

# PHILOSOPHICAL BASIS OF THE COMPULSORY COMPANY MANPOWER REPORT TOWARD PANCASILA INDUSTRIAL RELATION

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## ABSTRACT

*The research aimed to find out the intrinsic meaning and pragmatic interests of the concept of Compulsory Company Manpower Report (CCMR) and how the principle basis of Law Number 7 Year 1981 affected philosophical validity in realizing industrial relation in accordance with Pancasila. The research applied a qualitative method with textual analysis. The media of research was CCMR, which was one of the minimum macro aspects (work norm) in labor inspection as regulated in Law Number 7 Year 1981 aiming to implement the policy of work opportunity expansion and work protection as mandated by Article 27 paragraph (1) of the 1945 Constitution. The results report the conditions of employment within a company having historical and meaningful substances as the 1945 Constitution states the existence of equality in law and government for every citizen, and each citizen shall uphold the law and government as a manifestation of an active role of citizenship. The applicability of a positive norm cannot be separated from its juridical, sociological, and philosophical requirements. Many opinions reveal that CCMR is only for operational administrative fulfillment. Meanwhile, there is a philosophical basis of CCMR that reaches to the idea about conceptions in work opportunity and labor protection to realize harmonious, dynamic, and fair industrial relations in accordance with Pancasila.*

**Keywords:** philosophical basis, compulsory company manpower report, Pancasila industrial relation

## INTRODUCTION

The Compulsory Company Manpower Report (CCMR) on the company's operational activities and employment relationships illustrates the process of hiring workers as a policy implementation of work opportunity and labor protection. It requires several data as an overview of the employment in the company. The data requested have to be prepared in the actual report based on established working relationships, starting from data of employer, employment, work relationship, planning and development, social security, and other data that provide the implementation of the work relationships. All data represent the minimum conditions of mandated employment.

Law Number 7 Year 1981 on CCMR is the juridical basis for the existence of legal acts in the current working relationship arrangement in the form of an emphasis on a company's obligation to report the conditions of employment within the company. The principles of juridical applicability are described in Article 5 paragraphs (1) and Article 27 paragraph (1) of the 1945 Constitution, Law Number 3/1951 on the Declaration of the Implementation

of Law Number 23 Year 1948 through the State Gazette Number 4 of the Year 1951, Law Number 14 Year 1969 on Basic Provisions Regarding Labor (State Gazette No. 55/1969, Addendum State Gazette No. 2912). Those report that the conditions of employment within a company have historical and meaningful substances. The 1945 Constitution states the existence of equality in law and government for every citizen, and each citizen shall uphold such law and government as a manifestation of an active role of citizenship.

The traditional sources of competitive advantage, such as natural resources, technology, economies of scale, and others, create value. However, the resource-based argument is the sources that are increasingly easy to imitate, especially in comparison to a complex social structure such as an employment system (Becker & Gerhart, 1996). The process of giving CCMR is often carried out only to the extent of operational administrative fulfillment. It means that the data reporting to the relevant agency in the field of employment is far from the actual existing conditions regulated by the law.

On the other hand, the application of supervision

made by officials of relevant agencies is no more than a document of extension of related permits for the next year. Although it is not a common practice, this practice tends towards formality. So, it is necessary to make alignment efforts to the existence of such labor inspection based on philosophical (meta-juridical) validity. This philosophical study can be used by applying fundamental legal ideas to what the significance is from the application of CCMR. It also provides a meta-juridical discussion of the truth (pragmatic) for the certainty. The benefit of those positive laws is the alignment of the report based on the values outlined in the Pancasila as the nation's basic norm (*Grundnorm*).

It can be interpreted from the concept of Pancasila industrial relations. The industrial relations concept is built from the values of the Pancasila and the 1945 Constitution. The government declared it in 1974 with two main principles, namely kinship/mutual cooperation and deliberation for the certainty and benefit of those positive laws.

Comprehending the philosophical validity of Law Number 7 Year 1981 on CCMR is different to see the law dogmatically. The meta-juridical study of this law becomes a single study to see the essence of history drafting up to the pragmatic interests of this law.

The laws of value, instead of depending, as some will believe, upon whimsical psychology, or an accidental institutional background, are the frequent adaptations to the physical facts connected with this problem of balance (Carver, 1919). Every citizen has equal opportunity in law and government and is obliged to uphold the law and government without exception. A principle determines the relationship of this legal terminology with the concepts of CCMR law. It deserves to be studied meta-juridically to view a pragmatic interest in this law. The concepts explain that work opportunity and labor protection aim to achieve harmonious, dynamic, and equitable industrial relations. Therefore, CCMR is not merely a dogmatic imposition that only becomes an operational formality of an administrative area.

CCMR is conducted once a year by officials in a company by filling out its form provided by the government. As mentioned in Article 6 paragraph (2), the report consists of corporate identity, employment relations, labor protection, and work opportunity. The explanation of the substance reported is not an integral part of this research. This research only focuses on the concepts of work opportunity and labor protection as one of the substances of the report. By making the concepts as a principle, it can provide a meaning and philosophical alignment in the applicability of this CCMR. In the end, the application of normative provisions can be harmonized based on the principles drawn from the CCMR as a prerequisite of the micro minimum conditions in the application of working norms.

There are two research problems. Those are: (1) what are the intrinsic meaning and pragmatic interests of the concept of CCMR?, and (2) how does the principle basis on Law Number 7 Year 1981 have an effect on philosophical validity in realizing industrial relations in accordance to Pancasila?

## METHODS

This research is qualitative in the normative law with the library data as a primary data source. Moreover, the facts, procedures, and data of the CCMR are the

secondary data source. The approach used in this research is a conceptual and philosophical approach without ignoring the normative side of the approach of the law. It includes CCRM by auditing the Law Number 7 Year 1981.

A principle as the basis of CCRM in the meta-juridical study used is work opportunity and labor protection. It is historically based on the existence of legal relations in the form of an employment relationship based on employment agreements between employers and employees. As the mandate of the 1945 Constitution, Article 27 paragraph (1), all citizens are equal before the law and government and shall uphold such law and government without exception.

Two adages are used as the basis for CCRM in a meta-juridical study by elaborating conceptual, philosophical, and statute approach as the initial step of this study. The conceptual approach is taken from the principle used, consisting of several concepts (work opportunity and labor protection). Then, the philosophical approach in the sense of philosophical study is a meta-jurist study and is not merely a dogmatic study. Finally, as a complement, the statute approach is carried out by elaborating Law Number 13 Year 2003, which has a perspective on principle used in Chapter III on Equal Opportunities and Treatment, and Chapter X on Protection, Wages, and Welfare.

Philosophical applicability as a study at the end will refer to Law Number 13 Year 2003, which is elaborated in the statute approach. It will carry historical aspects as the basis to see that CCRM needs to refer to historical substances in a dogmatic study through the norms reviewed in the law. The concepts of work opportunity and labor protection, which become the principle, need to be a reference on the existence of pragmatic interests in elaborating and maintaining this principle. This meta-juridical study is an effort to seek the philosophical meaning of CCRM. The framework of CCRM is shown in Figure 1.

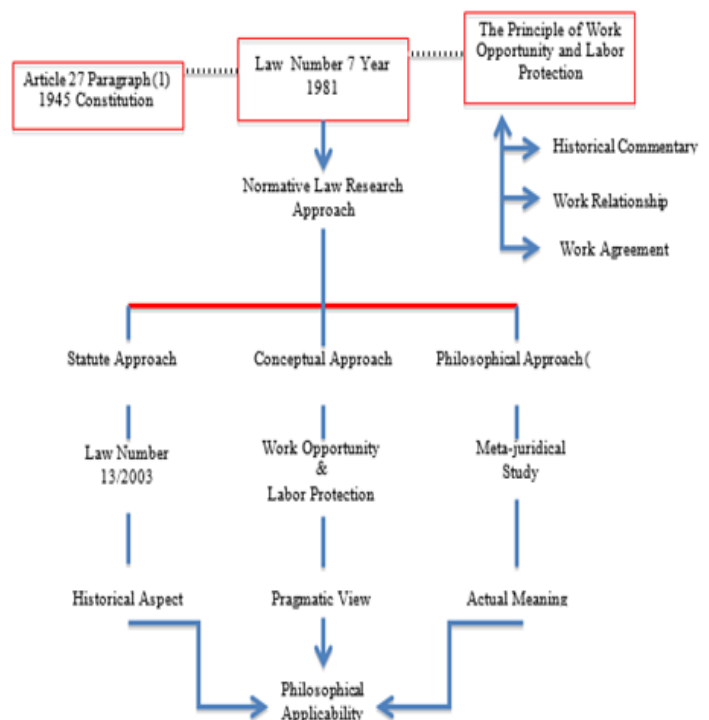


Figure 1 Framework of the Absolute Meaning of CCRM

## RESULTS AND DISCUSSIONS

Article 27 Paragraph (1) of the 1945 Constitution has made it clear for the equal status of every citizen in the law and government. They are obliged to uphold such law and government without exception, and it becomes a dogmatic basis in interpreting the pattern and order of law and government properly. This dogmatic provision in positive law about CCMR is regulated in Law Number 7 Year 1981. It needs to raise the principle of the nature of what the basis of this law is when referring to Article 27 paragraph (1).

It has been mentioned that the purpose of this law is to be stipulated and applied to obtain a CCMR. Then, it can be used by the government as a basis in carrying out activities in the norms and conditions of employment and the inspection of labor. One of the substances of reporting is the policy on the expansion of work opportunity and labor protection. It is used as the principle in connecting the concepts in the labor inspection law to Article 27 paragraph (1) of the 1945 Constitution.

These concepts have an intrinsic meaning that contains a study of the historical aspects. It needs to be acknowledged from its background of the formation of this law. The concepts of work opportunity and labor protection as the principles raised need to be explained from the historical background that begins with the occurrence of work relations. It is defined as a legal relationship between employers with the recipient of work in doing a legal act of giving work and receiving work. It is given on the basis of orders, and by that order, the wages are given. Work relationships require aspects of work, orders, and wages that are done at a certain time. Working relationships that occur become the initial basis to see the meaning of work opportunity and labor protection. It is the default in viewing the essence of the principle of determination and applicability of the law of CCMR conducted.

Working relationships between employers and employees under Law Number 13 Year 2003 about Manpower in Article 50 occur due to an employment agreement between employers and employees. The working agreement is further mentioned in Article 51 in written or spoken. It is made based on the agreement of both parties, the ability, competence in the conduct of legal action, and the existence of the contracted work. The work of the contract is not contrary to the public interest, morals, and law and regulations (Article 52 paragraph 1 letter a, b, c, d). If Article 52 is juxtaposed with the Criminal Code in Article 1320 on the Legal Terms of Agreement, the linkage can be explained in Table 1.

Table 1 explains the agreement of the parties that can equally bind themselves into the act of giving and receiving work in a working relationship. It is not contrary to the laws and regulations. The act of granting and accepting work in a working relationship is known to raise the rights and obligations of workers in fulfilling the purpose of what the legal action is done by employers and workers. These rights and obligations provide the realization of the implementation of work opportunity and labor protection as a manifestation of the reporting of all forms, situations, and conditions in a company. It further becomes a form of attention in the field of labor inspection conducted by the government as an effort to fulfill the welfare and harmonization of working relationships. Then, it leads to industrial relations that are

in accordance with Pancasila. Pancasila legal state tries to preserve and reflect the values in the community. It also applies positive laws in these communities to encourage and guide the community on developments and progress in accordance with the values of Pancasila (Pujiastuti & Purwanti, 2018).

Table 1 Legal Terms in Work Agreement

Article 52 Law No. 13/2003	Indonesian Civil Code Article 1320	Description
1. Both side agreement	1. Agreed	The parties have agreed and bound themselves in a given and accepted legal relationship (work)
2. The ability and competence in the conduct of legal action	2. Competence	The parties can do legal relationships, due to the skills both outwardly and inwardly
3. The existence of the work contract	3. Specific things or objects	The existence of things done
4. The work of the contract is not contrary to the public interest, morals, and law and regulations.	4. Subject to halal/good faith	Uncontrary to the law and regulations

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The government provides legal action (protection of the law) to employers and workers in the implementation of industrial relations is one of the functions in minimum macro aspects (Inspection). The substance, which is one of the aspects of an inspection conducted by the government, makes legal action protection to employers and employees. It is very dimensional to the balance of the right and obligation implementations. In other words, by making it effective, it requires the creation of participative and cooperative relationships between employer and employee (Seghezzi & Tiraboschi, 2018). This can be seen in Figure 2.



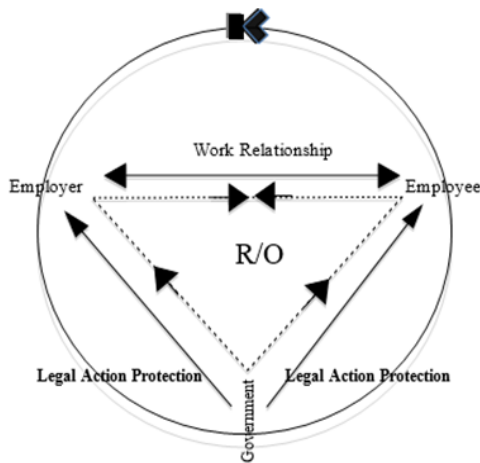


Figure 2 The Legal Action Protection to Rights and Obligations by Government

On the one hand, it is the right, while on the other side is the obligation. Rights and obligations are the authority given to a person by law. Rights and obligations are not a collection of laws or regulations, but those are the balance of power in the form of individual rights. It means that the right will exist when the obligation is done (Mertokusumo, 2007).

Providing a report on the existence and condition of the company, as stipulated in Article 6 paragraph (2) of Law Number 7 Year 1981, is a duty for the employers. It is done by seeing the principles of work opportunity and labor protection to be interpreted as a philosophical legal notion. The principle of work opportunity and labor protection in the philosophical validity of the rights and obligations in Law Number 7 of 1981 shall be the right and obligation of the employer in reporting the labor conditions to the competent authority. It must be in line with the actual conditions of employment in the company.

For example, on page three of compulsory forms, it describes the wages as the employer's obligation to report the actual conditions as a form of labor protection (a principle or basis raised). It is by including the wage value in accordance with the provisions of the minimum wage applied at that time, although the wage earned by the employee is still below the minimum wage that has been determined in terms of basic wages and non-variable wages. This inconsistency has not protected the aspect of labor wage as in the applicable regulations. Thus, the right of employers to provide employment must also be followed by the employer's obligation to provide labor protection. One of them is minimum wages following the regulation, instead of just looking at the deals to the occurrence of employment.

CCMR is one of the objective dimensions in the context of licensing law. It is a formal requirement that must be met by all business parties to provide reports on actual conditions in a company. This permit law explains the rights and obligations between the applicant and the licensing agency (Sutendi, 2010). Law Number 25 Year 2009 on Public Service also discloses the rights and obligations of the community (permit applicants) and licensing service providers. These rights and obligations can be explained in Table 2.

From Table 2, it shows the connection in the law of licensing to the implementation of CCMR and the existence of the principle of work opportunities and labor protection

against the pragmatic interests. Then, it is necessary to approach some aspects of normative legal research. Several approaches are used.

Table 2 The Rights and Obligations of the Applicant (Pragmatic Interest)

Rights	Obligation
<b>Obtain quality licensing services in accordance with the principle and purpose of service;</b>	Supervise and notify the licensing authority to improve its services if the services provided are not in accordance with applicable service standards;
<b>Know the systems, mechanisms, and procedures of service;</b>	Report deviations from the service to the ombudsman if the operator does not improve the service
<b>Response to the complaint submitted appropriately</b>	Comply with and meet the requirements, systems, and mechanisms of procedures for licensing services
<b>Obtain advocacy, protection, and service fulfillment</b>	Maintain and participate in maintaining various facilities and infrastructure of public services
-	Participate actively and comply with any decision of the operator

(Source: Sutendi, 2010)

First, it is a conceptual approach. The legal concept of work opportunity is the possibility of employment as an object provided by the employer. Meanwhile, the legal concept of labor protection is a guarantee made by the employer to the employees in performing any activity in a company. It is to realize comfort, security, and prosperity in the process of working relationships. The conceptual approach becomes interesting since the abstract components become integrated and can be absorbed by thinking in a new sense.

Second, it is a philosophical approach. This approach is intended to dissect the legal issues radically and profoundly concerning questioning the generated, ontological, epistemological, and axiological answers. The synchronization of the principles is raised in the form of work opportunity and labor protection as an ontological significance and pragmatic (axiological) interest. It makes the epistemological dimension of this philosophical approach have a space to see how relevant the principle can answer the problems generated to the existence of a compulsory report of employment as positive law.

Third, it is a statute approach. It is required in every study in normative research, as it will examine the rule of law. The legal rules used in this research are Law Number 7 Year 1981 on CCMR. The article in this provision is related to Article 6 paragraph (2) in the letter c and d. This rule explains the relation of the principal or basis laid down towards work opportunity and labor protection. The juridical applicability of this provision needs to be reviewed in terms of its pragmatic importance, so the study of these basics will enable the philosophical validity of the law to be maintained and accepted in terms of its sociological needs (empirical).

The efforts to raise a legal idea of the essential meaning of CCMR in the ontological dimension need to use the principle of causality (Shidarta, 2013). If the enterprise

exists, employees must achieve the desired objective jointly. In other words, if the company exists, the existence of work opportunities and labor protection are guaranteed by the government as a whole related to the protection of the law.

When this is confronted in a philosophical dimensioning pattern, this CCMR in its ontological dimension explains an idealist meaning of the existence of a company, the work opportunity, and labor protection. Then, the government provides its function and role in protection law. The *prima facie* principle (the obligation to every citizen to respect the law) becomes an ontological principle that law is truth and justice (Shidarta, 2013). The description is in Figure 3.

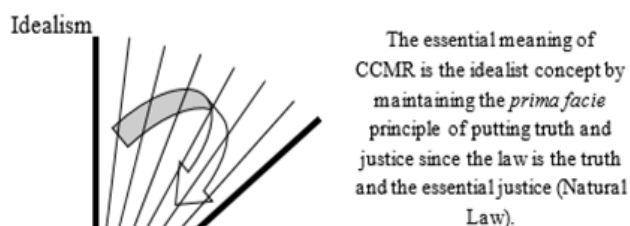


Figure 3 Ontological Dimension of Compulsory Company Manpower Report

In Figure 3, the CCMR is described by a top-down moving arrow. It provides the sense based on idealistic legal reasoning. The principle of work opportunity and labor protection will be relevant whenever the law is seen as a function of giving truth and justice (Wignjosoebroto, 2013). It essentially explains the nature of the application and implementation of the positive law related to the reporting of employment in the present and the sustainability context. Thus, the philosophical validity of this concept can be maintained in the future.

Furthermore, the legal idea of the pragmatic interest of CCMR in the axiological dimension to keep seeking the function of positive law is relating to truth and justice as a principle. It becomes *ipso jure* (the truth of the rule). Then, truth and justice as a principle can be used as a basis to the existence of pragmatic interests. There is no priori principle of justice, but it certainly looks as if this much at least were true (Rogers, 2018).

Law Number 7 Year 1981 is a positive law governing the obligation of employers to report on employment conditions in the company. It is in the form of *ipso jure* reports. It must have representativeness to the related truth dimension. For example, the need for manpower has to be planned for the implementation of future production activities. It is by not imposing the existing manpower to perform jobs that exceed the ability, power, and the spirituality of the employees.

The postulate or basic assumption of work opportunity and labor protection as a basis in this positive law that is based on the principle of truth and justice can remain relevant in applying for Law Number 1 Year 1981 on CCMR. If this is re-established to the dimension of philosophy in its reasoning pattern, the pragmatic interest as the answer to the questions raised on the CCMR implementation needs to be seen from an axiological aspect in the philosophical dimension through empirical thinking

of pragmatic interests.

The importance based on the aspect of truth and justice as a principle in the implementation of CCMR is simultaneously and periodically implemented. It aims to create a working relationship based on the common interests of each party involved (employers, workers, and governments). Therefore, the purpose of entrepreneurs in creating profitable business fields can be achieved. Moreover, the goal of an employee to get welfare can be realized.

The rights and obligations of parties that are bound on such legal relationships are essential to the government as regulators and inspectors in employment practices. Those are the utmost importance to create harmonious and dynamic industrial relations in accordance with Pancasila. The *ipso jure* principle and the *ipso facto* (fact truth) in making this positive law increasingly have philosophical validity of becoming basic assumptions in conducting axiological dimension. It is constrained in the following role, as shown in Figure 4.

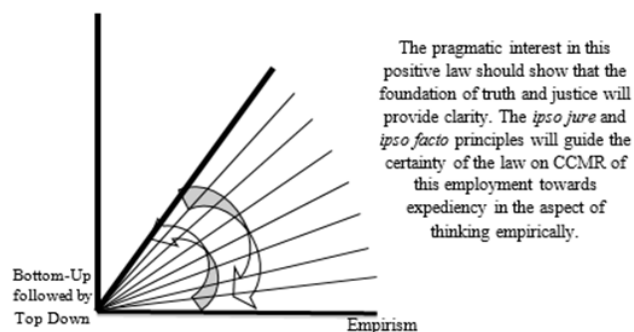


Figure 4 Axiological Dimension of CCMR

In Figure 4, the inductive logic has a role in this empirical way of thinking and makes human knowledge move not on an a priori basis. The use of the law into an empirical sense should be a constructive thinking pattern on CCMR. It must be implemented with arrows moving from the bottom-up side. This means that the certainty of the existence of the principle of work opportunity and labor protection should be seen pragmatically as a matter of interest. The positive law should be more representative of the axiological dimension so that the principle of truth and justice can be increasingly represented in a pragmatic interest to the responses of the parties who see the legal certainty (shown by a top-down arrow). This inductive reasoning can also be based and may be influenced by the historical aspect of the existence of positive law on CCMR. In principle, the historical value of a statute formation may be influenced by a custom which can be a material source for the legal norm (Shidarta, 2016).

The principle of work opportunity and labor protection is set in the law of CCMR in the meta-juridical study as regulated in Article 6 paragraph (2) of Law Number 7 Year 1981. It is to conduct a historical study as an object of study that has an epistemological dimension by looking for its historical links. It is connected to articles in the labor provisions through Act Number 13 Year 2003. Article 4 Chapter II about Principle, Basis, and Purpose in letters (b and c) have stated that “achieve equal distribution of employment and employment in accordance with national and regional development needs”. Furthermore, the letter (c) still the same article explains “providing protection to

the labor in realizing prosperity”.

Work opportunities and labor protection in this epistemological dimension have a goal that leads to an argument or conclusion in a product called a decision. This reasoning accentuation cannot rely only on logic, but it must be assisted by another discipline, which mainly comes from the language side (Shidarta, 2013).

Intuitionism in epistemological dimension needs to be put as an attempt in the object of historical study by looking at a dimension of justice or philosophy. It shows that the essence of the principle of work opportunity and labor protection in the language side brings a pragmatic understanding of the objectives of industrial relations in accordance with Pancasila.

The dimension of rationalism in the epistemological dimension should also be laid as a certainty of the positive law related to CCMR. In the application of these principles, it remains as guidance of its application rationally and proportionally, and it does not bring a higher party interest than other parties. It is only for the legal certainty that brings the ultimate truth and justice. Ultimately, the historical significance that links the object of the study in labor-related terms, in this epistemological dimension, leads to an aspect of empiricism. It is expected that an understanding of philosophical appropriateness in the formation of legislation should be supported by sociological enforcement apart from the existence of juridical effectiveness (Mertokusumo, 2007).

## CONCLUSIONS

Based on the analysis, the essential meaning of the principle of work opportunity and labor protection in the section of (a) of Law Number 7 Year 1981 concerning the CCMR can be initiated by a historical study in the context of seeing the work relationship formed from the action the law of the parties in giving and receiving work. This employment relationship further creates rights and obligations that simultaneously provide the realization of the implementation of work opportunity and labor protection as a manifestation of the reporting of all forms, situations, and conditions in a company. Then, it becomes the attention in labor inspection conducted by the government as the fulfillment of the welfare and harmonization of working relationships that lead to industrial relations that in accordance with Pancasila.

CCMR, in the dimension of the application of the principle of work opportunity and labor protection to pragmatic interests, has to make efforts on several aspects of the approach in normative legal research.

First, the conceptual approach, namely the legal concept of work opportunity is the possibility of employment as an object provided by the employer. Meanwhile, the legal concept of labor protection is a guarantee made by the employer to the employees in performing any activity in a company to realize comfort, security, and prosperity in the process of working relationship. The conceptual approach becomes interesting since the components of the abstract become integrated and can be absorbed by thinking in a new sense.

Second, the philosophical approach is based on the idea of idealism in legal reasoning. The principles used are work opportunity and labor protection, which will be relevant when the law remains seen as a function in providing truth and justice. It essentially explains the

nature of the application and implementation of positive laws related to CCMR in the context of the present and its sustainability. Thus, the philosophical validity of this concept is increasingly sustainable in the future. The pragmatic interest of the CCMR in the axiological dimension is to keep seeking the function of positive law pertaining to truth and justice as an *ipso jure* principle. Then, truth and justice as a principle can serve as a basis for the existence of pragmatic interests.

Third, it is statute approach by looking at Article 6 paragraph (2). Section of (c) and (d) of this regulation explains the relation to the principle or basis that is raised regarding work opportunity and labor protection. Juridical applicability of this provision needs to be reviewed in terms of its pragmatic importance so that these basics can make the philosophical validity of these laws maintained and accepted in terms of their sociological needs.

When the pattern of philosophical dimension is applied to the CCMR in the ontological dimension, it can explain an idealist meaning. The existence of a company needs to emphasize the existence of work opportunity and labor protection because the government gives function and role in legal protection. The *prima facie* principle (the obligation for every citizen to respect the law) becomes the ontological principle that law is truth and justice (ontological aspect in natural law). The interest in the aspect of truth and justice as a principle carried in the implementation of this CCMR is simultaneously and periodically implemented, aiming to establish working relationships based on equality of interests for each party involved (employers, workers, and government). Therefore, based on *ipso jure* and *ipso facto* principles in making this positive law, the existence of this CCMR will increasingly have philosophical validity.

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