




Population Growth: Challenges In The Fulfillment of The Right To Work

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Abstract

Introduction: Population growth has positive and negative impacts on a region. Batam city is a city with a fairly large population and Batam City must be able to fulfill its citizens' rights.

Purposes of the Research: This study aims to analyze the fulfillment of the right to work and identify ways to control the rate of population growth to meet the need for jobs.

Methods of the Research: The method used in this research is normative juridical. The study used is library research. The basis used in this study is the juridical basis which consists of the 1945 Constitution, Law Number 39 of 1999 concerning Human Rights and the theoretical basis used is the legal system theory of Lawrence Meir Friedman.

Results of the Research: Based on the results of the study, it was found that the population growth in the Batam city is increasing and the Batam city has an obligation to fulfill the right to work for its residents. Therefore, Batam City must make a population grand design which also contains strategic plans for managing human resources and strategies for preparing jobs for its residents.

1. INTRODUCTION

In the beginning, human rights were born out of the struggle against absolutism the state for the arbitrariness of the state against its citizens. Human rights are rights inherent in everyone.¹ Human Rights (HAM) in a manner history was born from the results of a long struggle to oppose the oppression of the authorities against people in the past. As it has been known, that at times absolute monarchy, gave birth to an arbitrary government arbitrary. The reigning ruler with absolute power is not uncommon experiencing humiliation and torture individual rights. Naturally each people have the same rights, which in brought it from birth and the equation can be seen when a person is born to world, at that time one has been given the right by the creator to cry, breathe, see, and so on.² Human Rights

¹ Fariz Wajdi and Imran, "Pelanggaran HAM Dan Tanggung Jawab Negara Terhadap Korban," *Jurnal Yudisial* 14, no. 2 (2021): 229-46, <https://doi.org/10.29123/jy.v14i2.445>.

² Franciscus Xaverius Wartoyo, "Peran Negara Menghadapi Problematika Hak Asasi Manusia (HAM) Dalam Lingkungan Hayati," *WASKITA: Jurnal Pendidikan Nilai Dan Pembangunan Karakter* 4, no. 1 (2020): 57-66, <https://doi.org/10.21776/ub.waskita.2020.004.01.5>.

Perspective considers that human born equal, equal and have freedom (free and equal).³ Humans and Human Rights (HAM) are inseparable. Since humans are born, humans already have their natural rights that are attached to them. Basically, humans are free creatures. As Jean Jaquas Rousseau's opinion is that humans will develop their potential and experience human values in an atmosphere of natural freedom. On the other hand, humans are social creatures. In their position as social being, this raises more complex human rights problems.⁴

Theoretically, human rights are rights that are inherent in human beings natural and fundamental as a gift from God that must be respected, guarded and protected. The essence of human rights itself is an effort to maintain safety existence humanity as a whole through the action of a balance between interests individuals with public interests. Likewise efforts to respect, protect and upholding human rights is a shared obligation and responsibility between individual. Government (government apparatus government (both civil and military) and the state.⁵ The essence and existence of human rights are born for the benefit of humans themselves. This means that every human being is expected to enjoy the human rights he/she has. Thus, humans are expected to become a complete person who in society does not easily dissolve or lose his/her personality or identity.⁶

Therefore, the issue of fulfilling human rights is homework for all countries in the world. The state and each individual have their own roles in the implementation of human rights. However, the role of the state is very central and important in the implementation of human rights. Referring to various human rights instruments, it is the state that has the obligation to ensure the fulfillment of human rights. The state has an obligation to ensure that human rights are respected, protected, promoted and fulfilled. In the context of Indonesia, the realization of a state of law (*rechtstaat*) is one of which is marked by the recognition and protection of human rights by the State. As Friedrich Julius Stahl stated that the term "*rechtsstaat*" includes four important elements, namely: 1) The existence of protection of human rights; 2) There is a division of power; 3) The existence of a government based on law; 4) The existence of a State Administrative Court (Mahfud, 1999).

State obligations regarding Human rights are internationally regulated in human rights law instruments international, among others, as in UDHR, ICCPR and those already mentioned previously, the Convention Against Torture (Convention Against Toture/CAT). As for the national level, obligations state regarding human rights is regulated in statutory regulations national, for example in the constitution and laws.⁷ Historically, the regulation of human rights by the Indonesian state has preceded the regulation of human rights by the United Nations (UN). The State of Indonesia regulates Human Rights in 1945 under the 1945 Constitution, while the United Nations regulates Human Rights in 1948 under the Universal

³ Tantimin and Elizabeth Sinakuban, "Perlindungan Hukum Terhadap Hak Tenaga Kerja Perempuan Terkait Ketidaksetaraan Gender Di Indonesia," *Nusantara: Jurnal Ilmu Pengetahuan Sosial* 8, no. 3 (2021): 395-406.

⁴ Sri Rahayu Wilujeng, "Hak Asasi Manusia: Tinjauan Dari Aspek Historis Dan Yuridis," *Humanika* 18, no. 2 (2013), <http://journal.um-surabaya.ac.id/index.php/JKM/article/view/2203>.

⁵ Susani Triwahyuningsih, "Perlindungan Dan Penegakan Hak Asasi Manusia (HAM) Di Indonesia," *Legal Standing : Jurnal Ilmu Hukum* 2, no. 2 (2018): 113, <https://doi.org/10.24269/ls.v2i2.1242>.

⁶ Eva Achjani Zulfa, "Menelaah Arti Hak Untuk Hidup Sebagai Hak Asasi Manusia," *Lex Journalica* 3, no. 11-23 (2005): 17975, <https://ejournal.esaunggul.ac.id/index.php/Lex/article/view/230>.

⁷ Mukmin Muhammad, "Hak Asasi Manusia Dalam Hukum Positif Dengan Konsep Constitutional Importance," *Meraja* 1, no. 2 (2018): 31-38.

Declaration of Human Rights (UDHR).⁸ The obligation to respect human rights screenings in the Preamble of The 1945 Constitution which animates all the inner chapters the torso, especially with regard to equality of citizens in the law and governance, the right to work and decent living, freedom of association and assembly, the right to express thoughts verbally and in writing, freedom embraced religion and to worship according to religion and that belief, the right to acquire education and teaching.⁹

As for the obligations and responsibilities state responsibility within the framework of the approach based on human rights approach) can be seen in three forms: first, respect is an obligation state not to interfere regulate its citizens when exercise their rights. In terms of this, the state has an obligation to do not take actions which will hinder compliance of all human rights. Second, Protecting is an obligation the state to act actively for citizens his country. Country is expected to take an active role in providing guarantees protection of human rights citizens and the state is obliged to take actions prevent infringement of all rights human rights by third parties. Fulfill is an obligation and state responsibility to act active so that the rights of its citizens fulfilled. The state is obliged to take steps legislative, administrative, legal, budget and other measures to realize it in full human rights.¹⁰

The issuance of Law Number 39 of 1999 concerning Human Rights is a manifestation of the government's seriousness in ensuring the fulfillment of human rights itself. Article 71 of the Law explicitly states that the government is the party who is obliged to protect and fulfill human rights in the sense of the rights of the citizens themselves. Article 71 reads: "The government is obliged and responsible for respecting, protecting, upholding and promoting human rights as regulated in this Law, other laws and regulations, and international law on human rights accepted by the Republic of Indonesia".

Based on this Law, it can be ascertained that the government is the party that has the obligation to fulfill these human rights. One of the rights possessed by humans is to obtain welfare through work. The right to work was then accommodated in Law Number 13 of 2003 concerning Manpower which was amended by Law Number 11 of 2020 concerning Job Creation. Article 5 of this Law stipulates that "every worker has the same opportunity without discrimination to get a job" and Article 6 of the Law states that "every worker/labor has the right to receive equal treatment without discrimination from employers".

The fulfillment of the right to work is the concern of all local governments, including the Batam City area. Batam City is one of the areas located in the Riau Islands Province. Batam City has a very strategic location because it is located along the international shipping lanes. Batam City is also known as an industrial city. Industrial development in Batam has been started since the 1980s. This occurred when the Chairman of the Batam Authority, BJ Habibie began to build and complete infrastructures in Batam to support the industrial and investment needs. In Batam, the peak of industrial development was during the period of 1990 to 1995. This was indicated by the extraordinary rapid mobility of the population. Within approximately 20 years there has been a population explosion reaching 3000%.¹¹ The

⁸ Bayu Dwiwiddy Jatmiko, "Menelisis Pengakuan Dan Perlindungan Hak-Hak Asasi Politik Pasca Perubahan UUD 1945," *Jurnal Panorama Hukum* 3, no. 2 (2019): 217-46.

⁹ Bambang Heri Supriyanto, "Penegakan Hukum Mengenai Hak Asasi Manusia (HAM) Menurut Hukum Positif Di Indonesia," *Al-Azhar Indonesia Seri Pranata Sosial* 2, no. 3 (2014): 151-68.

¹⁰ Andi Akhirah Khairunnisa, "Penerapan Prinsip-Prinsip Hak Asasi Manusia Dalam Pembentukan Produk Hukum Oleh Pemerintah Daerah," *Jurnal Manajemen Pemerintahan* 5, no. 1 (2018): 65-78, <https://ejournal-new.ipdn.ac.id/JMP/article/view/451>.

¹¹ BP Batam, "Industri Di Batam Dan Berkenalan Dengan Jenis-Jenisnya," 2021, <https://bpbatam.go.id/industri-di-batam-dan-berkenalan-dengan-jenis-jenisnya/>.

rate of population growth in Batam City has increased annually. The following is the growth rate of the population of Batam City for the 2010-2020 period:

Table 1.
Total Population and Population Growth Rate of Batam City in 2010, 2019, and 2020

Area	Percentage of Population in 2010	Percentage of Population in 2019	Percentage of Population in 2020	Population Growth Rate 2010-2020
Batam	954.450	1.376.009	1.376.009	2,32

Source: Central Statistics Agency (Badan Pusat Statistik/BPS), Riau Islands in the 2021 Figures

The growth or explosion of the population of Batam City also results in a big dilemma, namely the increasing number of unemployment. The unemployment rate in Batam, Riau Islands, in August 2021, increased by 3.48 percent compared to August 2020. This is presented by the data from the Batam City Central Statistics Agency (BPS). It is shown that in August 2021, the unemployment rate in Batam reached 11.79 percent, with a total of 87,903 people. The Head of the Batam City Manpower Service (Dinas Tenaga Kerja/Disnaker) Rudi Sakyakirti said this increase in numbers was apparently not only influenced by the Covid-19 pandemic which had been going on since March 2020.

The labor force is defined as the population of working age (15 years and above) who are employed, have a job but are temporarily unemployed, and are unemployed. According to Sadono Sukirno, unemployment is a condition where someone belonging to the labor force wants to get a job but has not been able to get it. Unemployment is a situation where people want to work but cannot find a job.¹² Population growth in Batam City renders a large homework for the Batam City government because one of the impacts of population growth is triggering an increase in the number of unemployed in Batam City.

Referring to the previous research, namely from an article entitled "Employment Policy in the Industrial Sector in Batam City". This research was carried out by researchers in the field of public policy at the center for the study of data and information processing of the Secretariat General of the DPR RI. Based on this previous research, it is stated that in industrial development related to labor supply, one of the policies is to involve local residents. This is important because they are part of the social and cultural factors that can play a greater role in supporting economic development cooperation. The involvement of local workers or workers from the local community means involving them in the process of economic or production activities. Lack of involvement of indigenous people or from local communities will increase the mobility of workers from outside.¹³ Based on the above explanations, there are 2 (two) objectives in this study, namely to analyze the fulfillment of the right to work for the people of Batam City and identify ways to control the rate of population growth to meet the need for jobs in Batam City.

2. METHOD

The legal research method used in this scientific paper is a type of normative juridical research because the research is carried out without having to conduct research directly in

¹² Riska Franita and Andes Fuady, "Analisa Pengangguran Di Indonesia," *Jurnal Ilmu Pengetahuan Sosial* 6, no. 1 (2019): 88-93.

¹³ Asep Ahmad Saefuloh, "Kebijakan Ketenagakerjaan Pada Sektor Industri Di Kota Batam," *Kajian* 16, no. 1 (2011): 189-217, <https://jurnal.dpr.go.id/index.php/kajian/article/view/522>.

the field. The case approach can describe the conditions that occur in the field through indirect observation to solve existing problems so that they are in accordance with the data and facts collected from valid data sources. In addition, this case approach is also carried out by analyzing and identifying by means of documentation to understand in depth a phenomenon that occurs along with its consequences and legal settlement.¹⁴

3. RESULTS AND DISCUSSION

3.1 The Fulfillment of The Right To Work For People of Batam City

Batam is one of the largest islands in the Riau Archipelago of Indonesia. The geographical location of Batam City is also very strategic because it is close to foreign countries namely, Malaysia and Singapore. Therefore, it boosts the development in the archipelago from all aspects of life, especially in the economic field. The government has developed Batam into the Batam Island Industrial Area Development Authority (*Otorita Pengembangan Daerah Industri Pulau Batam/OBDIPB*). This approach has been written in the brief history of Batam City is to make Batam an industrial and trade area, hence several national legal instruments were issued in accordance with the periodization of the Batam Authority Leadership/Development.¹⁵

Industrial Estate is an area where industrial activities are concentrated which is equipped with supporting facilities and infrastructures that are developed and managed by industrial estate companies. Industry, including agricultural-industry, is one sector that has an important role in the development of a region and increasing people's income. Economic development, among others, through industry in a country in the long term will bring about fundamental changes in the economic structure of the country and its people, namely a change from a traditional economy that focuses on the agricultural sector to a modern economy which is dominated by the industrial sector.¹⁶ Batam City as an industrial city, is certainly a destination for many workers to find work. According to Simanjuntak, labor is a group of people of working age, where they are able to work or carry out economic activities in producing goods and services to meet the needs of the community.

The geographical location of Batam City which is very close to several countries and the condition of the City being an industrial city has caused it becomes one of the destinations for workers. Consequently, Batam City is flooded with people from various regions in Indonesia to this City to find work. This ultimately causes the City experiences the highest population growth rate in Indonesia. There are various factors that cause mobility, namely: (1) the availability of employment opportunities, (2) the opportunity to earn higher incomes and (3) the economic level of the region of origin is lower.¹⁷ The following is data related to the number of people of aged 15 years and above who worked

¹⁴ Ayu Putri Rainah Petung Banjaransari, "Legal Protection for Indonesia Ship Crew Working on Foreign Ship," *Journal of Judicial Review* 24, no. 2 (2022): 261-72.

¹⁵ Desma Yulia, "Sejarah Perkembangan Suku Laut Di Tanjung Gundap Kelurahan Tembesi Kecamatan Sagulung Batam Tahun 1982-2012," *Jurnal HISTORIA* 1, no. 2 (2016): 139-52.

¹⁶ Andreas Rasu, Noortje Marsellanie Benu, and Elsie Pauline Manginsela, "Dampak Industri PT. Global Coconut Terhadap Masyarakat Di Desa Radey, Kecamatan Tenga, Kabupaten Minahasa Selatan," *Jurnal Agri-Sosio Ekonomi Unsrat* 13, no. 1 (2017): 99-112.

¹⁷ Hendro Ekwarso and Lapeti Sari, "Pelayanan Administrasi Kependudukan Sebagai Bentuk Pelayanan Pemerintahan Yang Berkualitas Di Provinsi Kepulauan Riau," *Jurnal Sosial Ekonomi Pembangunan* 3, no. 8 (2013): 189-205.

during the past week according to the main occupations and the highest education completed in Batam City in 2020:

Table 2. Number of population aged 15 years old according to the main job fields and highest education completed in Batam City in 2020

Main Job Fields	Elementary School	Junior High School	High School	College	Total
Agriculture	11.186	5.1693	4.108	0	20.463
Management Industry	18.010	32.158	163.1772	34.534	247.879
Service	33.048	44.049	213.497	98.706	389.300
Total number	62.244	81.376	380.782	133.240	657.642

Source: BPS, National Labor Force Survey, 2020

Table 3. Population aged 15 years old based on the main occupation status and gender in Batam City, 2020

Main Employment Status	Male	Female	Total
Independent Employees	80823	41956	122779
Employees assisted by non-permanent workers	11555	10632	22187
Employees assisted by permanent workers	19125	4245	23370
Employees	279812	160591	440403
Independent Workers in Agricultural Sector	0	0	0
Independent Workers in Non-agricultural Sector	13261	5684	18945
Family Workers	7302	22656	29985
Amount	411878	245764	657642

Source: BPS, National Labor Force Survey, 2020

In terms of improving the economy in Indonesia, the regulation on labor has also been revised by the Indonesian government, namely the Job Creation Law. This Job Creation Law was prepared by the Government to be used as a scheme in an effort to build the Indonesian economy so that it is able to attract investors to invest in Indonesia. The government views the need for this Law on Job Creation because of the high unemployment rate in Indonesia, which reaches 7 million people.¹⁸ Unemployment is one of the main employment problems faced by developing countries, including Indonesia. Unemployment is a very complex problem because it affects and is influenced by many factors that interact with each other following a pattern that is not always easy to understand.

¹⁸ Fajar Kurniawan and Wisnu Aryo Dewanto, "Problematika Pembentukan RUU Cipta Kerja Dengan Konsep Omnibus Law Pada Klaster Ketenagakerjaan Pasal 89 Angka 45 Tentang Pemberian Pesangon Kepada Pekerja Yang Di PHK," *Jurnal Panorama Hukum* 5, no. 1 (2020): 63–76.

Unemployment is one of the big problems that often occur in a country. The term unemployment refers to the government's inability to provide job vacancies for every resident within the reach of its government. The phenomenon of unemployment occurs as a result of the imbalance between the number of the workforce and the number of job opportunities (job vacancies). The phenomenon of unemployment only occurs when the number of the workforce in a country is much larger than the number of job opportunities or job vacancies in that country. As a result, some of the workforce are unable to work and are forced to be unemployed for a while or until new additional job vacancies are available that match their qualifications.¹⁹ One of the factors in the occurrence of unemployment is the large population of Indonesia, which creates a new workforce every year and has an impact on the unemployment rate.²⁰

Table 4.

Registered Job Seekers and Registered Job Vacancy in 2019-2020 in Batam City

Year Registered	Registered Job Seeker	Job Vacancy
2019	42.746	37.295
2020	39.487	33.090

Source: BPS, National Labor Force Survey, 2019-2020

Table 5.

Open Unemployment Rate (TPT) and Labor Force Participation Rate in 2018-2020 in Batam City

Year	Open Unemployment Rate (OUR)	Labor Force Participation Rate (LFPR)
2018	10,07	65,13
2019	8,31	66,46
2020	11,79	68,22

Source: BPS, National Labor Force Survey, 2020

Based on these data, it can be ascertained that the unemployment rate has increased. There was an increase (OUR) of 3.48 percent in August 2020 compared to OUR in August 2019. Then the Batam City workforce in August 2020 was 745,545 people. An increase of 52,427 people compared to the August 2019 workforce. The population working in Batam in August 2020 was 657,642 people. An increase of 22,126 people compared to the population who worked in August 2019. Meanwhile, the number of unemployed in 2019 was 57,602 people, an increase of 30,301 people compared to the number of unemployed in 2020. Based on the opinion of the Head of the Batam City Manpower Office (*Dinas Tenaga Kerja/Disnaker*), Rudi Sakyakirti said, every year the number of job seekers is still dominated from outside Batam City and workers who are victims of layoffs.

Companies sometimes set conditions that are difficult for job seekers to meet. These include height and age. Although job vacancies are limited, the number of job seekers is still high. This cannot be separated from the Batam City Minimum Wage factor which is

¹⁹ Lisa Marini and Novi Tri Putri, "Peluang Terjadinya Pengangguran Di Provinsi Bengkulu: Seberapa Besar?," *Convergence: The Journal of Economic Development* 1, no. 1 (2019): 70-83, <https://doi.org/10.33369/convergence-jep.v1i2.10900>.

²⁰ Dian Priastiwi and Herniwati Retno Handayani, "Analisis Pengaruh Jumlah Penduduk, Pendidikan, Upah Minimum Dan PDRB Terhadap Tingkat Pengangguran Terbuka Di Provinsi Jawa Tengah," *Diponegoro Journal of Economics* 1, no. 1 (2019): 159.

categorized as the highest wage in Indonesia. In terms of reducing competition, the Ministry of Manpower has even opened an internship opportunity to Japan. Batam is the only city that opens internships to Japan, while other areas are carried out by the provincial government. This is because Batam is an industrial city. The closing of the company made the number of job seekers certainly increase, but several companies also announced that they would open recruitment, both new and old companies.²¹

In addition, the Batam City Government issued Batam City Regional Regulation (Peraturan Daerah/PERDA) No. 4 of 2015 concerning Regional Development Based on Competitiveness Through Innovation and Competence. One of the agencies responsible for implementing PERDA No. 4 of 2015 is the Batam City Manpower Office. It is a regional work unit that carries out government affairs in the labor sector. This service has the task of improving Human Resource Development to produce workers who have certain competencies in accordance with the National Work Competency Standards which include technical competencies and managerial competencies. Even though it already has the regulations contained in PERDA No. 4 of 2015, the Batam City Government as the executor of the implementation of this PERDA, is still trapped in a rigid bureaucratic circle since there is still sectoral ego between agencies, there is no synergy and good work programs between agencies, as well as work programs that are not well integrated and do not complement and strengthen each other between agencies. Each agency is still concerned with their interests and they neglect the approaches on how to make Batam progress like other developed cities in Indonesia and the world.²² Every citizen has the right to work and a decent living as mandated in Article 27 paragraph 2 of the 1945 Constitution. In addition, this right to work is also explicitly regulated in Law Number 39 of 1999 concerning Human Rights, namely in article 38 which reads: “(1) every citizen, according to his talents, skills, and abilities, has the right to decent work; (2) everyone has the right to freely choose the job he likes and is entitled to fair employment conditions; (3) every person, both men and women who do the same, comparable, equal or similar work, is entitled to the same wages and terms of the employment agreement; (4) Everyone, both men and women, in carrying out work commensurate with their human dignity is entitled to a fair wage in accordance with their achievements and can ensure the survival of their family”.

Based on these regulations, the party who is obliged to fulfill the rights of citizens to work and earn a more decent living is the government as regulated in Article 71 of Law Number 39 of 1999 which states that the government is obliged and responsible for respecting, protecting, upholding and promote human rights as regulated in this law, other laws and regulations and international law on human rights accepted by the Republic of Indonesia. This job creation does not only involve the interests of the workforce, but is also the government's obligation by expanding job opportunities or job placements for job seekers. An explanation of the meaning of job placement in accordance with the Regulation of Ministry of Manpower and Transmigration (*Permenakertrans*) Number 07/Men/IV/2008 concerning Manpower Placement is a service process for job seekers to obtain jobs and employers in filling job vacancies according to their talents, interests, and abilities. Then, this right to work is also specifically regulated in the Job Creation Law. There are several

²¹ MC Kota Batam, “Ada 54.018 Pengangguran Di Kota Batam,” 2019, <https://infopublik.id/kategori/nusantara/358323/ada-54-018-pengangguran-di-kota-batam>.

²² Riko Riyanda and Atanasius Dula, “Peran Dinas Tenaga Kerja Kota Batam Terhadap Perencanaan Pembangunan Ketenagakerjaan Dalam Meningkatkan Kompetensi Tenaga Kerja Pada Era Masyarakat Ekonomi Asean (MEA),” *MENARA Ilmu* 14, no. 2 (2020): 83–93, <http://www.kemendag.go.id/pusdiklat/news>.

provisions that have been updated in the Employment Creation Act in the field of manpower. There are 9 (nine) provisions that have changed in the manpower sector, namely job training, placement of workers, the use of foreign workers (TKA), a certain time work agreement, outsourcing, working time, rest time, and leave, wages, layoffs, as well as criminal and administrative sanctions.

Legal System Theory according to Lawrence Meir Friedman states that the success or failure of law enforcement depends on 3 (three) factors, namely Legal Substances, Legal Structure/Legal Institutions and Legal Culture. The following is an elaboration of these three factors:²³ First, Legal substance. Substance also means the output produced by people who are in the legal system which includes the decisions they make, the new rules they make. In relation with the legal products that regulate the right to work, it can be found in the 1945 Constitution, the Law on Human Rights, the Law on Job Creation, Batam City Regional Regulation No. 4 of 2015 concerning Regional Development Based on Competitiveness Through Innovation and Competence. If it is referred to the 1945 Constitution and the Law on Human Rights, it is very clear that it is mandated that everyone has the right to a decent life as written in Article 27 of the 1945 Constitution and Article 38 of the Law on Human Rights. Both are explicitly regulated in the Law on Job Creation in the field of manpower. This law is relatively new because it was only enacted in 2020 with the aim of improving the Indonesian economy. However, in substance and/or material content in this law, there is conflict in the community so that it is based on the decision of the Constitutional Court.

Based on the decision of the Constitutional Court, it is stated that the establishment of Law Number 11 of 2020 concerning Job Creation is contrary to the 1945 Constitution and does not have conditionally binding legal force, as long as it is not interpreted as not being corrected within two years of this decision. As for its consideration, the Court considered that the merging method or the omnibus law in the Job Creation Law was not clear whether the method was the making of a new law or a revision. The Court also considered that, in its formation, the Job Creation Law did not adhere to the principle of openness to the public even though it had held several meetings with several parties. However, the meeting was considered not to have reached the stage of the substance of the law. Likewise, the draft Law on Job Creation was also considered by the Court to be not easily accessible to the public. Therefore, the Court stated that the Job Creation Act was unconstitutional as long as it was not amended within two years after the verdict was read. Then in terms of overcoming the unemployment rate and fulfilling the work rights of citizens of Batam City, Batam City issued Batam City Regional Regulation No. 4 of 2015 which is expected through this policy to produce a competent workforce quality. In substance, this regulation is good enough as a legal umbrella in producing competent workforce. However, it has not been well implemented as it is expected.

Second, Legal structure. The legal structure based on Law Number 8 of 1981 concerning Criminal Procedures includes: Police, Prosecutor's Office, Court and Correctional Institution. The authority of law enforcement agencies is guaranteed by law, therefore in carrying out their duties and responsibilities are not influenced by the government power and other influences. What is meant by the legal structure in this research issue is the Batam City Manpower Office since its service has the task of improving Human Resource Development to produce competent workforce. In overcoming the

²³ Slamet Tri Wahyudi, "Problematika Penerapan Pidana Mati Dalam Konteks Penegakan Hukum Di Indonesia," *Jurnal Hukum Dan Peradilan* 1, no. 2 (2012): 207, <https://doi.org/10.25216/jhp.1.2.2012.207-234>.

unemployment rate and fulfilling the work rights of Batam City residents, the efforts that have been made by the regional government and the Batam City Manpower Service are: 1) the establishment of PERDA No. 4 of 2015 which aims to improve the competence of the workforce. However, this PERDA cannot be implemented properly because there is no good synergy between agencies, as well as work programs that have not been well integrated and do not complement and strengthen each other between agencies. 2) open an internship opportunity to Japan. However, this program is also hampered if the implementation of PERDA No. 4 of 2015 in producing a competent workforce cannot be implemented properly because internship opportunities in Japan are only open to workers who have good competence and can compete internationally. Third, Legal culture. Human attitudes towards the law and the legal system- their beliefs, values, thoughts, and expectations. Legal culture is the atmosphere of social thought and social forces that determine how the law is used, avoided, or abused. Based on the legal culture in this research issue, it can be seen that it has become a culture for citizens in Indonesia to seek work in Batam City because the minimum wage level in Batam City is high in Indonesia. This eventually becomes a challenge for Batam City in providing jobs. However, the fulfillment of this right to work should be prioritized for people who resides in Batam City.

3.2 The Methods Of Controlling The Rate Of Population Growth As The Efforts To Fulfill The Right To Work For People Of Batam City

Population growth have become an important issue for the government and population experts in Indonesia. Indonesia is one of the most populous countries in the world after the People's Republic of China, India and the United States. Batam is one of the cities experiencing a significant population growth. The Population Growth Rate (PGT) of Batam City reached 2.32 due to the condition of the City of Batam which has become an industrial city so that it becomes a destination for many people from all over Indonesia to work. The population explosion is certainly a big homework for Batam City because there are various impacts that arise from it. One of them is an increase in the number of unemployed due to the lack of available job opportunities in accommodating the number of people looking for work in Batam City. In response to this, the government issued a policy for each region of Indonesia in compiling the Grand Design for Population Development (GDPK) which contains policy directions as outlined in the five-year program of population development in Indonesia with the aim of realizing population development targets. The formation of GDPK in all regions of Indonesia has been mandated in Presidential Regulation Number 153 of 2014 concerning the Grand Design of Population Development. Through this Regulation, each region is asked to control the population dynamics in its area.

The purpose of implementing GDPK is to create a high quality of population so that it can become an important factor in achieving national progress. Specifically, the objectives of GDPK are: a. population grows in balance; b. Indonesian people who are physically and mentally healthy, intelligent, independent, faithful, pious, have noble character, and have a high work ethic; c. Indonesian families who are resilient, prosperous, healthy, advanced, independent, and harmonious; d. balance the distribution of the population in harmony with the carrying capacity of nature and the carrying capacity of the environment; and e. Population administration that is orderly, accurate, and trustworthy. The implementation of the GDPK is the responsibility of the Central and Regional Governments in a coordinated, integrated, and integrated manner in one unit in accordance with the provisions of laws and regulations by involving the role of the community. To implement the GDPK, each Regency/City has its duties as regulated in article 29 of the Presidential Regulation, namely:

“(1) coordinating and synchronizing the formulation of policies and programs, implementation, and supervision of the implementation of GDPK in the regency/city area. (2) In coordinating and synchronizing the preparation of GDPK policies and programs in regencies/municipalities as referred to in paragraph (1), the Regency/Municipal GDPK Implementation Coordination Team pays attention to national and provincial GDPK implementation policies and programs as well as the directions of the Provincial GDPK Implementation Coordination Team”.

Another macro problem that needs to be considered in Batam City is the relatively high unemployment rate compared to the Riau Islands Province and the national average. Further exacerbated by the impact of the Covid-19 Pandemic, Batam City's Open Unemployment Rate (OUR) in 2020 reached 11.79%, a very high number compared to the national OUR of 7.07%. As an industrial center, this needs to be given more attention considering that the industry is expected to increase the absorption of labor in the region. When OUR is lower, it means the population is working / economically productive, hence it provides a higher economic welfare of community.

The development of the ratio of higher education graduates during the 2016-2020 period showed increasing results. In 2016, the ratio of workers who graduated from tertiary institutions in Batam City reached 17.78 and increased to 18.06 in 2017. This means that there were 79,449 workers who graduated from universities in 2017. In 2018 there was a significant increase in the labor ratio who graduated from college, in 2018 the number of workers with qualifications to graduate from college was 117,635 people. In 2019 it increased to 123,989 people and in 2020 and it also increased to 133,238 graduates. Thus, the ratio of college graduates will be 20.26 in 2020.

Table 6.
The Quality of Workforce in Batam City during 2016-2020

Indicator	Unit	2016	2017	2018	2019	2020
Number of Working Population	Person	447.044	558.154	550.813	635.516	657.642
Number of College Graduates	Person	79.499	100.825	117.653	123.989	133.238
College Graduate Ratio	Percent	17,78	18,06	21,36	19,51	20,26

Source: BPS Batam City, 2020

The dependency ratio is the ratio between the total population aged 0-14 years, plus the population 65 years and above (both referred to as non-labor force) compared to the total population aged 15-64 years (labor force). The dependency ratio can be used as an indicator that can roughly show the economic condition of a country whether it is classified as a developed country or a developing country. Dependency ratio is one of the important demographic indicators. The higher the percentage of the dependency ratio indicates the higher the burden that must be borne by the productive population to finance the lives of the unproductive and unproductive population. Meanwhile, the lower percentage of dependency ratio indicates the lower the burden borne by the productive population to finance the unproductive and unproductive population.

Table 7.
Total Population of Productive and Unproductive Age

Indicator	Unit	2016	2017	2018	2019	2020
Total population of unproductive age (age <15 years and age>64 years)	Person	395.742	409.144	421.083	431.568	355.169
Number of Productive Age Population (aged 15-64 years)	Person	840.657	874.052	908.690	944.441	841.227
Dependency Ratio	Percent	47,08	46,81	46,34	45,70	42,22

Source: BPS Batam City, 2020

In general, the dependency ratio in Batam City shows a good performance with a declining trend. In 2016, the dependency ratio was 47.08 and had decreased to 46.81 in 2017. From 2018 to 2020 the dependency ratio experienced a significant decline, namely to 42.22 in 2020. In general, the total workforce in Batam City experienced an increase from 2016 to 2020 despite a decrease in the number of the workforce from 605,518 people in 2017 to 745,545 in 2020. This decrease in the number of the workforce was due to a fairly large decrease in the number of female workforce from 230,365 people in Batam in 2017 to 208,547 people in 2018. In 2019, the number of the workforce has increased to 643,381 people consisting of 424,355 male and 219,026 female. In 2020 the number of the workforce also experienced an increase, both male and female, where the male workforce was 469,758 people and the female workforce was 275,787 people.

Labor Force Participation Rate (LFPR) is the percentage of the population aged 15 years and above who are in the workforce. This indicator indicates the large percentage of the working age population who are economically active in an area. The higher the LFPR indicates that the higher the supply of labor (labor supply) available to produce goods and services in an economy. While the Open Unemployment Rate (OUR) is the percentage of the number of unemployed to the total workforce. The OUR indicates the percentage of the labor force that is included in unemployment. A high OUR indicates that there are many workers who are not absorbed in the labor market. The unemployment rate is a multi-dimensional phenomenon, especially an economic phenomenon as well as a social phenomenon. The impact of the unemployment rate will be very large on people's lives. It is hoped that with the increasing economic growth of Batam City every year in the future, it can simultaneously expand job opportunities, which in turn can minimize the existing unemployment rate. Economic growth and high income of Batam City need to be strived for in order to be able to create changes and improvements in society, such as reducing poverty, unemployment, creating job opportunities, and reducing other difficulties in society.

Batam City is one of the cities that does not yet have GDPK, yet it is still faced with problems related to employment. There are several problems that exist, namely: 1. The

results of coordination with cross-sectoral industrial area leaders have not been optimal on issues of placement and competencies that have been trained by conducting collaborations/MoUs; 2. Not optimal monitoring and evaluation of companies in order to collect the Company's Manpower Utilization Plan (CMUP); 3. Extra efforts are needed to urge the Private Employment Placement Agency (PEPA) to keep maximizing Local Worker Placement (LWP); 4. Weak HR competencies; 5. The Manpower Office has not played a role in providing recommendations related to employment contracts with foreign workers; 6. The absence of functional workers who introduce work and improve the quality of job seekers through training, apprenticeship and certification.

Based on this phenomenon, it is time for Batam City to issue the GDPK as mandated in the Presidential Regulation No. 153 of 2014. As an effort to suppress the rate of population growth, the preparation of GDPK must refer to 5 (five) pillars consisting of controlling population quantity, increasing population quality, structuring the distribution and direction of population mobility, quality family development, structuring population data and information and population administration. In relation to employment problems, Batam City must specifically develop a strategic plan in solving employment problems that arise as a result of the rate of population growth. The strategic plans that can be carried out by the Batam City government in dealing with the problems are: 1) It is necessary to coordinate with cross-sectoral industrial area leaders regarding placement issues and competencies that have been trained in collaboration/MoU; 2) Monitoring and evaluation of the company is needed in order to compile the Company's Manpower Utilization Plan (CMUP). In this context it is necessary to think about creative and innovative efforts to carry out efficient Monitoring and Evaluation with minimal budget, but the objectives of Monitoring and Evaluation can be achieved; 3) Calling on the Private Employment Placement Agency (PEPA) to keep maximizing the Local Worker Placement (LWP); 4) Improving HR competencies; 5) It is necessary to participate in the Manpower Office in providing recommendations related to employment contracts with foreign workers; 6) Opening the widest possible employment opportunities by providing investment facilities, increasing entrepreneurship, training local workers so that they can compete with foreign workers; 7) Organizing job introduction functional staff and improve the quality of job seekers through training, apprenticeship and certification.

4. CONCLUSION

Having a job (working) is one of the rights of every citizen as mandated in the 1945 Constitution. In fulfilling the rights, the central and local governments have the responsibility to fulfill them. The fulfillment of the right to work is constrained by various factors, one of which is the rapid rate of population growth which in turn leads to an increased unemployment. Batam City is a city that experiences the highest population growth rate in the Riau Islands Province so that its unemployment rate also increases. In order to fulfill the rights to work in Batam City, there are several obstacles exist, namely the legal structure factor since the Batam City Manpower Office has not carried out a work program that is optimal in suppressing the unemployment rate as well as legal cultural factor due to the mobilization of people from outside the City of Batam who always looking for work in this City. This is a factor in increasing unemployment in Batam City because the number of job seekers with the availability of job opportunities is not balanced. The rate of population growth in Batam City constitutes a huge task since it is one of the strategies in solving employment problems in the City. The solution in suppressing the rate of population growth is that the City of Batam must prepare its GDPK which adheres to the 5

pillars of population and develop strategies in dealing with problems in the workforce, namely by coordinating with cross-sectoral industrial area leaders, monitoring and evaluating companies, appealing to the Placement Agency Private Workers (PEPA) to continue to maximize Local Worker Interactions (LWI), improving HR competencies, requiring the participation of the Manpower Office, providing easy investment, increasing entrepreneurship, training local workers to compete with foreign workers, and improving the quality of job seekers through training, apprenticeship and certification.

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