



Legal protection for informal sector workers in employment development in Indonesia: challenges and opportunities

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ABSTRACT

This research aims to investigate, rationalize and identify the issue of legal protection for informal workers which is in the critical category. Therefore, this article is entitled *Legal Protection for Informal Sector Workers in Employment Development in Indonesia: Challenges and Opportunities*. The research method used is a normative juridical approach, document study, using qualitative methods in analyzing data and using secondary data as the source. The results of this research found that Law Number 6 of 2023 concerning the Determination of Government Regulations instead of Law Number 2 of 2022 concerning Job Creation into Law (Undang-Undang Nomor 6 Tahun 2023 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 Tentang Cipta Kerja Menjadi Undang-Undang or UU 6/2023) does not regulate informal workers at all, so there is a vacuum in terms of legal protection for informal workers in Indonesia. Therefore, national legislation is needed regarding legal protection for informal workers, which essentially contains work agreements between employers and informal workers/labourers. In this way, the government and the legislature are expected to be able to establish regulations and legislation to protect informal and vulnerable workers amidst the increasing informalization of the labour market due to the impact of accelerated advances in information and communication technology.

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Introduction

Today, professionalism in the workplace is essential, especially with the rapidly changing nature of work. The increasingly rapid acceleration of the development of information and communication technology (ICT) impacts changes in job characteristics. These changes include knowledge of technology, openness to change and technology, self-management skills and time and professional and career development (Beer and Mulder, 2020). According to Ilgen & Pulakos (1999) in Purwanto (2023), professionalism is a continuous learning process that allows individuals to acquire the knowledge, skills, and abilities needed to face the demands of changes in vocational skills throughout their careers. Professional and career development includes improving skills, traits, and competencies that contribute to workplace success (Indeed Editorial Team, 2023). Currently, workers' professional and career development, both formal and informal, is closely related to workforce development. According to experts in Hollar et.al.(2023), the term professional development opportunities generally refers to the use of methods that lead to improving employee abilities in their careers and can be influenced by several factors including leadership style, opportunities for career growth, work environment, and organizational justice.

Referring to Letter a of the General Explanation of Law Number 13 of 2003 concerning Employment (*Huruf a Penjelasan Umum Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan* or UU 13/2003) employment development is an integral part of national development based on Pancasila and the 1945 Constitution of the Republic of Indonesia (*Undang-Undang Dasar Negara Republik Indonesia Tahun 1945* or UUD 1945). Article 28I paragraph (4) of the 1945 Constitution states that the protection, promotion, enforcement and fulfilment of human rights is the responsibility of the state, especially the government. In this case, legal

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protection for workers is the fulfilment of basic rights that are inherent and protected as regulated in Article 27 paragraph (2) of the 1945 Constitution. This article stipulates that every citizen has the right to work and a living that is worthy of humanity. The contents of this article can be interpreted to mean that working, receiving adequate compensation and fair treatment in employment relations are human rights for every citizen.

Therefore, the state is obliged to be present to ensure the availability of employment opportunities for its citizens provide legal protection for all workers, both formal and informal workers, and organize a fair trial. One of the goals of the Republic of Indonesia to protect all Indonesian citizens both in the territory of the Unitary State of the Republic of Indonesia (*Negara Kesatuan Republik Indonesia* or NKRI) and outside the territory of the NKRI is stated in the fourth paragraph of the Preamble to the Constitution of the Republic of Indonesia (UUD 1945) further regulated in Article 28A which stipulates that everyone has the right to live and has the right to defend their life and livelihood. In this case, it can be said that the Republic of Indonesia will protect the right to life and the right to defend the life and livelihood of all Indonesian citizens. There is no exception in this case the state will protect citizens who are inside or outside the territory of the Unitary State of Indonesia.

Rahardjo (2000) states that legal protection is the protection of human rights from harm to other people and provides protection to the community so that they can enjoy all the rights they are given. According to Hamzah (2008), legal protection is an effort by every individual or government and private institution to create security, control and achieve the welfare of society, remaining consistent. In 1993, the 15th International Conference of Labor Statistics at the ILO (15th ICLS) defined the informal sector as a group of production units consisting of unincorporated enterprises owned by households, including self-managed informal enterprises and enterprises -informal employer companies (usually small and small). Unregistered company). This definition limits the definition of informality to companies (ILO, 2015a). Then, in 2003, the 17th International Conference of Labor Statisticians at the ILO (17th ICLS) issued guidelines that examine informality from a different perspective, namely employment (ILO,2015a).

According to the 17th ICLS, the concept of informal work is all remunerative work (i.e., self-employment and wage employment) that is not registered, regulated or protected by an existing legal or regulatory framework, as well as non-remunerated work carried out in certain countries by a company that generates income (ILO, 2015a; ILO,2013d). Manpower development aims to improve the quality of the workforce and their participation in development as well as increasing the protection of workers and their families by human dignity (Letter b General Explanation of *Undang-Undang Republik Indonesia Nomor 13 Tahun2003 tentang Ketenagakerjaan* or UUK 13/2003). Employment development must be regulated in such a way that basic rights and protection are met for workers and workers/labourers and at the same time can create conditions that are conducive to the development of the business world (Letter d General Explanation of UUK 13/2003).

In Indonesia, the working population is 138.63 million people, and informal workers dominate the workforce sector as a whole (Central Statistics Agency, 2023). According to the Central Statistics Agency (2023), the number of informal sector workers as of February 2023 has dominated at 83.34 million people or the equivalent of 60.12% of total workers, and the number of formal sector workers is 55.29 million people. However, there are problems Current legal protection for informal workers is that there is a vacuum in regulations and data infrastructure to protect informal and vulnerable workers (Wagunu,2022). Informal workers lack secure employment contracts, worker benefits, social protection and worker representation (ILO,2024b;ILO,2020c). Wagunu (2022) stated that informal workers are often excluded from various policy instruments because there is no data and legal umbrella. The implication of the lack of regulations related to legal protection for informal workers is that there tends to be a large potential for exploitation of humans by humans (exploitation de l'homme par l'homme) carried out by entrepreneurs/employers against informal workers.

As the president of the Group of Twenty (G20), Indonesia has big homework to seriously collect data and formulate adaptive social protection regulations for informal and vulnerable workers (Wagunu, 2022). The G20 is a multilateral strategic international economic cooperation group consisting of countries with large economies, both developed and developing countries, composed of 19 countries and 1 European Union institution (Bogor City Communications and Informatics Service,2021). As a multilateral forum that focuses on G20 financial and non-financial issues, G20 member countries control 75% of world trade, and Indonesia is the only ASEAN country that is a G20 member (Bogor City Communications and Information Office, 2021).Currently, legal protection for informal workers has entered the critical category so that the government and the legislature are expected to be able to enact laws and regulations to protect informal and vulnerable workers amidst the increasing informalization of the labour market due to the impact of accelerated advances in ICT. This is a challenge and opportunity for the Indonesian government as a member of the G20 to take concrete action related to legal protection for informal workers, especially regulating employment relations agreements.

Based on the previous descriptions, this article examines more deeply and comprehensively the laws and regulations related to employment relations for informal workers. Laws and regulations related to employment relations for informal workers are urgently needed because they will have a positive impact on employment development. Developing countries like Indonesia have a large informal workforce segment. The issue of social justice for informal workers requires legal protection efforts so that national economic growth can be achieved properly. Therefore, the social needs and economic security of informal workers should be guaranteed by the state. This is urgently needed because it will have a positive impact on employment development, which is a strategic and significant issue related to the issue of social justice.

Thus, social justice for informal workers requires legal protection efforts so that national economic growth can be achieved properly. The social needs and economic security of informal workers should be guaranteed by the state. Unni and Rani (2002) stated that the

poor quality of employment on a large scale results in economic growth being unable to meet the needs of many workers, and the initial concept of social security which only covers emergencies is not enough. Therefore, this article is entitled: "*Legal Protection for Informal Sector Workers in Employment Development in Indonesia: Challenges and Opportunities*".

Research and Methodology

This research uses normative juridical research methods, research on legal systematics to identify meanings or bases in law (Sunggono, 2016: 93) using library data (Soekanto & Mamudji, 1985: 34). This research was carried out by researching or studying problems from the perspective of legal regulations (Soejono & Abdurahman, 2003: 28). A qualitative approach that is analytical descriptive is used to objectively describe the relationship of a particular phenomenon, idea or symptom as well as data or facts found during research. Data collection techniques by taking or searching for secondary data. Secondary data in this study comes from Primary Legal Materials, namely positive legal materials that are binding and consist of laws and regulations. Primary legal materials are data obtained from rules and regulations including: (1).The 1945 Constitution of the Republic of Indonesia (*Undang-Undang Dasar Negara Republik Indonesia Tahun 1945* or UUD 1945); (2).Law of the Republic of Indonesia Number 39 of 1999 concerning Human Rights or *Undang-Undang Republik Indonesia Nomor 39 Tahun 1999 tentang Hak Asasi Manusia* (UU 39/1999); (3).Law of the Republic of Indonesia Number 12 of 2005 concerning Ratification of the International Covenant on Civil and Political Rights or *Undang-Undang Republik Indonesia Nomor 12 Tahun 2005 tentang Pengesahan Kovenan Internasional Hak Sipil dan Politik* (UU 12/2005); (4). Law of the Republic of Indonesia Number 13 of 2003 concerning Manpower or *Undang-Undang Republik Indonesia Nomor 13 Tahun 2003 tentang Ketenagakerjaan* (UU 13/2003); (5). Law of the Republic of Indonesia Number 6 of 2023 concerning the Stipulation of Government Regulation instead of Law Number 2 of 2022 concerning Job Creation into Law or *Undang-Undang Republik Indonesia Nomor 6 Tahun 2023 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 tentang Cipta Kerja Menjadi Undang-Undang* (UU 6/2023); (6). The United Nations General Assembly in Paris on 10 December 1948; and (7). International Covenant on Economic, Social and Cultural Rights 16 December 1966 General Assembly resolution 2200A (XXI).

Meanwhile, the object of this research is legal norms, legal norms establish standards of behaviour (Bankowski, 1998) in the form of measures or guidelines for behaviour or acting in life (Purbacaraka & Soekanto, 1982:14). Analysis of these legal materials is carried out in a descriptive, analytical, and argumentative manner (Diantha, 2016). Data collection is taken from reference sources that are related to the problem to be studied. The research stages are carried out by identifying problems and analyzing the data and facts found. Based on various background descriptions of the problem, this research aims to investigate, rationalize and identify new themes, namely challenges and opportunities for legal protection for informal workers in Indonesia.

It is the author's interest to study in-depth and investigate various legal regulations so this article is entitled as follows: "*Legal Protection for Informal Sector Workers in Employment Development in Indonesia: Challenges and Opportunities*". Thus, the problem in this research can be formulated as follows:

- i. What is the form of work agreement for informal workers in Indonesia?
- ii. How are employment development efforts implemented to increase legal protection and guarantees for informal workers and their families by human dignity in Indonesia?;
- iii. What is the urgency of providing legal guarantees and social security for informal workers in Indonesia?; and
- iv. What are the concrete forms of action for legal protection for informal workers in Indonesia?

This article continues with a discussion of the research, discussions and results related to the questions asked in the 4 (four) research problem formulations. Thus, the research model used is depicted in Figure 1 as follows:



Figure 1: Research Model on Legal Protection for Informal Sector Workers in Employment Development in Indonesia: Challenges and Opportunities

Discussion

Employment Agreement for Informal Workers

In According to Law of the Republic of Indonesia Number 25 of 1997 concerning Employment (*Undang-Undang Republik Indonesia Nomor 25 Tahun 1997 tentang Ketenagakerjaan* or UU 25/1997), informal sector workers are workers who work in informal sector employment relationships and receive wages and/or rewards (UU 25/1997 paragraph 32). Meanwhile, informal sector employment relationships are employment relationships that exist between workers and individuals or several people who carry out a joint business without a legal entity based on mutual trust and agreement to receive wages and/or rewards or profit sharing (UU 25/1997 paragraph 33).

The basis of mutual trust and agreement is a very important principle in informal sector work relations. This working relationship should be stated in the form of a work agreement by the provisions of the applicable laws and regulations. International Labor Office (2013d) states that employment relationships contain reciprocal rights and obligations between workers and employers. Its existence determines the application of labor and social security laws and/or collective agreements regarding workers; in other words, workers' rights to work and social protection. The view is in line with the International Organization of Employers (IOE) and the International Trade Union Confederation (ITUC) which believe that governments have a fundamental obligation to ensure that the rights of their citizens, including workers and employers, are protected (ILO, 2003e; ILO,2013f).

According to UU 13/2003, informal workers refer to people who work without an employment relationship, which means no agreement regulates the elements of work, wages and authority. Meanwhile, Law Number 6 of 2023 concerning the Determination of Government Regulations instead of Law Number 2 of 2022 concerning Job Creation into Law (*Undang-Undang Nomor 6 Tahun 2023 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 tentang Cipta Kerja menjadi Undang-Undang* or UU 6/2023), does not regulate informal workers at all. Law 6/2023 tends to be seen as a form of failure to maintain democracy and the constitution (Thea DA, 2023). For this reason, it is necessary to adjust various regulatory aspects related to facilitating, protecting and empowering cooperatives and micro, small and medium enterprises, improving the investment ecosystem, as well as accelerating national strategic projects, including increasing worker protection and welfare (Yitawati et.al.,2024).

Then from that, the statutory regulations regarding legal protection for informal workers essentially contain work agreements between entrepreneurs and informal workers/labourers containing: (1). Mutual rights and obligations created based on the agreement between both parties; (2). Ability/capacity to carry out legal actions; the existence of the work agreed upon; and (3). The work agreed upon does not conflict with public order, morality and applicable laws and regulations as well as supervision which is simultaneously and continuously carried out by the labour authority under the authority of the Ministry of Manpower of the Republic of Indonesia.

Simanjuntak (2012) formulated 4 (four) elements of legal protection, including: (1). The existence of protection from the government for its citizens; (2). Guarantee of legal certainty; (3). Relating to the rights of its citizens; and (4). There are punitive sanctions for parties who violate it. The following are several laws and regulations that protect the right to work as described in Table 1 below:

Table 1: Legislation That Protects the Right to Work

No	Regulations	Description of Legislation
1	The 1945 Constitution of the Republic of Indonesia (<i>Undang-Undang Dasar Negara Republik Indonesia Tahun 1945</i> or UUD 1945)	The 1945 Constitution and its amendments to Article 28A and Article 28D paragraphs (1) and (2) regulate that every person has the right to live and the right to defend his or her life and life (Article 28 A); everyone has the right to recognition, guarantees, protection and fair legal certainty as well as equal treatment before the law (Article 28D paragraph 1); and everyone has the right to work and receive fair and appropriate compensation and treatment in employment relationships (Article 28D paragraph 2)
2	Law of the Republic of Indonesia No. 39 of 1999 concerning Human Rights (<i>Undang - Undang Republik Indonesia No. 39 Tahun 1999 tentang Hak Azasi Manusia</i> or UU39/1999)	Article 38 paragraphs (1), (2), (3), and paragraph (4) UU 39/1999 regulate that every citizen, according to their talents, skills and abilities, has the right to decent work (paragraph 1); every person has the right to freely choose the job he likes and also has the right to fair employment conditions (paragraph 2); everyone, both men and women who do the same, comparable, equivalent or similar work, has the right to the same wages and terms of the employment agreement (paragraph 3); and every person, both men and women, in carrying out work commensurate with their human dignity has the right to fair wages by their achievements and can guarantee the continuity of their family's life (paragraph 4).
3	Law of the Republic of Indonesia Number 12 of 2005 concerning Ratification of the International Covenant on Civil and Political Rights or <i>Undang-Undang Republik Indonesia Nomor 12 Tahun 2005 tentang Pengesahan Kovenan Internasional Hak Sipil dan Politik</i> (UU 12/2005);	Chapter I GENERAL Number 2 Law 12/2005 states that the 1945 Constitution of the Republic of Indonesia mandates the advancement and protection of human rights in the life of society, nation, and state and the commitment of the Indonesian nation as part of the international community to advance and protect human rights, Indonesia needs to ratify the main international instruments on human rights, especially the International Covenant on Economic, Social, and Cultural Rights and the International Covenant on Civil and Political Rights. Articles 6 to 27 regulate that every human being has the right to life, which is protected by law. Then, Article 27 paragraph (2) regulates the rights of Indonesian citizens to work, do business, and organize.
4	Law of the Republic of Indonesia Number 13 of 2003 concerning Manpower or <i>Undang-Undang Republik Indonesia Nomor 13 Tahun 2003 tentang Ketenagakerjaan</i> (UU 13/2003)	Article 2-3. Law 13/2003 regulates the development of manpower based on Pancasila and the 1945 Constitution of the Republic of Indonesia. Manpower development is carried out on the principle of integration through functional coordination across central and regional sectors. Article 1 paragraph 3 of Law 13/2003 regulates that workers/laborers are any person who works by receiving wages or other forms of compensation. However, Law No. 13/2003 has not accommodated informal workers.
5	Law of the Republic of Indonesia Number 6 of 2023 concerning the Stipulation of Government Regulation instead of Law Number 2 of 2022 concerning Job Creation into Law or <i>Undang-Undang Republik Indonesia Nomor 6 Tahun 2023 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 tentang Cipta Kerja Menjadi Undang-Undang</i> (UU 6/2023).	UU 6/2023 is expected to trigger investment growth, and also as a legal umbrella to protect all elements in economic actors, especially for the welfare of workers, especially for formal workers. Therefore, UU 6/2023 needs to include informal workers who have not been accommodated in UU No. 13/2003.
6	The United Nations General Assembly in Paris on 10 December 1948	As a member of the United Nations (UN), Indonesia is obliged to uphold and implement the Universal Declaration of Human Rights (HAM). Then, Article 23 paragraph (1) of The United Nations General Assembly in Paris on 10 December 1948 states that everyone has the right to work, to free choice of employment, to fair and good working conditions, and to protection against unemployment.

7 International Covenant on Economic, Social and Cultural Rights 16 December 1966 General Assembly resolution 2200A (XXI)	Article 6 paragraphs (1) and (2) International Covenant on Economic, Social and Cultural Rights 16 December 1966 General Assembly resolution 2200A (XXI) states that the States Parties to the present Covenant recognize the right to work, which includes the right of every person to the opportunity to earn a living through work he freely chooses or accepts, and will take appropriate steps. appropriate measures to protect this right (paragraph 1); and the steps which a State Party to the present Covenant shall take to achieve the full realization of this right shall include programs of technical and vocational guidance and training, policies and techniques to achieve economic, social and a stable culture and productive and full employment. under conditions that preserve fundamental political and economic freedoms for individuals (paragraph 2).
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Source: From various sources and processed

Referring to Table 1, the urgency of regulations and data infrastructure related to the form of work agreements for informal workers to protect and guarantee legal certainty is very necessary. Therefore, it is hoped that work agreements for informal workers can be made in writing or verbally as intended in Article 51 paragraphs (1) and (2) of UU 13/2003. UU 13/2003 regulates that work agreements are made in writing or orally (paragraph 1), and the work agreement required in writing is implemented by applicable laws and regulations (paragraph 2).

From a legal perspective, to determine the legal force of an agreement, it does not lie in its form, namely written or oral, but rather it must fulfil the conditions for the validity of the agreement. This has been regulated as in Article 1320 of the Civil Code Book One of the Civil Code (Burgerlijk Wetboek voor Indonesie) in conjunction with Article 52 of UU 13/2003. According to Article 1320 of the Civil Code, Part 2, the conditions for a valid agreement to occur require the following 4 (four) conditions to be met: (1). Their agreement binds them; (2). Ability to create an engagement; (3). A particular subject matter; (4). A reason that is not forbidden.

Based on various previous descriptions, the form of work agreement for informal workers should be accommodated in Indonesian labour/employment law. Therefore, the government and the legislature are expected to have a strong commitment and political will to initiate a form of work agreement for informal workers in the realm of labour/employment law in Indonesia. As regulated in Article 51 paragraphs (1) and (2) Law 13/2003 in conjunction with Article 88 paragraph (1) UU.13/2003 in conjunction with Article 1320 of the Civil Code Part 2. Article 88 paragraph (1) UU 13/2003 states firmly and clearly that every worker/labourer has the right to obtain protection for work safety and health, morals and decency, and treatment by human dignity and religious values.

Thus, the form of work agreement for informal workers is legal protection and should be regulated in Indonesian labour/employment law. In this case, Indonesian labour law is expected to be able to adapt to various changes that occur both at the global and regional levels. For example, the acceleration of ICT progress has had an impact on increasing the use of digital technology. Meanwhile, demographic changes and population growth have an impact on increasing the potential for general economic formalization. Therefore, work agreements for informal workers are a form of legal protection and are an important issue in efforts to develop employment in Indonesia.

The Efforts of Employment Development

According The world has changed and will continue to change. Responding to this new reality, workforce development efforts are very necessary to be able to navigate these changes as well as possible. Employment development efforts are a driving factor and success factor for creating value, increasing differentiation, and realizing transformation that is in line with the acceleration of ICT progress and national economic development. According to Terpilowski (2021), employment development is the process of helping workers advance in their careers by acquiring new skills to improve competencies and helping them develop new competencies,

According to the Association for Talent Development (2024), employment development is a strategic investment in the workforce to develop human potential through training and development programs that include skills, knowledge and abilities to improve performance and develop individual careers. Therefore, employment development efforts are an investment and require time, energy and money - but they will pay off in the long term (Terpilowski, 2021).

Referring to the Explanation of UU 25/1997 related to employment development in Indonesia, it is as follows:

- i. The principles of employment development are the principles of national development, especially the democratic principles of Pancasila and the principles of justice and equality. Employment development has many dimensions and is linked to many parties, including the government, employers and workers. Therefore, employment development must be implemented in an integrated manner based on partnership by all parties in the form of mutually supportive cooperation (Article 3 of UU 25/1997).

- ii. Empowerment and utilization of the workforce can be done, among other things, through improving education and training, as well as the distribution and placement of workers by their talents, interests and abilities (Article 4 Letter a of UU 25/1997).
- iii. Equal employment opportunities, empowerment and utilization of the workforce need to be pursued in all sectors and regions to provide equal opportunities for all workers to obtain work by their talents, interests and abilities. Likewise, it is necessary to strive for equal distribution of the workforce so that it can meet development needs in all sectors and regions (Article 4 Letter b of UU 25/).
- iv. Every worker has the same rights and opportunities to obtain work and a decent living without distinction of gender, ethnicity, race and religion, by the interests and abilities of the worker concerned (Article 5 of UU 25/)
- v. Employers are obliged to provide the responsibilities and rights of workers without distinguishing between gender, ethnicity, race and religion (Article 6 of UU 25/1997)
- vi. Manpower planning prepared and determined by the Government is carried out through national, regional, sectoral and micro workforce planning approaches (Article 7 Paragraph 1 of UU 25/1997).

The various provisions regulated in UU 25/1997 can be interpreted as meaning that efforts to develop employment are very important as stated in Article 2 of UU 25/1997. According to Article 2 of UU 25/1997, national development is carried out in the framework of the complete development of the Indonesian people. Therefore, efforts to develop employment in Indonesia must be accompanied by worker protection. Labour protection includes protection of work norms, occupational safety and health, workers' rights to organize and negotiate with employers, as well as other protections by applicable provisions (Letter c UU 25/1997).

Based on various previous descriptions, employment development can be interpreted as the practice of learning new skills and honing skills to learn how to use new technology and techniques, develop knowledge about an industry, and develop competencies in various fields which are long-term investments. Employment development is a process to help informal workers advance in their careers by acquiring skills, improving competencies and helping them develop new competencies. Therefore, legal protection should be regulated in Indonesian labour/employment law.

Thus, employment development efforts are carried out to create prosperous, just, prosperous and equitable Indonesian people and society, both materially and spiritually. Employment development efforts in Indonesia refer to providing opportunities for every individual to improve their skills, knowledge and abilities through various training and learning activities as well as providing legal protection and social security for informal workers. This should be realized in the form of a work agreement between employers and informal workers which is regulated in Indonesian labour/employment law. Legal protection for informal workers essentially contains work agreements between employers/entrepreneurs and informal workers/labourers to avoid practices of dehumanization

The Urgency of Providing Legal Guarantees and Social Security for Informal Workers

In general, In general, the informal economy sector is defined as all unregistered commercial and non-commercial businesses (or economic activities), which do not have a formal organizational structure and generally have the following characteristics: family-owned, small-scale activities, labour intensive, using technology adapted and dependent on local resources. The informal sector is considered to make a significant contribution to the Indonesian economy, especially in terms of employment, by providing economic opportunities for those who are forced or unable to be absorbed by the formal sector (Heriawan, 2011). The informal economy includes workers from various sectors, including garment workers, fishing workers, agricultural workers, contract farmers, construction workers, and transportation workers (WIEGO,n/a).

WIEGO (n/a) stated that these workers support the economies of developing countries just as much as formal sector workers, but they often experience economic insecurity and are deprived of social and labor protections, which have historically been regulated through relations between employers and workers. Workers in these sectors are often very poor and belong to social groups that experience discrimination. Many women support their households through informal livelihoods. WIEGO - Women in Informal Employment: Globalizing and Organizing (N/A). Informal Workers and the Law. Retrieved from <https://www.wiego.org/informal-workers-and-law>

Firdausy (2000) in Cuevas et.al. (2009) states that in Indonesia, 70% of the workforce is estimated to work in the informal sector, mostly in the agricultural sector. This is a direct result of the 1997 Asian financial crisis, which resulted in a decline in the number of workers in urban areas and the industrial sector, while the number of workers in rural areas and the agricultural sector also increased. (Cuevas et.al.,2009)). The Central Bureau of Statistics of Indonesia (*Badan Pusat Statistik Indonesia* or BPS) observed that this situation still occurs even though the percentage of workers in the informal sector was lower (64%) in 2006, and, BPS estimates that the contribution of small businesses to GDP in the informal sector is only around 38% (Cuevas et.al.2009) . Informal workers include street vendors, domestic workers, farm labourers, and those working in the informal sector, who often work in vulnerable conditions with little or no job security or benefits (Retnaningsih, 2020).

The informal economy, which includes activities that have market value and would add to tax revenues and GDP if recorded, is a widespread phenomenon throughout the world (Delechat & Medina,2020). The informal sector is an important part of the socio-

political and economic life of developing countries with social life characteristics (Sibagariang et.al.,2023), and has a major contribution to the economy and labour force participation rates (Aditiya & Wildana, 2023). High urbanization and population growth utilize the informal economy to absorb labour (Sibagariang et.al.,2023). Increasing migration flows from rural to urban areas contribute to increasing labour supply in urban areas (Gundogan & Bicerli,2009). According to Gundogan & Bicerli (2009), rapid and uncontrolled migration caused by population movement from rural to urban areas causes serious problems from a labour market perspective. In Indonesia, the informal economy is a large and important part of the workforce. Overall, the informal sector covers more than 60 per cent of the workforce (ILO,2024b; ILO 2013d).

Cuevas et.atl. (2009) states that the informal sector is considered to make a significant contribution to the Indonesian economy, especially in terms of employment by providing economic opportunities for those displaced or unable to be absorbed by the formal sector. However, statistics on the informal sector and informal employment are not regularly collected and are not included in Indonesia's official labour force statistics,and Indonesia's informal sector has not benefited from well-designed policies (Cuevas et.al.,2009).According to the International Labor Organization (2024b), the informal economy sector refers to all economic activities carried out by workers which – both legally and in practice – are not covered (or not covered adequately) by formal employment arrangements. For example, in terms of employment arrangements, informal workers include a lack of protection against non-payment of wages, reduction of workers without notice or compensation, unsatisfactory work health and safety conditions, and the absence of social benefits such as pensions, sick pay and health insurance (ILO, 2024b).

Furthermore, the ILO adopted in 2015 the Transition from the Informal to the Formal Economy Recommendation (No. 204) which states that the concept of the informal economy does not include criminal and illicit work. For example, the provision of services or the production, sale, possession or use of goods prohibited by law, including the illicit production and trafficking of illegal drugs, the illicit manufacture and trafficking of firearms, trafficking in persons, and money laundering, as defined in international treaties that relevant. (International Labor Organization, 2020c). Hidayat in Susilo (2011) states that the informal economy sector is a business that does not receive economic protection from the government and a sector that has not used government assistance or facilities even though assistance is available. Sethurahman (1976) in Widodo (2000), stated that there are seven characteristics of the informal sector, namely easy to enter, easy to obtain raw materials, family-owned business, small-scale operations, labour intensive, skills obtained from outside formal schooling, and competitive markets and irregular. The informal economy sector is a manifestation of the situation of growth in job opportunities in developing countries (Sethurahman, 1976 in Widodo, 2000).

According to the OECD/International Labor Organization (2019), vulnerable workers are considered to have informal employment if their employment relationship, legally or in practice, is not subject to national labour laws, income taxes, or protection or rights to certain employment benefits, among others. : prior notification of dismissal, severance pay, annual leave or sick leave, and others. According to Article 1 point 33 of Law of the Republic of Indonesia Number 25 of 1997 concerning Employment (*Undang - Undang Republik Indonesia Nomor 25 Tahun 1997 tentang Ketenagakerjaan* or UU 25/1997), informal sector employment relationships are employment relationships that exist between workers and individuals or several people who carry out a joint business that is not a legal entity. The basis of mutual trust and agreement on receiving wages and/or rewards or profit sharing.

Informal sector workers are workers who work in informal sector employment relationships and receive wages and/or rewards (Article 1 point 32 of UU 25/1997). Meanwhile, informal sector businesses are activities of individuals or families or several people who carry out joint ventures to carry out economic activities based on trust and agreement and do not have a legal entity (Article 1 point 31 of UU.25/1997). According to the OECD/International Labor Organization (2019), the underlying reasons why workers working in the informal economy sector are vulnerable workers may be due to::

- i. Non-declaration of jobs or employees; freelance or short-term work;
- ii. Employment with working hours or wages below a specified threshold (e.g. for social security contributions); or lack of application of laws and regulations in practice;
- iii. In the case of self-employed workers and employers, informal employment status is determined by the nature of the company's informal sector. Entrepreneurs (with wage workers) and self-employed workers (without wage workers) are considered informal if their economic units are included in the informal sector; and
- iv. All contributing family workers are classified as having informal employment, regardless of whether they work in formal or informal sector companies.

According to Swasono (1987) in Hamid et.al.(2022), the differences in characteristics between the formal economy sector and the informal economy sector are as follows:

Table 2: Differences in Characteristics Between the Formal Economy Sector and the Informal Economy Sector

Characteristics	Formal Economy Sector	Informal Economy Sector
1 Capital	Relatively easy to obtain	Difficult to obtain
2 Technology	Capital intensive	Labor intensive
3 Organization	Bureaucracy	Have a family organization
4 Credit	From official financial institutions	From unofficial financial institutions
5 Labour Union	Very instrumental	Doesn't play a role
6 Government Assistance	Important for business continuity	There isn't any
7 Relations with the village	One way traffic for the benefit of the formal sector	Win-win solution
8 Entrepreneurial nature	Very dependent on government protection or imports	Be independent
9 Inventory	Large quantity and good quality	Quantities are small and quality varies
10 Work relationship	Based on an employment contract	Based on the principle of mutual trust

Source: Swasono (1987) in Hamid et.al, (2022) (processed)

Referring to Table 2, it can be interpreted that there are contrasting differences when viewed from the characteristics between formal workers and informal workers. These differences include capital, technology, organization, credit, labour unions, government assistance, relations with the village, entrepreneurial nature, supply of goods, and employment relations. According to Leighton and Painter (1987), academics and the media classify workers who work in the informal business sector as vulnerable workers. Workers in the informal economy often face greater risks, which largely reflect their working and living conditions (OECD/International Labour Organization,2019).

Based on various previous descriptions, informal sector workers are part of world society in general and national society in particular which is guaranteed by the Universal Declaration of Human Rights (1948), and the constitution regarding rights, dignity, standard of living and working environment. Therefore, it is hoped that labour law can become a legal instrument that can provide legal guarantees and protection as well as social security for informal sector workers. This includes legal protection and guarantees related to employment relations which include decent wages and social security for informal workers who work as household assistants, farm labourers, online motorcycle taxi drivers, sales representatives, shop assistants and others.

Thus, the role of labour law is very necessary to enable all parties, employers and workers to have the same position in the production process to achieve company progress. On the other hand, it is hoped that good development efforts can be carried out by the government on an ongoing basis so that informal sector actors, namely entrepreneurs and workers, can develop and contribute to the national economy. Therefore, the urgency of providing legal guarantees and social security for informal workers is urgently needed as mandated by the constitution.

The Concrete Forms of Action for Legal Protection for Informal Workers in Indonesia

The rights and obligations of employers and workers in the workplace are regulated by a set of legal rules called labor law (Shreya, 2022). The essence of the objective of employment law is to optimize human resources to create equal employment opportunities, provide legal protection, and create and improve the welfare of workers/laborers and their families, as well as the absence of discrimination (Hamid, 2021). The Labor Law Compliance Center (2022) states that the role of labor law as employment law is very important to business obligations to employees to maintain employee safety and protection in the work environment, including: (1) Classification of Workers;(2).Child Protection;(3).Wage Protection;(4).Reasonable Hours and Compensation;and (5).Discrimination Prevention.

Wageindicator-Data-Academy.org (2021) in Hamid (2021) states that labor/employment law is part of the law that regulates work relationships, both individual and collective. According to Wageindicator-Data Academy.org (2021) and Hamid (2021a), traditionally, labor law focuses on those (workers/laborers) who work in subordinate work relationships or with employers/employers (Adnan Hamid, 2021). The application of the rights and obligations of workers during the Covid-19 outbreak in Indonesia: Labor Law Perspective. <https://doi.org/10.36096/ijbes.v3i3.269>Magalla (2018) states that the purpose of labor/employment law as employment law is to enable effective enforcement regarding the rights of employers and workers' rights which include employment, remuneration, working conditions, trade unions and industrial relations, social security and disability insurance (Jenk & Schregle, N/A).

According to Shreya (2022), labor/employment law has several main objectives as follows:

- i. Guaranteeing Basic Workers' Rights - providing guarantees such as the right to fair wages, safe working conditions, freedom from harassment and discrimination, and the ability to organize and engage in collective bargaining, are protected by labor law.
- ii. Guaranteeing Social Justice – guaranteeing and creating a balance of power between employers and workers, preventing worker exploitation and promoting social justice in the workplace.
- iii. Economic Development – ensuring fair labor practices established by labor regulations helps maintain a productive workplace and promotes economic development. This levels the playing field for companies and fosters an atmosphere that supports investment.
- iv. Upholding Industrial Peace - seeks to avoid and resolve labor disputes, encourage collaboration between companies and workers, and maintain a positive work culture. They provide procedures for resolving disputes through mediation, arbitration, or conciliation.

Furthermore, the IVth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia (1945 Constitution of the Republic of Indonesia) and Chapter XIV of the 1945 Constitution of the Republic of Indonesia state that the state is responsible for economic affairs and the welfare of its people. Based on the provisions of the law, every Indonesian citizen must be protected by their constitutional rights to obtain legal protection and a decent living. This legal protection also applies in terms of employment, especially for workers in the informal sector (Wicaksono et.al,2023). Therefore, labor law can provide specifications of rights, and obligations and regulate and inform subjects about how informal workers and employers can behave by the provisions of the contract and enforce them according to the rights and obligations of each party (Magalla,2018).

According to WIEGO (N/A), the specific challenges vary from one sector to another and from one country to another, there are consistent challenges in creating a supportive legal and regulatory framework for workers in the informal economy. These include:(1). Designing social protection schemes that cover workers in the informal economy that recognize informal workers as workers;(2).Ensure that all workers have safe and decent working conditions; and (3).Identify strategies to monitor employers' or contractors' compliance with the law when there is no formal workplace

Based on various previous descriptions, real action is needed to protect informal workers in the context of Indonesian labor/employment law. The legal protection in question is the existence of legal protection from economic aspects (for example: protection related to employment relations, working time, adequate wages by a decent standard of living), legal protection from social aspects (for example: health insurance and other social security); and legal protection from technical aspects (for example: working conditions, work safety and comfort). These three aspects of legal protection are very important so that regulations are by normal standard work practices in general.

Thus, the real action of legal protection for informal workers in the context of Indonesian labor/employment law is that the government is expected to be able to implement these three aspects of legal protection. This is a challenge and opportunity for the government as mandated by the 1945 Constitution, the United Nations General Assembly in Paris on 10 December 1948, the International Covenant on Economic, Social and Cultural Rights 16 December 1966 General Assembly resolution 2200A (XXI), and the Law Human Rights 39/1999. Therefore, the right approach is needed regarding how to make all parties have the same position in the production process to achieve progress in the national economy.

Conclusions

Workers in the informal sector are one of the economic actors who have different characteristics compared to workers in the formal sector. Informal workers can be interpreted as the entire employment status group of independent workers and have the following characteristics: (1). Do not have formal employment, formal work arrangements, decent working conditions, adequate income, legal and social security; and (2). Do not have representatives to fight for their rights appropriately and effectively as formal workers do in trade union organizations/labor unions that have been regulated by law. Therefore, comprehensive legal protection is needed for informal workers and it is hoped that the role of the government and legislature in determining and revising labor laws covers various aspects such as employment relations, work agreements, economics, and social and also from technical aspects. In this case, the government and legislature are expected to involve stakeholders in the labor sector, for example: representatives of employers, trade unions, representatives of informal workers, academics and the wider community so that the legislative program that will be made is harmonious with the legal framework and the preparation of laws and regulations in Indonesia. This is very important to do so that the regulation related to informal workers is in line with the mandate of the 1945 Constitution, the United Nations General Assembly in Paris on December 10, 1948, the International Covenant on Economic, Social and Cultural Rights on December 16, 1966, General Assembly resolution 2200A (XXI) and the Human Rights Law (Law 39/1999) and various other laws and regulations. Thus, Indonesian labor law is expected to be updated periodically to adapt to the acceleration of the development of advanced information and communication technology.

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