

THE FUNCTION OF THE INDONESIAN NATIONAL POLICE'S (POLRI) LABOUR DESK AS AN ASSISTANT TO CIVIL SERVANT INVESTIGATORS (PPNS) IN PUBLIC LAW ENFORCEMENT IN THE EMPLOYMENT SECTOR

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Abstract

Indonesia's national development prioritizes employment as a crucial aspect in achieving the welfare of its people. Labour law in Indonesia has a dual character, namely as a civil relationship and public law. The state plays an active role in protecting workers' rights through imperative regulations and consistent law enforcement. Despite ongoing updates to labour regulations, enforcement still faces challenges, including complex bureaucracy, limited numbers and distribution of labour inspectors, and low legal literacy among workers. Data shows an increase in the labour force and unemployment, necessitating more effective state regulation and oversight of labour matters. This study uses a normative legal method with a systematic analysis of written legal norms, such as the Labour Law, to examine the consistency and synchronisation of legal norms in public labour law enforcement and to identify fair legal principles as the basis for the formation of national norms. The results of the study show significant obstacles in public law enforcement, particularly related to the authority and effectiveness of Civil Servant Investigators (PPNS) for Labour. The main obstacles include institutional weaknesses, institutional subordination, limited investigative authority, and a lack of competence and human resources. The limited number of labour inspectors and their uneven distribution exacerbate the effectiveness of supervision. The role of the Indonesian National Police (Polri) is important in investigating labour crimes, supported by the establishment of a Labour Desk as a special unit. However, this Desk requires a clear legal basis to have legal standing. Synergy among institutions and enhanced capacity of law enforcement officials are essential to ensure effective protection of workers' rights and social justice. Strengthening the Polri Labour Desk and improving the ratio and distribution of inspectors by international standards are also crucial for fostering harmonious industrial relations for the welfare of society.

Keywords: *Public Employment Law; Civil Investigators; Investigators of the Indonesian National Police; Labour Desk of the Indonesian National Police*

1. INTRODUCTION

In Indonesia, the government and various related parties are committed to implementing national development programs. This development is carried out comprehensively for the welfare of all Indonesian people, with the aim of realizing a prosperous, just, peaceful, and safe society and state based on the foundations of Pancasila and the 1945 Constitution of the Republic of Indonesia. Several key factors play a role in supporting and facilitating the achievement of national development objectives. One of these important factors is the field of work. Labour plays a vital role and position, both as an actor and as an objective of development itself.

Law has become an integral part of the National Development System framework. Comprehensive legal planning is required to formulate appropriate regulations. One of the main foundations of sound planning is a deep understanding of the characteristics of the objects to be regulated. The history of labour law in Indonesia began with a dark period, namely during the era of slavery, forced labour (*rodi*), and penalties of a peonile nature.¹

In essence, labour law is civil in nature because it regulates legal relations between subjects, namely, workers and employers. These legal relationships originate from an employment contract agreed upon by both parties, thereby giving rise to an employment relationship. This employment contract is automatically subject to the provisions of Book III of the Civil Code of Contracts and Agreements. However, in addition to being civil in nature, labour law also contains aspects of public law.² This public character arises because labour law not only regulates relationships between individuals but also involves the role of the state in overseeing relationships between the government, workers, and employers. State intervention in labour relations is legally justified, particularly because the Labour Law contains provisions for criminal sanctions against rule violators. This imperative nature indicates that labour law is not entirely left to market mechanisms or private agreements but requires regulation by public authorities.

The main objective of government intervention is to guarantee legal protection for workers, particularly by ensuring the fulfilment of their normative rights. In this context, the state acts as both a mediator and a guarantor of justice, given that workers are generally in a weaker bargaining position than employers. To achieve this objective, the government has established various mandatory labour regulations (*dwingendrecht*), such as provisions for minimum wages, working hours, occupational safety and health (OSH), and social security. These regulations serve as binding laws for all parties involved in employment relationships, including workers, trade unions, and employers.

Legally, the public legal basis for the labour law can be seen in several key regulations. Article 27(2) of the 1945 Constitution of the Republic of Indonesia stipulates that every citizen has the right to work and live decently standard of living. This principle is further reinforced by Law Number 13 of 2003 on Labour, which not only regulates the rights and obligations of workers and employers but also grants the state the authority to conduct oversight, enforce the law, and impose sanctions for violations in the field of labour relations.³ In addition, Law Number 39 of 1999 on Human Rights emphasizes the protection of workers' rights as part of the human rights that the state must guarantee.

The dominance of public law in labour relations is increasingly evident as the dynamics of industrial relations have become more complex in the modern era. Although labour relations were initially viewed as a private matter between workers and employers, the reality is that the imbalance between the two parties necessitates state intervention. An imbalance in economic power and bargaining strength leaves workers vulnerable to unfair treatment. Therefore, the state does not merely act as a regulator but also as a protector of

¹ Lalu Husni, *Pengantar Hukum Ketenagakerjaan Indonesia* (Jakarta: Rajawali Pers, 2012).

² Manotar Tampubolon et al., *Hukum Ketenagakerjaan* (Padang: PT Global Eksekutif Teknologi, 2023).

³ Subijanto, "Peran Negara dalam Hubungan Tenaga Kerja di Indonesia," *Jurnal Pendidikan dan Kebudayaan* 17, no. 6 (2011), <https://doi.org/10.24832/jpnk.v17i6.61>.

the weaker group, namely, workers. In this context, the state serves as a tool of social control tasked with ensuring that all parties adhere to labour laws. Public law is crucial for preventing exploitative practices that harm workers while maintaining social and economic stability. Through administrative, criminal, and civil sanctions, the state asserts its position to address violations of labour rights that threaten public interest. This approach demonstrates that labour law no longer merely regulates employment contracts but also serves as a social protection instrument reflecting the principles of justice and welfare.⁴ For example, when there are violations of minimum wage provisions, workplace safety standards, or discriminatory actions at the workplace, the state has the authority to take legal action. Enforcement can be carried out through administrative sanctions, such as warnings, revocation of permits, or fines, as well as through criminal proceedings if the violation is serious and has a widespread impact. This state authority demonstrates that the protection of workers' basic rights is not merely a private matter between workers and employers but is part of a public responsibility that must be upheld for the common good.

The latest employment statistics reinforce the urgency of the state's role in public law. According to data from the Central Statistics Agency (*Badan Pusat Statistik/BPS*), the number of workers in Indonesia in February 2025 reached 153.05 million, an increase of 3.67 million compared to the previous year⁵. However, not all workers were absorbed into the labour market; the number of open unemployed individuals was recorded at 7.28 million, an increase of 83,000 (1.11%) compared to February 2024. The Open Unemployment Rate (OUR) for that period stood at 4.76%.⁶ The increase in the number of unemployed, particularly among young people under 24 years of age, indicates significant challenges in labour absorption and the protection of workers' rights amid the ongoing dynamics of a changing economy.

In this context, the state must be present to ensure that workers' rights are not neglected amid increasingly fierce competition in the labour market. The state is also responsible for regulating minimum wage standards, social security, occupational safety and health protection, and the resolution of industrial disputes through the Industrial Relations Court mechanism.⁷ The role of the state has been further strengthened by labour law reforms, such as the revision of the Labour Law in 2020 through the Omnibus Law (Law Number 11 of 2020 on Job Creation), which aims to align regulations with economic developments and business needs while still prioritizing worker protection.⁸

The enforcement of labour laws in Indonesia is a crucial element in ensuring the protection of workers' rights while creating harmonious and fair industrial relations. However, in practice, the process of enforcing public law in the field of labour often faces

⁴ (RN Ilham and ARY Pratama: 2024)

⁵ Shofi Ayudiana, "BPS: Angka Pengangguran di Indonesia Naik 83 Ribu pada Februari 2025," *ANTARA News*, May 5, 2025, <https://www.antaranews.com/berita/4813617/bps-angka-pengangguran-di-indonesia-naik-83-ribu-pada-februari-2025>.

⁶ Badan Pusat Statistik, "Keadaan Ketenagakerjaan Indonesia Februari 2025," *Berita Resmi Statistik*, no. 44/05/Th. XXVIII, May 5, 2025.

⁷ Djoko Heroe Soewono, "Analisis Hukum Ketenagakerjaan di Indonesia," *Jurnal Inspirasi* 1, no. 2 (2007).

⁸ San Mikael Sinambela et al., "Perkembangan dan Dinamika Hukum Ketenagakerjaan di Indonesia," *Hakim: Jurnal Ilmu Hukum dan Sosial* 2, no. 1 (February 2024), <https://doi.org/10.51903/hakim.v2i1.1539>.

lengthy and complex bureaucratic obstacles. Workers' complaints about the length of the labour dispute resolution process have become common, negatively impacting public trust in the labour law system. The process of resolving industrial relations disputes, which involves lengthy stages such as mediation, conciliation, arbitration, and industrial relations court proceedings, often fails to provide swift solutions, particularly for workers in urgent need of protection of their fundamental rights, such as wages and unlawful termination of employment.⁹ The limited number of labour inspectors in Indonesia is one of the main factors undermining the effectiveness of law enforcement in the labour field. This situation is exacerbated by the low effectiveness of administrative and criminal sanctions against labour violations in the country. Research indicates that the shortage of both the quantity and quality of labour inspectors and Civil Servant Investigators (*Penyidik Pegawai Negeri Sipil /PPNS*) hinders the investigation process of labour-related criminal offences, including limitations in facilities, infrastructure, and budgets.¹⁰

This is in line with the findings of the International Labour Organization (ILO), which states that the labour inspection system in Indonesia still faces serious challenges, particularly in terms of law enforcement and the scope of supervision.¹¹ Furthermore, academic research indicates that low levels of legal literacy among workers and limited access to legal assistance weaken their bargaining position when facing disputes with employers.¹² Therefore, comprehensive reforms are needed, not only in terms of regulations but also in strengthening institutional capacity and inter-agency coordination to ensure that the labour law enforcement system operates effectively and equitably.

Slow legal processes and high costs are also significant challenges. Many labour law violations take a long time to resolve, eroding public confidence in the judicial system. However, inconsistent monitoring and enforcement, coupled with overly lenient penalties in regulations, weaken the deterrent effect on violators. In practice, some cases result only in administrative sanctions or compensation rather than stringent criminal penalties.¹³

2. RESEARCH METHODS

This research was conducted using a methodological approach based on normative legal research methods, which is an approach that focuses on the study of written legal norms as the main object of analysis. This approach is rational-theoretical in nature because its analysis is based on systematic and deductive logical reasoning, starting from general legal principles to examine their application in existing legislation. In line with Soerjono Soekanto's opinion, the normative method aims to examine law as a structured system of norms, with an emphasis on vertical and horizontal synchronization between legal norms, as

⁹ S. M. Tjandra, *Hukum Ketenagakerjaan Indonesia*, rev. ed. (Jakarta: Sinar Grafika, 2020).

¹⁰ Zaifi Surya Gemilang Aria Zurnetti, and Khairani, "Penyidikan Tindak Pidana di Bidang Ketenagakerjaan oleh Penyidik Pegawai Negeri Sipil (PPNS) Dinas Tenaga Kerja dan Transmigrasi Provinsi Sumatera Barat," *UNES Law Review* 6, no. 1 (September 2023), <https://doi.org/10.31933/unesrev.v6i1.1006>.

¹¹ International Labour Organization, *Labour Inspection and the Enforcement of Labour Laws in Indonesia* (Geneva: International Labour Organization, 2021).

¹² Asri Wijayanti, *Hukum Ketenagakerjaan Pasca Reformasi* (Jakarta: Sinar Grafika, 2009).

¹³ SPN News, "Tantangan Penegakkan Hukum Ketenagakerjaan di Indonesia," July 3, 2023, <https://spn.or.id/tantangan-penegakkan-hukum-ketenagakerjaan-di-indonesia/>.

well as linking legal theory with the principles that apply in the Indonesian national legal system.¹⁴

This research relies on secondary data divided into three categories. First, primary legal materials covering written legal provisions, such as the 1945 Constitution of the Republic of Indonesia, Law Number 13 of 2003 on Labour as amended by Law Number 6 of 2023 on the Enactment of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation, the Law on the Indonesian National Police in conjunction with the Regulation of the Chief of the Indonesian National Police, as well as various other implementing regulations related to law enforcement in the field of labour. Second, secondary legal materials consist of legal literature, such as textbooks, scientific journals, academic papers, and discussions on draft laws that explain and interpret the meaning of primary legal materials.¹⁵ Third, tertiary legal materials serve as supporting materials, such as legal dictionaries and encyclopedias, which provide additional guidance and understanding of primary and secondary legal materials.¹⁶

In this normative approach, research is directed towards producing an in-depth analysis of applicable positive legal norms, as well as assessing the logical and systematic consistency of the legal framework governing public law enforcement in the labour sector. This approach is relevant for developing a legal analysis that is not only descriptive but also argumentative and evaluative, as emphasized by Peter Mahmud Marzuki, who states that normative legal research aims to identify the principles, doctrines, and legal concepts that form the basis for the creation of rational and fair legal norms.¹⁷

3. ANALYSIS AND DISCUSSION

3.1. Public Law Aspects of the Employment Sector

Employment regulations in Indonesia not only reflect civil relations between workers and employers but also contain a strong public law dimension. This public dimension arises because labour norms directly concern the protection of workers' rights, social balance, and state intervention in ensuring social welfare and justice.¹⁸ In this context, labour norms are not merely contractual agreements between two equal parties but rather a form of state intervention to protect vulnerable groups, namely workers, from the dominance of employers who are in a stronger economic position.

These public law aspects are reflected in various provisions of the 1945 Constitution of the Republic of Indonesia, particularly Article 27(2), which states that 'Every citizen has the right to work and to a decent standard of living for humanity,' as well as Article 28D paragraph (2), which guarantees that 'Everyone has the right to work and to receive fair and decent compensation and treatment in employment relations.' These two articles provide a constitutional basis for the state to actively engage in and regulate employment relations as part of human rights protection and social justice

¹⁴ Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: UI Press, 2007).

¹⁵ Sudikno Mertokusumo, *Penemuan Hukum: Sebuah Pengantar* (Yogyakarta: Liberty, 2010).

¹⁶ Johnny Ibrahim, *Teori dan Metodologi Penelitian Hukum Normatif* (Malang: Bayumedia, 2007).

¹⁷ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2017).

¹⁸ Lalu Husni, *Pengantar Hukum Ketenagakerjaan Indonesia* (Jakarta: RajaGrafindo Persada, 2019).

enforcement. This reflects the model of a welfare state, as developed in the theory of the rule of law by Friedrich Julius Stahl and further developed by Otto Mayer.¹⁹

The existence of labour law norms as part of public law is also reflected in regulations that are binding and cannot be deviated from, even by an agreement between the parties. For example, the provisions regarding minimum wages in Article 90(1) of Law Number 13 of 2003 on Labour, as amended by Article 88E of Law Number 6 of 2023 on the Enactment of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation into Law, which states that employers are prohibited from paying wages lower than the minimum wage. Violations of this provision not only have civil law implications but also criminal penalties, as stipulated in Article 185 of Law Number 13 of 2003, as last amended by Law Number 6 of 2023 on Job Creation, particularly the Labour Cluster. This underscores the presence of mandatory norms (*dwingend recht*) in labour law, whose primary purpose is to protect the public interest, not merely individual ones.

The state's involvement is also evident in supervision and law enforcement. Articles 176–178 of Law Number 13 of 2003 on Labour regulate the role of labour inspectors, who function as instruments of the state to ensure the implementation of labour standards. These inspectors are part of the Civil Servant Investigating Officers (PPNS) who have the authority to investigate violations of labour laws, so that the state not only functions as a regulator but also as a supervisor and enforcer of the law, a characteristic of public law that is not found in pure private law.

In modern legal theory, this approach reflects the 'responsive law' model as proposed by Philippe Nonet and Philip Selznick, namely, law that is not based solely on procedural formalities, but rather a law that is open to substantive values of justice and social needs.²⁰ In the Indonesian context, this responsive approach is evident in labour regulations that provide greater protection for certain groups, such as female workers, child workers, and persons with disabilities. Such protection is provided in the form of prohibitions on night work for pregnant women, special supervision of child labour, and regulations on incentives and obligations for employers to hire workers with disabilities. Labour standards as public law can also be found in the mechanisms for resolving industrial relations disputes, as regulated in Law Number 2 of 2004 on Industrial Relations Disputes. In this law, the state is present through the role of the Labour Department, mediators, conciliators, and the Industrial Relations Court. Dispute resolution is not left to be resolved privately through negotiation or arbitration alone but is placed within the public legal framework involving state authorities.

Labour standards as public law can also be found in the industrial relations dispute resolution mechanism regulated by Law Number 2 of 2004 on Industrial Relations Disputes. In this law, the state is represented by the Manpower Office, mediators, conciliators, and the Industrial Relations Court, which is the highest court in the country.

¹⁹ Jimly Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara* (Jakarta: Konstitusi Press, 2006).

²⁰ Agam Ibnu Asa, Misnal Munir, and Rr. Siti Murti Ningsih, "Nonet and Selznick's Responsive Law Concept in a Historical Philosophy Perspective," *Crepido* 3, no. 2 (November 2021), <https://doi.org/10.14710/crepido.3.2.96-109>.

Dispute resolution is not left to be resolved privately through negotiation or arbitration alone but is placed within the public legal framework involving state authorities aimed at maintaining social stability and preventing the escalation of conflicts between workers and employers that could impact public order.

3.2. Process and Functions of Employment Supervision

Labour supervision is one of the fundamental pillars of Indonesia's labour law system, which aims to ensure that workers' basic rights are fulfilled, and harmonious and fair industrial relations are established. In this context, labour inspection serves not only as a law enforcement tool but also as a preventive and educational mechanism that supports the creation of good labour governance in accordance with the principles of good governance.²¹ The state's role in labour inspection is vital, given the increasingly complex dynamics of industrial relations due to changes in industrial structure, demands for labour flexibility, and significant growth in the informal sector.²² Therefore, the state's presence through labour inspection agencies serves as an extension of the protection of workers' rights, such as wages, working hours, occupational safety, and health (OSH), and social security.²³

Normatively, labour supervision in Indonesia is regulated by the Regulation of the Minister of Labour of the Republic of Indonesia Number 33 of 2016 on Procedures for Labour Supervision, which was subsequently updated through Minister of Labour Regulation Number 1 of 2020 on Amendments to Minister of Labour Regulation Number 33 of 2016 on Procedures for Labour Inspection. In this regulation, the labour inspection process consists of four main pillars: guidance, inspection, testing, and investigation.²⁴ Guidance is a preventive and educational measure aimed at improving employers' and workers' understanding of labour norms through socialization, counselling, and technical assistance in the formulation of company regulations and collective labour agreements. Inspections are conducted to assess the level of compliance of companies with applicable legal provisions, while testing ensures that occupational safety and health standards have been optimally implemented. If there is a suspicion of criminal labour violations, an investigation is carried out in the form of firm and accountable law enforcement.

The function of labour supervision is not limited to enforcing violations but also plays a role in promoting social justice and protecting human rights in the workplace. In practice, labour inspection is carried out by labour inspectors, who are specialized technical officials appointed by the Minister of Labour in accordance with Article 1, paragraph 10 and 11 of the Minister of Labour of the Republic of Indonesia Regulation

²¹ Hyronimus Buyanaya, "Pengawasan Ketenagakerjaan dan Prinsip Good Governance," *Jurnal Proyuris* 2, no. 1 (April 2020), <https://ejurnal.undana.ac.id/index.php/JP/article/view/3514>.

²² Evi Lorita Nova and Harius Eko Saputra, "Analisis Pengawasan Ketenagakerjaan di Dinas Ketenagakerjaan dan Transmigrasi Provinsi Bengkulu," *Professional: Jurnal Komunikasi dan Administrasi Publik* 12, no. 1 (June 2025), <https://jurnal.unived.ac.id/index.php/prof/article/view/8845>.

²³ Rachmat Trijono, *Pengantar Hukum Ketenagakerjaan* (Depok: Papas Sinar Sinanti, 2014).

²⁴ Asra Mohammad Diah, "Pelaksanaan Fungsi Pengawasan Ketenagakerjaan pada Dinas Tenaga Kerja dan Transmigrasi Pemerintah Provinsi Riau" (master's thesis, Universitas Islam Riau, 2020), <https://repository.uir.ac.id/8440/1/187322051.pdf>.

Number 33 of 2016 on Labour Inspection Procedures, who are tasked with supervising and enforcing the implementation of laws and regulations in the field of labour at the central, provincial, and district/city levels.

3.3. Duties and Functions of Civil Servant Investigators in the Field of Employment

Civil Servant Investigators (PPNS) in the field of labour is an integral part of the administrative law enforcement system, mandated to prosecute violations of labour law norms. Their duties and authorities are regulated by various regulations, including Law Number 8 of 1981 on Criminal Procedure Code, Law Number 13 of 2003 on Labour as amended by Law Number 6 of 2023 on the Enactment of the Cipta Kerja Government Regulation into Law, and Government Regulation Number 43 of 2012 on Procedures for Coordination, Supervision, and Technical Guidance of the Special Police Force for Civil Servant Investigators and Forms of Self-Defence. Under the provisions of Law Number 8 of 1981 on the Criminal Procedure Code, PPNS has the authority outlined in Article 6(1)(b) and Article 7(1) to conduct investigations into certain criminal offences in accordance with sectoral laws. In the context of labour relations, PPNS are tasked with investigating alleged violations of labour standards, such as violations of the minimum wage, termination of employment without proper procedures, and violations of occupational safety and health (OSH) standards. In accordance with Article 190 of Law Number 13 of 2003 on Labour, in conjunction with Article 183 of Law Number 6 of 2023 on the Enactment of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation into Law, any violation of labour regulations punishable by criminal penalties may only be investigated by PPNS within the Ministry of Labour and Regional Labour Offices.

PPNS has several functions, including conducting investigations and inquiries into alleged labour crimes, including examining witnesses, gathering evidence, and examining suspects,²⁵ then taking the necessary legal action in the context of the investigation, such as arrest, detention, and seizure of evidence, by the provisions of criminal procedure law. Functionally, the labour PPNS carries out investigative tasks related to criminal violations in the field of labour, such as violations of the minimum wage, violations of working hours and rest periods, workplace discrimination, termination of employment (*Pemutusan Hubungan Kerja/PHK*) that does not follow proper procedures, and violations of occupational safety and health (*Keselamatan dan Kesehatan Kerja/K3*) standards. The investigative process involves a series of legal actions as referred to in Article 1(2) of Law Number 8 of 1981 on the Criminal Procedure Code, namely actions to seek and collect evidence that clarifies the criminal act and identifies the perpetrator of the crime. In practice, the PPNS will prepare an Investigation Report (*Berita Acara Pemeriksaan/BAP*) and submit the results of its investigation to the prosecutor for further prosecution.

In fulfilling their investigative duties, PPNS within the employment sector are legally required to actively coordinate with investigators from the Indonesian National

²⁵ Gemilang, Zurnetti, and Khairani, “Penyidikan Tindak Pidana di Bidang Ketenagakerjaan.”

Police (*Kepolisian Negara Republik Indonesia/Polri*). This coordination is particularly vital when reporting investigative outcomes and executing legal actions that necessitate inter-agency collaboration. Such coordination is in accordance with Article 107 of Law Number 8 of 1981 on Criminal Procedure Code, which emphasizes the necessity of collaboration between PPNS and Polri investigators to ensure that the law enforcement process adheres to the principles of criminal procedure law applicable in Indonesia. PPNS are obligated to uphold the rights of both suspects and victims during their investigative duties. This obligation directly applies the principle of due process of law, as articulated in Article 18 of Law Number 8 of 1981 on Criminal Procedure Code, which mandates that all law enforcement officers respect individual rights throughout the investigation process. Effective coordination between PPNS and Polri is also essential to prevent overlapping authorities and to enhance the efficacy of the legal process. In conducting actions such as arrests, searches, and confiscations, PPNS must coordinate with and obtain assistance or approval from Polri investigators, as specified in Article 107 paragraph (2) of Law Number 8 of 1981 on Criminal Procedure Code. This collaborative approach is integral to the principle of checks and balances within Indonesia's criminal law system.

3.4. Duties and Functions of Investigators of the Indonesian National Police (Polri)

Investigators of the Indonesian National Police (Polri) are officials who play a significant role in the criminal law enforcement process in Indonesia. Juridically, an investigator is defined as a police officer of the Republic of Indonesia who is given special authority based on the law to investigate criminal offences.²⁶ This definition is contained in Article 1 point 1 of the Criminal Procedure Code and is strengthened by Law Number 2 of 2002 on Indonesian National Police.

Article 6 paragraph (1) of Law Number 8 of 1981 on Criminal Procedure Code confirms that investigators can be state police officers or certain civil servants who are given special authority by law to conduct investigations. In this context, Polri, as a police institution, has the main authority to investigate criminal offences, which includes various legal actions to uncover and collect evidence of a criminal offence.

Law Number 2 of 2002 on Indonesian National Police and Law Number 28 of 1997 on Indonesian National Police establish a clear normative framework for the responsibilities and roles of police investigators, including their power to arrest, detain, search, seize, and interrogate suspects and witnesses.²⁷ The main task of police investigators is to investigate, which is a series of actions regulated by law to seek and collect sufficient evidence to reveal criminal offences and find the suspect. The investigation process begins with receiving a report or complaint about a criminal offence, taking the first action at the crime scene, and collecting and examining relevant

²⁶ Fredy AP, "Wewenang Penyidik," *PID Polda Kepri*, October 25, 2023, <https://pid.kepri.polri.go.id/wewenang-penyidik/>.

²⁷ Asri Agsutiwi, "Tinjauan Yuridis terhadap Tugas dan Wewenang Penyidik Polri dalam Penyidikan Tindak Pidana Korupsi" (paper presented at Seminar Korupsi 2014, Universitas Surakarta, Surakarta, Indonesia, December 2014), <https://media.neliti.com/media/publications/170116-ID-none.pdf>.

evidence. The investigator is also tasked with summoning and examining witnesses and suspects, taking fingerprints, photographing, and bringing in experts if needed to examine the case. Investigators are also authorized to stop the investigation if there are valid legal reasons and take other actions that are responsible according to the law.

The authority of Polri investigators is regulated in detail in Article 7 of Law Number 8 of 1981 on Criminal Procedure Code and Article 16 of Law Number 2 of 2002 on Indonesian National Police. Some of the important authorities possessed by investigators include the following:

- 1) To arrest, detain, search, and seize evidence.
- 2) Ordering a suspected person to stop and check their identification.
- 3) Calling people to be heard and examined as witnesses or suspects.
- 4) Bringing in experts to assist in the examination of the cases.
- 5) Prohibit people from leaving or entering the crime scene for the sake of investigation.
- 6) Submitting case files to the public prosecutor after the investigation is complete.

These powers must be exercised with due regard to the principles of law and human rights to create good and safe legal order in accordance with the ideals of the nation and state. These powers must be exercised with due regard to the principles of law and human rights to create good and safe legal order in accordance with the ideals of the nation and state.

3.5. Challenges and Criticisms of the Public Labour Law Enforcement System in Indonesia Related to PPNS Ketenagakerjaan (Labour Law Enforcement Agency)

The public labour law enforcement system in Indonesia still faces various significant structural, juridical, and practical obstacles, especially in terms of the authority and effectiveness of the Labour Civil Servant Investigator (PPNS). The labour PPNS is an administrative and criminal law enforcement officer regulated in Article 1 number 33 and Article 6 paragraph (1) letter b of Law Number 2 of 2002 on Indonesian National Police, and further elaborated in Government Regulation Number 43 of 2012 on Procedures for the Implementation of Coordination, Supervision, and Technical Guidance of Special Police, Civil Servant Investigators, and Forms of Private Security. However, in practice, law enforcement by the labour PPNS is still faced with a number of obstacles, both in terms of institutions, human resources, coordination between law enforcement officials, and the limited authority of criminal procedural law.

One of the main obstacles in this system is the weak institutional independence of the PPNS. Structurally, the PPNS is under the coordination of the Ministry of Labour or the regional labour office, which means that they are often caught in conflicts of interest, especially when dealing with violations of the law by employers with strong ties to local officials. This indicates a functional subordination that has the potential to disrupt the neutrality and objectivity of PPNS in carrying out investigative duties. According to Achmad Ali, a legal system that is not supported by a strong institutional structure will find it difficult to realize the effectiveness of law enforcement because the strength of

the law comes not only from norms but also from institutions that run it consistently and free from political or economic pressure.²⁸

The limited authority of PPNS in terms of conducting coercive measures, such as arrest and detention, is a serious obstacle in following up on criminal labour violations. Based on Article 7 paragraph (1) of Law Number 8 of 1981 and Government Regulation Number 43 of 2012, PPNS can only carry out limited investigative actions and must coordinate with police investigators for further repressive actions. This complicates and slows the law enforcement process, as it requires inter-institutional communication and coordination, which often does not run effectively. Research results from the Institute for Judicial Independence Studies and Advocacy (*Lembaga Kajian dan Advokasi Independensi Peradilan/LeIP*) show that 67% of labour criminal cases handled by PPNS stop at the investigation stage due to weak constructive collaboration with the police and a lack of day-to-day support.²⁹

Another important criticism is the capacity and competence of PPNS. Many PPNS do not have an adequate legal education background and have not received intensive training in criminal procedural law. The investigation process requires an in-depth understanding of the law to avoid procedural errors that could invalidate the investigation results. In this condition, the law will not be effective if the apparatus does not have the competence and courage to enforce the law fairly and consistently.³⁰ This situation is exacerbated by the lack of operational budgets and logistics available for labour PPNS, especially in remote areas.

Law Number 13 of 2003 serves as the primary framework in labour law, outlining the rights and duties of both employees and employers, as well as the procedures for addressing industrial relations conflicts. This legislation underscores the critical role of labour inspection in ensuring adherence to labour standards, safeguarding workers' rights, promoting occupational safety and health, and facilitating dispute resolution. Nonetheless, the effectiveness of law enforcement is compromised by inadequate supervision, stemming from the insufficient number and uneven distribution of inspectors.³¹

In Indonesia, the enforcement of labour laws by Labour Inspectors (*Pegawai Pengawas Ketenagakerjaan/PPK*) and Labour Civil Servant Investigators (PPNS) encounters major challenges, primarily due to the limited number and uneven distribution of these personnel. According to 2023 data from the Ministry of Labour, there are only about 1,500 labour inspectors responsible for overseeing over 1.5 million companies that must submit labour reports online. The International Labour Organization (ILO) suggests an ideal ratio of one inspector for every 20,000 workers, meaning that with a workforce exceeding 13 million, Indonesia should ideally have

²⁸ Achmad Ali, *Menguak Teori Hukum dan Teori Peradilan* (Jakarta: Kencana, 2010).

²⁹ Lembaga Kajian dan Advokasi Independensi Peradilan, *Evaluasi Penegakan Hukum Pidana Ketenagakerjaan di Indonesia* (research report, 2021).

³⁰ Satjipto Rahardjo, *Penegakan Hukum Progresif* (Jakarta: Kompas, 2009).

³¹ San Mikael Sinambela et al., "Perkembangan dan Dinamika Hukum Ketenagakerjaan di Indonesia," *Hakim: Jurnal Ilmu Hukum dan Sosial* 2, no. 1 (2024): [page cited], <https://doi.org/10.51903/hakim.v2i1.1539>.

around 6,500 labour inspectors. This situation highlights a significant disparity between the required and available number of inspectors, leading to inadequate supervision and enforcement of labour laws in practice.³²

This condition also impacts the increase in cases of labour violations that are not handled optimally. Although the number of labour cases reported and resolved through the courts is not yet optimal, the trend of non-compliance with labour norms is increasing. This shows that without adequate supervision, labour violations are difficult to control and overcome effectively; therefore, efforts to increase the quantity and quality of labour inspectors are important to address these challenges. The government has initiated a recruitment and training program for new labour inspectors, including increased competence in investigation and digital surveillance functions. The success of this program relies heavily on commitment and adequate budget support so that supervisors can be spread evenly and professionally throughout Indonesia.

This quantity constraint is exacerbated by the uneven distribution of supervisors across Indonesia. For example, in West Nusa Tenggara Province, with tens of thousands of companies and 10 districts/cities, there are only 17 labour inspectors. The same thing happened in North Sumatra Province, where in 2019, there were 79 labour inspectors to supervise more than 11,000 companies, while ideally, one inspector can supervise 60 companies per year. The distribution of supervisors, which only covers around 300 out of 504 districts/cities in Indonesia, has led to a vacuum of supervision in many areas, resulting in the suboptimal enforcement of labour laws.³³

The competence of supervisors is also an inhibiting factor in this regard. Labour inspectors are not only tasked with administrative supervision but also have the authority to investigate labour law violations. Therefore, increasing the competence of supervisors is important so that they can carry out investigative functions and become expert witnesses in legal proceedings. However, limited resources and adequate training remain obstacles to improving this competence.³⁴

3.6. The Role of Indonesian National Police Investigators in the Enforcement of Labour Laws

The authority of Polri in enforcing public labour laws in Indonesia is an integral part of the national law enforcement system that aims to ensure legal certainty, social justice, and protection of workers' rights. In the context of labour law, the role of Polri becomes crucial when violations of labour norms enter the criminal realm, as regulated by various statutory provisions. Public law enforcement in the field of employment is mainly related to labour criminal offences such as obstructions to freedom of

³² Dinas Tenaga Kerja dan Transmigrasi Provinsi Nusa Tenggara Barat, "Pengawas Ketenagakerjaan Perlu Terus Ditingkatkan Kuantitas dan Kompetensinya," 2023, <https://disnakertrans.ntbprov.go.id/pengawas-ketenagakerjaan-perlu-terus-ditingkatkan-kuantitas-dan-kompetensinya/>.

³³ Sheren Murni Utami, Budiman Ginting, and Agusmidah, "Reposisi Pengawas Ketenagakerjaan bagi Penegakan UU No. 13 Tahun 2003 tentang Ketenagakerjaan di Provinsi Sumatera Utara," *Law Jurnal* 1, no. 2 (2021), https://jurnal.dharmawangsa.ac.id/index.php/law_jurnal/en/article/view/1128.

³⁴ Risal Ibran Saisab, Vecky Yanni Gosal, and Marthin Doodoh, "Tugas dan Wewenang Pegawai Pengawas Ketenagakerjaan dalam Menangani Masalah Ketenagakerjaan Selama Bekerja Diperusahaan," *Lex Administratum* 10, no. 5 (2022), <https://ejournal.unsrat.ac.id/v3/index.php/administratum/article/view/43057>.

association, violations of minimum wages, or violations of maternity rights and work safety, as regulated in Law Number 13 of 2003 as amended by Law Number 6 of 2023.

Juridically, the authority of Polri as a public law enforcement institution is expressly regulated by Article 13 of Law Number 2 of 2002. This article defines the three main functions of the Polri: maintaining public security and order, enforcing the law, and providing protection and services to the public. These three functions affirm that Polri is not only a security apparatus but also has a significant role in the national criminal justice system, particularly in public law enforcement that touches on various aspects of citizens' lives, including in the fields of labour, environment, and consumer protection.

The dynamics of the number of investigators and assistant investigators within the Indonesian National Police (Polri) have experienced significant developments in the last two years. Based on official data released by the Criminal Investigation Agency (*Badan Reserse Kriminal/Bareskrim*) of the National Police as of November 2024, a total of 40,112 personnel have obtained certification as investigators or assistant investigators,³⁵ which shows a substantial increase compared to the number of certified investigators in 2022, which only reached 9,053 personnel, or around 14.87% of the total investigators at that time.³⁶ This increase of more than 30,000 certified investigators in two years illustrates the intensification of Polri's internal policy of increasing the capacity of investigators as part of its institutional strengthening strategy.

Within the framework of the national law enforcement system, the dynamics of growth in the number of investigators is an important indicator of the structural readiness of the National Police to face the increasingly complex workload of handling cases that increase every year. Therefore, success in increasing the number of investigators, both in terms of recruitment and certification, is an early parameter of the effectiveness of law enforcement and human resource management. With a significant increase in the number of investigators, the investigation process in all Indonesian jurisdictions can be optimally, standardized, and in accordance with the principles of professionalism of law enforcement officials in a democratic state of law.

The law enforcement authority of Polri includes the investigation of criminal offences, including criminal offences in the field of labour. This is further confirmed in Article 14 paragraph (1) letter g which states that the Polri has the authority to investigate all criminal offences in accordance with the criminal procedure law and other laws and regulations. Although there are Labour Civil Servant Investigators (PPNS) who have special authority to investigate labour crimes based on Article 1 point 6 of Law Number 8 of 1981 and Article 4 paragraph (1) of Government Regulation Number 43 of 2012, the presence of the National Police still cannot be ruled out. Polri has a strategic role in assisting, supervising, or even taking over investigations if in practice there are legal obstacles, conflicts of interest, or the inability of PPNS to complete the investigation process. Moreover, Article 7 paragraph (2) of Law Number 8 of 1981

³⁵ Mario Sofia Nasution, "Terkait Sertifikasi Penyidik, BNSP Dapat Penghargaan dari Bareskrim," *ANTARA News*, November 13, 2024, <https://www.antaranews.com/berita/4462665>.

³⁶ PPID Provinsi Riau, "Data Sertifikasi Penyidik 2022," November 23, 2022, <https://ppid.riau.go.id/berita/4719/index.html>.

explicitly opens space for coordination and supervision between Polri investigators and PPNS in the implementation of Polri's authority, which becomes more important when labour violations concern broad public interests or contain elements of violence, threats, or discriminatory actions that have systemic impacts. Under such conditions, the professionalism, and more complete resources of the Polri become an added value in ensuring the effectiveness of law enforcement. As explained by Romli Atmasasmita, in an effective law enforcement system, synergy between law enforcement agencies is necessary, including between the police and technical agencies such as the Ministry of Labour or the Regional Labour Office.³⁷

Polri's authority in public law enforcement of labour is not only based on formal legal legitimacy, but also has a strong social justification, namely for the protection of workers' rights as a vulnerable group in industrial relations. The effectiveness of Polri's role will be optimised if it is accompanied by coordination reforms between labour law enforcement agencies, capacity building of Polri investigators in the field of labour and strengthening of internal monitoring mechanisms so that the law enforcement process is fair, professional, and transparent.

3.7. Establishment of an Labour Desk by the Indonesian National Police (Polri)

The scope of public law in labour norms is increasingly visible in the government's policy of establishing a labour desk within the Indonesian National Police. This desk is intended as a special unit that handles criminal offences in the field of employment, such as payment of substandard wages, forced labour, discrimination, and violations of working time and work safety. The establishment of this unit reflects the expansion of the domain of criminal law as part of public law to enforce labour norms more effectively.³⁸ In this framework, violations of labour norms are no longer treated as administrative offences alone but also as crimes against society and public order.

Given that labour is related to the right to a decent livelihood and the welfare of the people, its norms cannot be reduced to administrative technical provisions but must be understood as part of the constitutional protection of human rights. Article 27(2) of the 1945 Constitution affirms that 'Every citizen shall have the right to work and a livelihood worthy of humanity,' while Article 28D (2) guarantees the right of every person to work and to receive fair and equitable remuneration and treatment in labour relations. These provisions reinforce the meaning of Article 1 paragraph (3) of the 1945 Constitution, which states that 'The State of Indonesia is a state of law,' implying that all aspects of life, including labour, must be regulated and run based on the principles of justice, certainty, and legal expediency.³⁹

Labour norms cannot be separated from the realm of public law, as both have a close relationship in ensuring social justice and public order. Normatively, juridically,

³⁷ Romli Atmasasmita, *Reformasi Hukum dalam Perspektif Rule of Law* (Bandung: CV Mandar Maju, 2011).

³⁸ Shela Octavia and Dani Prabowo, "Luncurkan Desk Ketenagakerjaan, Kapolri Harap Bisa Selesaikan Masalah Pekerja," *Kompas.com*, January 20, 2025, <https://nasional.kompas.com/read/2025/01/20/16362121/luncurkan-desk-ketenagakerjaan-kapolri-harap-bisa-selesaikan-masalah-pekerja>.

³⁹ Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara*.

and theoretically, labour law is part of the national legal system that serves to protect workers' rights and ensure their welfare as legal subjects, not just as objects in a free market mechanism. Therefore, the state has a constitutional obligation to recognize workers as legal subjects who must be protected through policies and law enforcement that favor a balance between the interests of the business world and the protection of workers' rights.⁴⁰

Based on this, the establishment of a Labour Desk within the Indonesian National Police (Polri) is an important strategic step. This desk serves as a special unit that handles labour issues from the legal and law enforcement aspects, especially those involving the police as law enforcement officers. Through the Polri Labour Desk (*Desk Ketenagakerjaan Polri*), Polri can provide legal services, mediation, and settlement of labour disputes effectively, as well as coordinate with relevant agencies such as the Ministry of Labour and judicial institutions. Based on this, the establishment of a Labour Desk within the Indonesian National Police (Polri) is an important strategic step. This desk serves as a special unit that handles labour issues from the legal and law enforcement aspects, especially those involving the police as law enforcement officers. Through Polri Labour Desk, Polri can provide legal services, mediation, and settlement of labour disputes effectively, as well as coordinate with relevant agencies such as the Ministry of Labour and judicial institutions.

4. CONCLUSION

Labour regulation in Indonesia has a dual character, namely as a civil relationship as well as public law. This public law dimension arises because labour norms not only regulate contractual relations between workers and employers but also contain strong state intervention to protect workers' rights, guarantee social welfare, and uphold social justice in accordance with the mandate of the constitution, especially Article 27 paragraph (2) and Article 28D paragraph (2) of the 1945 Constitution. This state intervention is reflected in imperative provisions such as non-negotiable minimum wages with criminal sanctions for violations, as well as the active role of the state through labour inspection and settlement of industrial relations disputes involving state institutions as mediators and enforcers. This approach reflects a responsive legal model that prioritises the value of substantive justice and the protection of vulnerable groups such as women workers, children, and people with disabilities, so that labour norms in Indonesia are not just private agreements, but part of public law that places the state as a protector of the public interest and guarantor of social stability in industrial relations.

The establishment of the Labour Desk within the Indonesian National Police confirms the stronger dimension of public law in labour norms in Indonesia. This strategic step reflects the recognition that labour violations are not merely administrative issues, but also crimes that have an impact on public order and the protection of human rights. With a strong constitutional basis, the state is obliged to protect workers as legal subjects through fair law enforcement and in favor of a balance between the interests of workers and the business

⁴⁰ Sinambela et al., "Perkembangan dan Dinamika Hukum Ketenagakerjaan di Indonesia."

world. The Polri Labour Desk plays a significant role in providing legal services, mediation, and effective settlement of labour disputes and strengthening coordination between institutions so that enforcement of labour norms can run optimally for the creation of social justice and the welfare of workers in Indonesia. On the other hand, the existence of this institution has its own challenges, namely not having autonomous and independent laws and regulations.

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