

# LEGAL PROTECTION FOR EMPLOYMENT AND PREVENTIVE MEASURES AS A MEANS OF SOLVING THE PROBLEM OF LOW QUALITY HUMAN RESOURCES

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## Abstract

Every Indonesian citizen naturally desires social welfare. Every need, such as food, clothing, education, health, employment, a comfortable environment, and other basic needs, can be met. Therefore, social welfare also depends on the type and level of knowledge possessed and developed by the community itself. If human resource development efforts in a country are carried out optimally, the level of happiness and prosperity in a country will increase. As is the case with Indonesia, which is constantly developing its human resources in accordance with current developments. Furthermore, workers require legal certainty in carrying out their work. In this regard, the law is essential in regulating human resource management. The government's role must continue to be enhanced in terms of legal protection for all workers. This should include creating clear and fair legal products, socializing these legal products, and taking firm action against violators of established laws and regulations. The problem that has arisen is the large number of foreign workers entering Indonesia. The government's policy of implementing visa-free provisions for a number of countries will have an impact on the emergence of illegal immigrants in Indonesia. This is also feared to eliminate job opportunities for the Indonesian people, and the arrival of foreign workers could even create social, political, and security problems. Regulation of the Minister of Manpower of the Republic of Indonesia Number 14 of 2015 concerning the Ministry of Manpower's Strategic Plan for 2015-2019 explains that Indonesia's labor market still suffers from low-quality human resources. This has resulted in low competitiveness of Indonesian workers compared to foreign workers entering Indonesia. One solution implemented by the Government is collaboration with various domestic and foreign institutions, both government and private, and companies that accommodate or absorb human labor. This is expected to provide the best results in addressing the problem of weak human resources in Indonesia.

**Keywords:** *human resources; Indonesian Labor Law; workforce; low human resources*

## Background

The issue of human resource quality in Indonesia is one of the obstacles to employment in Indonesia. We are currently in an era of globalization that demands a high-quality workforce. One contributing factor is the law. Law is a set of rules established to be obeyed and used as a reference in all fields and activities, including human resource management. Human resource management, here, refers to the workforce employed by a company. Naturally, in carrying out their work, workers require legal certainty. This is because without clear legal certainty, workers will act arbitrarily.<sup>1</sup> Many labor issues are currently prevalent in Indonesia, particularly competition for foreign labor, such as from China. The government's visa-free policy for a number of countries has resulted in the emergence of illegal immigrants in Indonesia. This visa-free policy is granted to countries classified as poor, whose residents tend to leave their countries for political and economic reasons. This is also feared to deprive Indonesians of employment opportunities. The arrival of foreign workers can even potentially cause social, political, and security problems. In this regard, law is essential in regulating human resource management. The government's role in providing legal protection for all workers should be continuously enhanced by creating clear and fair legal instruments, disseminating

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these legal instruments, and taking action against violators of established laws and regulations.<sup>2</sup>The role of the government here is one of the factors that greatly determines the success in developing employment in Indonesia. In addition, the Indonesian government must also be able to focus on labor issues to create a conducive climate to accelerate economic growth through human resources. The author's focus is to explain the government's efforts in developing the quality of human resources, how the role of labor law, namely Law Number 13 of 2003 concerning Manpower, can support the prosperity of the workforce in Indonesia and the Government's role as a control of labor law in the field of employment relations so that it runs well, so that the quality of human resources in Indonesia can be improved and able to compete with foreign workers.

### Problems

The problems that will be examined by the author are as follows:

1. How can the government and companies improve the quality of human resources in Indonesia?
2. How can the provisions of Law Number 13 of 2003 concerning Manpower and its derivative regulations provide legal protection for human resources in Indonesia?

### Research methods

This research was conducted with the aim of understanding the problems concerning the quality of human resources, how the government and companies improve the quality of human resources in Indonesia, and how legal protection for human resources in Indonesia is provided. The research method used in this research is the normative juridical research method. The data collection technique is by conducting a review study of books, literature, notes, and reports related to the problem being solved. The legal materials used by the author consist of primary legal materials such as the 1945 Constitution of the Republic of Indonesia, Law Number 13 of 2003 concerning Manpower, Regulation of the Minister of Manpower of the Republic of Indonesia Number 14 of 2015 concerning the Strategic Plan of the Ministry of Manpower for 2015-2019, Government Regulation No. 13 of 2006 concerning the national job training system, and the Civil Code translated from BW. While the secondary legal materials used are books and journals related to the topic raised by the author, as well as various articles from several online websites.

### Discussion

Law Number 13 of 2003 concerning Manpower regulates aspects of employment law, including human resource development.<sup>3</sup>Human Resources (HR) are a crucial and relatively important factor of production for an organization, as almost all operational activities are carried out by people. Achieving organizational goals is highly dependent on the quality of these human resources.<sup>4</sup> Law of the Republic of Indonesia Number 13 of 2003 concerning employment, the implications for the development and planning of human resources in Article 7 are carried out in the following ways:<sup>5</sup>

1. Macro human resource planning
2. Micro workforce/human resources (HR) planning

In this regard, legal certainty significantly assists workers in carrying out their work and serves another function, namely as a means of reform. This means of reform serves to regulate the direction of human activities toward the desired development goals. One such measure is Regulation of the Minister of Manpower of the Republic of Indonesia Number 14 of 2015 concerning the Ministry of Manpower's Strategic Plan for 2015-2019.<sup>6</sup>It is explained that Indonesia's labor market still shows relatively low competitiveness compared to neighboring countries, making it unable to compete either domestically or internationally. The low competitiveness of the Indonesian workforce is due to the low quality of human resources and is influenced by low levels of education and work competency. To improve labor competitiveness, regulations have been issued through Government Regulation No. 13 of 2006 concerning the national job training system.<sup>7</sup>which requires that the training conducted by BLK is Competency Based Training (PBK) which is geared towards the needs of the industrial world so that training graduates can immediately

<sup>2</sup>Delia, Legal Aspects of Human Resource Development According to Law Number 13 of 2003 concerning Manpower, Jurnal Lex Crimen Vol. VI No. 2, Mar 2017, P. 1.

<sup>3</sup>ibid.

<sup>4</sup>Hj. Ike Kusdyah Rachmawati, Human Resource Management, Andi Publisher, 2008, p. 4

<sup>5</sup>Law Number 13 of 2003 concerning Manpower, Article 7.

<sup>6</sup>Regulation of the Minister of Manpower of the Republic of Indonesia Number 14 of 2015 concerning the Strategic Plan of the Ministry of Manpower for 2015-2019

<sup>7</sup>Government Regulation No. 13 of 2006 concerning the National Job Training System

work in industry. Facing the era of globalization, Indonesia has signed the declaration of the 2015 Asian Economic Community (AEC) or ASEAN Economic Community (AEC) is an ASEAN economic integration in facing free trade among ASEAN countries. The AEC is designed to realize the ASEAN 2020 vision to initiate a step of economic integration. This requires Indonesia to strive to improve the quality of human resources and increase the competitiveness of the Indonesian workforce to be able to survive in the upcoming era of free trade. The Indonesian government must be able to focus and care about labor issues and immediately improve to create a conducive climate to accelerate the movement of economic growth through human resources.<sup>8</sup> Behind this, obstacles and problems regarding employment are often encountered due to the low quality of human resources. There are four employment problems related to the quality of human resources caused by the following factors:<sup>9</sup>

1. The large number of the workforce, meaning the number of people who need large jobs, so that we are less able to find jobs for them, especially with minimal skills and knowledge, makes the demand for work soar, especially if it is not accompanied by an increase in the required jobs.
2. The quality of the workforce is relatively low, as above, the demand for work is indeed high, but if it is not accompanied by work quality that meets the limits, it can also be one of the things that disrupts productivity.
3. Rising unemployment due to factor x, rising unemployment due to other factors is also a significant employment problem, as mentioned above due to uneven distribution, limited job opportunities, and low quality. There are other factors that contribute to the surge in unemployment in Indonesia. Unemployment can also lead to economic decline, as they rely solely on the government or the general public, who are no longer productive.
4. A shortage of skilled workers in their respective fields. Skilled workers are those who have acquired expertise in a specific field through work experience. These skilled workers require repeated training to master the job. In this way, we not only strive to reduce unemployment but also strive to improve human resources and productivity.

The steps the government and companies must take to improve Indonesia's human resources include establishing Vocational Training Centers (BLK) or Joint Job Training (PKB). This aims to improve workforce competitiveness. The government has issued regulations through Government Regulation No. 13 of 2006 concerning the national job training system, which mandates that training conducted by BLKs be Competency-Based Training (PBK) that is geared towards the needs of the industrial world so that graduates can immediately work in industry. The objectives of establishing BLK and PKB are as follows:<sup>10</sup>

1. Train people to become skilled, proactive and creative human beings.
2. Giving courses to out-of-school children.
3. Providing the ability to work with a foster father system with large companies.
4. Accommodating workers who are still unemployed in the community.

The next step taken by the government to support human resource development is to increase formal education for school-age residents to prepare them for future skilled labor. The preamble to the 1945 Constitution of the Republic of Indonesia (UUD 1945) mandates that:

*"The Government of the Republic of Indonesia must protect all the Indonesian people and all of Indonesia's territory and advance the general welfare, improve the life of the nation, and participate in implementing world order based on freedom, eternal peace and social justice."*

Thus, the government is obliged to strive for and implement a national education system for all Indonesian citizens. This national education system must ensure equal opportunities and improve the quality of education, especially for children, the next generation, ensuring the continuity and glory of the nation and the Unitary State of the Republic of Indonesia (NKRI). In addition, the government is conducting training programs to provide skills to the workforce. This is necessary to improve the quality of human resources, given the increasingly fierce global competition among workers. This can be achieved by increasing workforce competitiveness through competency-based training and skills certification.<sup>11</sup> The final government effort concerns expanding employment opportunities. The government is responsible for expanding employment opportunities both within and outside of employment relationships by working together with the community to expand employment opportunities both within and outside of employment relationships. All government policies, both central and regional, in every sector are directed towards realizing the

<sup>8</sup> <http://www.kemenkeu.go.id/Artikel/daya-saing-sumber-daya-manusia-indonesia-menghadapi-masyarakat-ekonomi-asean>, Accessed October 8, 2025 at 00.30.

<sup>9</sup>Ibid.

<sup>10</sup>Department of Social Affairs, Manpower and Transmigration, 2016, Job Training Center article, p.1.

<sup>11</sup>Ibid., p. 6

expansion of employment opportunities both within and outside of employment relationships. Expansion of employment opportunities outside of employment relationships is carried out through the creation of productive and sustainable activities by utilizing the potential of natural resources, human resources, and appropriate technology, which is carried out through patterns of formation and development of independent workers, the implementation of labor-intensive systems, the application of appropriate technology, and the utilization of volunteer labor or other patterns that can encourage the creation of expanded employment opportunities.<sup>12</sup>

Equally important is the legal protection of human resources in Indonesia, namely by providing adequate rights for human resources to create harmonious industrial relations. Protection of the workforce is intended to guarantee the basic rights of workers/laborers and ensure equal opportunities and treatment without discrimination on any basis to realize the welfare of workers and their families while still taking into account developments in the business world. This is related to legal protection facilities, namely preventive facilities and repressive facilities. Implementing and providing legal protection requires a place or platform for its implementation, often referred to as legal protection facilities. One such legal protection facility is preventive legal protection, where legal subjects are given the opportunity to raise objections or express opinions before a government decision becomes final. The goal of preventive legal protection is to prevent disputes. Several preventive measures can be implemented, including the dissemination of regulations. This is intended to convey regulations related to labor or human resources. Furthermore, transparency between the government and companies, or the need for openness between both parties, will bridge a good relationship between the government and employers or companies. Next is job training to equip, improve, and develop the work competencies of workers for productivity and shared prosperity. Then, regarding employment agreements, good relationships arise from agreements and work contracts. These agreements can be written, or they may require reminders that these regulations and work contracts must not conflict with applicable laws. Therefore, transparency from the company is important. It is obligatory to inform and explain the contents and provide the text of company regulations or any amendments to them to workers.

### Conclusion

The quality of human resources is one of the factors influencing the competition between Indonesian and foreign workers. Therefore, to support this, legal protection for workers is necessary, namely by providing appropriate rights, which is fundamental to creating harmonious industrial relations. The government's role should continue to be enhanced in terms of legal protection for all workers. This includes creating clear and fair legal products, socializing these legal products, and taking action against violators of established laws and regulations. Furthermore, steps that the government can take to improve the quality of human resources include establishing Vocational Training Centers (BLK) or Joint Job Training (PKB). This aims to increase the competitiveness of the workforce. In addition, the government holds training to provide skills to the workforce and expand employment opportunities, both within and outside of employment relationships by working together with the community to expand employment opportunities both within and outside of employment relationships. All government policies, both central and regional, in every sector are directed towards realizing the expansion of employment opportunities both within and outside of employment relationships. Expansion of employment opportunities outside of employment relationships is carried out through the creation of productive and sustainable activities by utilizing the potential of natural resources, human resources and appropriate technology carried out through the pattern of forming and developing an independent workforce, implementing a labor-intensive system, implementing appropriate technology, and utilizing volunteer labor or other patterns that can encourage the creation of expanded employment opportunities. In addition, one means of legal protection is through preventive measures, one of which is through job training to equip, improve, and develop the work competencies of the workforce for productivity and shared prosperity. In addition, through work agreements where good relationships occur due to the existence of work agreements and work bonds. However, most importantly, these regulations and work bonds must not conflict with applicable laws. With these steps, it is hoped that the quality of Indonesian human resources will improve and be able to compete with foreign workers.

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<sup>12</sup>Donni Juni Priansa, Human Resource Planning and Development, CV. Alfabeta, 2016, p. 161.

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