing in a company that can influence the productivity of the workforce.
- 8. Wages and Workplace Welfare: The minimum wage paid by a company to workers to meet a decent living wage. The minimum wage, relative to the Decent Living Needs (KHL), reflects the regional government's ability to set minimum wages based on the minimum standard of living, taking into account the KHL, labor market conditions, macroeconomic productivity, economic growth, and the least capable businesses.
- 9. Social Security for Workers, is a basic protection program for workers which aims to guarantee security and certainty against socio-economic risks and a means of guaranteeing income flow for workers and their families due to social risks with financing that is affordable for employers and workers. (Sri Maryanti & Hardi, 2016)

According to Sumitro Djojohadikusumo, there are at least three indicators of prosperity for a country's people, namely:

10. Increased and equitable income distribution. This relates to economic issues. Income is related to employment opportunities, business conditions, and other economic factors. Providing employment is absolutely essential for all parties to

ensure people have a steady income to meet their living needs. Without this, it is impossible for people to achieve prosperity. A sign of a society's lack of prosperity is the amount and distribution of income received. Employment and business opportunities are necessary for people to be able to drive the economy, which ultimately increases their income. With this income, people can conduct economic transactions.

- 11. Education is becoming more equitable and accessible. Accessible and affordable education is everyone's dream. With higher education, the quality of human resources increases. Thus, opportunities for decent employment are increasingly open. Thanks to the high quality of human resources, job opportunities are no longer based on muscle strength, but rather on brain power. Schools are being built in large numbers and evenly, accompanied by improvements in quality and low costs. The opportunity to obtain education is not only open to those with economic power or who are considered intelligent. Rather, everyone is required to obtain the highest level of education possible. Schools are also able to provide educational services tailored to the needs of their students. Education, both formal and non-formal, both educational pathways have equal opportunities and are treated equally by the government in providing educational services to the community. Human well-being can be seen from a community's ability to access education and its ability to use that education to meet their needs.
- 12. Increasingly improved and equitable healthcare. Health is a key factor in income and education. Therefore, this health factor must be prioritized by the government. Sick people will find it difficult to promote their well-being. The number and variety of healthcare services must be extensive. People in need of healthcare services are not limited by distance or time. They can access affordable, high-quality healthcare at any time. This is a government obligation that demonstrates a country's ability to achieve the level of well-being desired by its people. (Lamijan & Jamal wiwoho, 2021)

#### **B.** Employment Sector Institutions

State institutions are parts that are mutatis mutandis with high state institutions and the highest state institutions. the term state institution or organ contains a meaning that theoretically can refer to Hans Kelsen's view on the concept of the State Organ. Hans Kelsen explained that whoever fulfills a function determined by the legal order is an organ (anyone who carries out a function determined by a legal order is an organ. Hans Kelsen regarding the concept of the State Organ. Hans Kelsen

explained that whoever fulfills a function determined by the legal order is an organ (anyone who carries out a function determined by a legal order). One of the NKRI institutions is the Ministry of Manpower, which is a ministry tasked with representing the government in realizing a productive, competitive, and prosperous workforce and transmigration community. Work skills are a program from the research, development, and information agency for employment issues at the Ministry of Manpower and Transmigration. The program is directly related to the development of human resources (HR). (Muhammad Fadli, 2014)

Agencies under the Ministry of Manpower:

- 1. Manpower Planning and Development Agency (Barenbang)
- 2. Directorate General at the central level
- 3. Manpower Offices at the provincial and city/district levels
- 4. BPJS Employment
- 5. Technical Implementation Units (UPTD) such as Vocational Training Centers.

Each of these bodies/institutions has its own duties and authorities to realize a welfare state for workers.

The Industrial Relations Court (PHI) is a specialized court within the general court system authorized to resolve industrial relations disputes, including disputes over rights, disputes over interests, disputes over termination of employment, and disputes between labor unions within a single company. This institution was established to resolve disputes arising between workers and employers. The Pre-Employment Card Program is a government program aimed at:

- 1. Developing workforce competencies
- 2. Increasing workforce productivity and competitiveness.

This program targets job seekers, laid-off workers, and workers/laborers in need of competency improvement. The program aims to develop workforce competencies and increase workforce productivity and competitiveness. (Mochamad Rangga Septiyadi & Ety Rahayu, 2025)

Non-governmental organizations such as labor unions are organizations formed by and for workers, which are free, open, independent, democratic, and accountable. The dominant interests championed by labor unions are economic, including demands for wage increases, reduced working hours, and improvements in working conditions. (Ismi Pratiwi Podungge, 2020)

#### V. CONCLUSION

That the government's efforts in realizing the development of workers' welfare based on the principles of a welfare state can be seen from the various regulations and institutions that have been established with their respective institutional duties and responsibilities to realize the welfare of workers and their families through institutional programs, one of which is by being applied to companies and workers such as the Employment Law, Law No. 40 of 2004 concerning the National Social Security System and supervised by government implementing agencies such as the Manpower Office, BPJS Ketenagajeraan and other agencies related to employment.

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