

---

# THE STATE AS AN INSTRUMENT TO ACHIEVE SOCIAL WELFARE FOR WORKERS IN A LIFE WORTH HUMANITY

**Ujang Charda S.**

*Fakultas Hukum Universitas Subang.*

*E-mail : [ujangch@unsub.ac.id](mailto:ujangch@unsub.ac.id)*

---

## Abstract

The state for the Indonesian people is as a means for the welfare of the people, which is marked by the development of legal arrangements that protect the weak so. That during this period, the state began to pay attention to consumer protection and labor protection in organizing the prosperity of its citizens for the benefit of all the people and the state. The research method used is descriptive-analytical with a normative juridical approach through the literature and field research stages with data collection techniques through library research. Then the data were analyzed through a qualitative normative method without using numbers and mathematical formulas. The study results show that the functions of the state and government are getting wider, both in the political, economic, social, and cultural fields. This, of course, also expands the role of State Administrative Law to create a welfare state, so that it eventually becomes a social law state (social service state), because the state is burdened with public service tasks.

**Keywords:** Social Welfare – Country – Decent Live.

## INTRODUCTION

The welfare state has an increasingly large role in providing universal, comprehensive social services,[1] responsive, and corporatist in managing and organizing the economy, so that they are able to carry out their responsibilities to ensure the availability of basic welfare services at a certain level for their citizens. This concept is seen as a form of state involvement in advancing people's welfare after the emergence of empirical evidence regarding market failure in capitalist societies and state failures in socialist societies.[2] The problems faced by the welfare state in the field of employment are related to the relationship between workers and employers or called the employment relationship, currently it is no longer a problem related to only the two parties, but the inclusion of the role of the state called industrial relations.[3] which is influenced by the situation and condition of the state, both from the economic, social, political, defense and security aspects, and even culture.

The entry of the state in the regulation of employment relations, means that it is not merely a civil relationship but has been intervened with public law, namely state administrative law and criminal law. This is due to the many affairs in the implementation of working relations related to the public interest and participating in the work government interference in private affairs.[4] This, according to Philipus M. Hadjon, is that employment law is a functional discipline, because it has a mixed character, namely public law and private law,[5] or according to Aloysius Uwiyono is at a crossroads [6] needed as an approach that is able to create accommodative labor law.

State intervention in legal protection of workers philosophically, that the protection is carried out in the context of the development of Indonesian people as a whole and the development of Indonesian society as a whole in an effort to increase the dignity, dignity and self-esteem of workers and to create a prosperous, just, prosperous and equitable society. both material and spiritual [7] which is marked by the increasing role of the workforce as actors in achieving development goals, in addition to the various challenges and risks it faces. Therefore, child labor needs to be given protection, maintenance, and welfare improvement, so that in turn it will be able to support the success of national development.[8]

Meanwhile, sociologically the protection of workers, because they are not free and do not have the provision of life other than their energy and are sometimes forced to accept jobs from employers or employers even though it is burdensome for themselves, especially now with the large number of workers who are not proportional to the field. decent and available jobs. As a result, workers are often extorted with relatively small

wages and placed under those who control the weak who can be likened to *homo homini lupus*, making it very difficult to achieve the objectives of the labor law.[9] Therefore, the weakness of the bargaining position of workers from a social and economic perspective, it is deemed necessary from a juridical point of view of state intervention to issue laws and regulations to protect workers from the power of employers by placing them in a proper position in accordance with human dignity. In addition to the juridical aspect, the state is also responsible for providing protection from a social, economic and technical perspective (work safety).[10]

Legislation in the field of manpower is the main law in regulating work relations and has the highest position in that employment relationship. Workers and employers in reaching an agreement, either in the form of a work agreement or a collective labor agreement, must refer to the laws and regulations and if it is contrary to the existing laws and regulations, the agreement is null and void by law.[11] Employment relations are the main material in the regulation in the field of manpower, because in essence labor law contains regulations concerning the relationship between workers and employers. The working relationship essentially contains a relationship that subordinate or not parallel shown with aspects of orders or instructions from one party (entrepreneurs) and obedience or submission from one other party (labor).[12]

Thus, it is necessary to intervene by the state/government which has the authority to regulate the relationship in order to achieve justice in the working relationship between workers and employers, and only with the intervention of the state or government can labor law be enforced.[13] State or government intervention in employment relations is a must in achieving employment justice, in addition to creating legal certainty, because the government in the context of the welfare state is responsible for that. The intervention of the state or government is carried out through laws and regulations or policy regulations in the field of manpower as a means.[14]

The position of the government as a regulator, because labor law will be the main means for carrying out government policies in the field of employment, this is because the parties involved in the employment relationship are generally in an unbalanced position. Therefore, the existence of labor law whose main purpose is to be able to eliminate the imbalance in the relationship between the employer as an employer and the workforce, even the principle of freedom of contract in an employment agreement is nothing more than a voluntary compliance with conditions that have been unilaterally determined by the employer.[15]

The state in the field of manpower must take a position as a protector of the weak party, namely the workforce, so that the regulations it makes can create equality and balance in the employment relationship. However, the alignment of the state or the government to workers cannot be done excessively so as not to cause new problems, but stands in the middle between employers and workers and always creates peace of mind and tranquility in doing business.[16] The power that is not limited to entrepreneurs must indeed be limited by the state or government with the creation of laws and regulations governing labor issues, but the restrictions must be carried out with standards or benchmarks based on policies determined on the basis of benefit for all parties, whether bound directly or indirectly, while in terms of certainty, a clear and firm process and procedure is needed, starting from the stage of drafting regulations, implementing them to the stage of law enforcement.[17]

## **METHOD**

This study uses a normative juridical approach, namely by taking an inventory, reviewing and analyzing and understanding the law as a set of regulations or positive norms in the legal system that regulates human life. Specifications This research is a descriptive analytical study which is a research to describe the flow of scientific communication and analyze existing problems that will be presented descriptively. Types of data that used is secondary data, which includes library materials related to research, secondary data that includes primary legal materials, secondary legal materials and tertiary legal materials. Then the data collection was carried out through a literature study through a review of library materials related to the problems studied, then the data were analyzed in a normative-qualitative manner.

## RESULT AND DISCUSSION

### 1. The Nature of Establishment of the State in Realizing Social Welfare

The state is an organization or highest body that has the authority to regulate matters relating to the interests of the wider community and has an obligation to prosper, protect and educate the life of the nation.[18] The state as an integration between the government and the people, so that the state as a unitary nation, the individual is considered an integral part of the state that has the position and function to run the state. According to the integrated understanding (unity) put forward by Soepomo, that the state is an integral composition of society, which is close between all groups, all parts of all members of society are an organic community unity. An integralistic state is a state that wants to overcome individual and group understandings and the state prioritizes the public interest as a unit.[19]

The state can be seen as an association of human beings who live and work together to pursue a common goal, namely to create happiness for its people, as well as the goals of the State of Indonesia as written in the fourth paragraph of the Preamble to the 1945 Constitution. Thus, the state as a sovereign organization is reflected in the constitution which is substantially the reality of its power is held by rulers who have legitimate power in carrying out state duties and functions of running a good government in order to realize the ideals, goals, and responsibilities of the state whose entities are held to fulfill the welfare of its citizens within the framework of a welfare state law.

The nature of the welfare law state is basically related to the idea of the rule of law which is juxtaposed with the idea of people's sovereignty which gave birth to the concept of democracy. The principle of the rule of law prioritizes the norms reflected in the legislation, while the principle of democracy prioritizes the participation of the community in the administration of government. The development of the concept of the state in a welfare state, the state is required to expand its responsibilities to socio-economic problems faced by many people, so that the state is given legitimacy to intervene in various social and economic problems in order to create shared prosperity in society. State functions include activities that were previously outside the scope of state functions, such as expanding the provision of social services to individuals and families in special matters, such as social security, health, social welfare, education and training, and housing.[20]

In the Preamble to the 1945 Constitution it is formulated as a state goal, that the establishment of an "Indonesian state government" is intended to: "... protect the entire Indonesian nation and the entire homeland of Indonesia and to promote public welfare, educate the nation's life, and participate in implementing world order based on freedom, lasting peace and social justice...". Next in Article 1 paragraph (1) of the 1945 Constitution, that: "The State of Indonesia is a state"Unity, in the form of a Republic". With that, it becomes clear that the desired state is a unitary state in the form of a constitutional republic. Other articles in the 1945 Constitution which stipulate the parts and limitations of authority as well as the basic principles that must serve as guidelines in implementing the state strategy, show that the desired administration of government is a democratic government.

This view leads to the function of law in society which is directed to provide protection to human interests, namely the interest to carry out and fulfill the needs of a decent life to achieve happiness and prosperity. Of course, this must include freedom to live together, freedom to do and choose a job without being discriminatory as a manifestation of social justice as philosophically enshrined in Pancasila, the principles of a just and civilized humanity, and the precepts of social justice for all Indonesian people.[21]

The concept of the rule of law adopted by Indonesia is more emphasized on aspects of the social security system as outlined in the form of legislation and social policies. It is undeniable that the concept of a welfare state is not synonymous with social policy, but a country which is said to carry the concept of a welfare state will not be meaningful if there is no social security system in its legislation and social policies. Although emphasizing the importance of the state's role in social services, the welfare state is not essentially a state domination, but is a manifestation of the democratic principles of the state which is mandated to carry out its obligations in fulfilling the rights of citizens.

In addition, if the concept of the rule of law in Indonesia is associated with the notion of a state based on one Godhead, then the principle of having one Godhead is the idea of a modern state of law. Thus, the concept of God and Unity as a religious image in the formulation of the 1945 Constitution is an important framework for realizing the Godhead of the Indonesian nation in the context of state life.[22] Therefore, it is correct to say that the 1945 Constitution not only adheres to the teachings of People's Sovereignty, it also adheres to God's Sovereignty, even Ismail Sunny stated that the 1945 Constitution adheres to the teachings of God's Sovereignty, People's Sovereignty, and Legal Sovereignty at the same time.[23]

Examining the rule of law in the perspective of God, according to the Islamic concept refers to the transcendental dimension of life, considering that the ideas of thought are sourced from the Holy Qur'an and Al-Hadith. Thus, the characteristics of the rule of law in the Islamic perspective place a paradigmatic framework on the monotheistic dimension which is then derived from the degree of human caliphate on earth. In the Islamic concept, the welfare state is understood as the responsibility of the state in the welfare of the community from the aspect of physical needs (basic needs) as well as spiritually/material and spiritual as the message of the Prophet Muhammad SAW to be generous as a blessing to all mankind which is explicitly mission mentioned in the Qur'an include helping each other to live happily (hayyat thoyyibah) and prosper (falah). Here it contains the meaning, the main goal is carried out in the mission of the Prophet Muhammad so that his people achieve a peaceful life from living in this world to the hereafter.

The description above implies that the mission of the Prophet Muhammad as a prophet and leader of the people implies in it the concept of a welfare state in Islam covering aspects of faith, politics, and various state policies in the economic field that aim to prosper citizens in an atmosphere of love and mutual help. help that must be done by community organizations, institutions, and state administrators in getting to *baladun thayyibatun warabbun ghafur* (a prosperous state under the pleasure of Allah, the Most Forgiving).[24]

Referring to the description above, the principles of the rule of law in the Islamic perspective refer to several basic principles, including: the principle of power, the principle of deliberation, the principle of justice, the principle of equality, the principle of recognition and protection of human rights, the principle of free justice, the principle of peace, the principle of welfare, the principle of obedience to the people.[25] Thus, the essence of Islamic law itself has nothing but a primary goal called *al-dlaruriyyat*, namely preserving religion, preserving the soul, preserving reason, maintaining offspring and honor, preserving property.[26] Islamic teachings as contained in the commands of the Qur'an and Hadith conclude that social benefits in Islam can be divided into three levels, namely necessity, fun, and improvement.[27]

To carry out this mission, Islam outlines steps that include: regulating in terms of reducing suffering, a prosperous generation, nurturing in an atmosphere of love and mutual help, guaranteeing freedom from moral corruption, hunger, fear and mental stress. Here all organizations and institutions, including the state will reflect the character of the message of generosity and fulfill the welfare of the whole society.[28] In the Islamic system, everyone shares in the welfare of others and individual and social well-being are complementary. In addition, with regard to the responsibility of the state in the welfare of society in order to maintain law and order in order to provide welfare for every citizen of the community, that all objective interests of the Islamic state are based on the responsibility of the Islamic state is an effort to protect the safety and integrity of the state to maintain law and order to build the state so that each individual as much as possible gains strength and increases the welfare of society as a whole.[29]

The welfare state is designed as a means of achieving goals with the law positioned as the glue to change the quality and behavior of the community in accordance with the prerequisites of development. In line with the objectives of the law, the resolution of problems in the application of the law is also directed at efforts to achieve justice. Justice is a legal goal that is related to the strength of the enactment of laws and regulations and therefore must be accommodated in those regulations.[30] For this reason, a country that adheres to a constitutional system with a welfare law state design must focus on prioritizing the welfare of its citizens in order to mutually strengthen as a form of commitment patriotic. Therefore, the state functions as a means of realizing welfare goals[31] not to eliminate differences in the community's economy, but to reduce economic disparities and as much as possible eliminate poverty in society.

Thus, the welfare state is not designed for the poor, but rather the system is designed to prevent people from becoming poor.[32] Therefore, in a country, rich and poor is a common thing, but what is unusual is when there is impoverishment. The existence of a wide gap between the rich and the poor that can lead to impoverishment in a country not only shows the failure of the country in managing social justice, but acute poverty with striking differences in economic control will have a negative impact on all aspects of people's lives.[33] This impact will be felt starting from the sense of powerlessness of the poor, to a negative impact on democracy in the form of easy bribes for the poor (selling their votes in general elections) due to economic hardship, even the frustration of the poor will be easily ignited to commit anarchic actions that have a counter-productive effect on the development of democracy.[34]

The welfare state, both as a concept and model for welfare development, has a diverse face and is not vacuum, but dynamically following the pulse of change and demands of the people in the country concerned. The welfare state is not dead, as many people myth, nor does it only belong to economically developed countries. With political will,

commitment, and a clear vision regarding social and humanitarian investment, developing countries are able to carry out this welfare development approach.[37] According to John Lock and J.J. Rousseau, that in the principle of the agreement, the community gives birth to a democratic government, namely the government in power must be responsible to its people and the people must dare to declare their position as the party that gives the mandate and has the right to hold the government accountable. In the community agreement, it is then poured into the constitution so that it contains an understanding that the main task of the government is to protect the human rights of its citizens and for that the government's power must be limited, both in the scope of affairs and the time period.[38]

The principle of legal protection for citizens against government actions is based on the concept of recognition and protection of human rights, because according to Western teachings, the birth of the concept of recognition and protection is directed at restrictions and placing obligations on society and the government. Legal protection for the people for government legal actions in their capacity as representatives of public legal entities. According to Philipus M. Hadjon, the principle of legal protection for the people in Indonesia is the principle of recognition of human dignity based on Pancasila and the principle of a state of law based on Pancasila.[39]

The government as the regulator is required to be wise in producing various legal policies that will be implemented, considering the development of the international environment requires that the employment relationship be handed over to the market mechanism, which means that government dominance must be minimized and the employment relationship carried out through a contractual system will weaken the position of the workforce. The government as the holder of the sovereignty mandated by the people should provide legal protection for workers through the formation of laws and regulations and legislative policies which are given at the time of drafting, then the stage of establishing laws and regulations until the implementation stage. Weaknesses at the design stage are a fundamental error in producing laws and regulations that can hinder the application and execution stages, so that it can also reduce legal protection for workers who are the target of a regulation to be formed which concretely protects in terms of contracts, wages, exploitation restrictions. , both energy, soul, and ideology, and dispute resolution[40] which is coercive.

This is in the field of labor law, there is a harmonization of the model, that the parties do not have freedom but are controlled by the government through repressive legal provisions that give birth to a public employment law model, thus giving rise to the role of the state in interfering in the labor sector as a form of the implementation of legal protection in the welfare law state for workers as citizens of the right to work, means that the state is corporately destined to organize social welfare and at the same time position it as a regulator of policy directions in the national economy. Thus, the welfare state will become a giant country with a very large number of bureaucrats and at the same time occult, because its countless hands enter many aspects of people's lives.

## **2. The State's Responsibility in Realizing Social Welfare for Workers for Decent Lives for Humanity**

The essence of the state is inherent in sovereignty, without sovereignty there is no state,[40] Therefore, the government as the leader of the organization is formed and determined by the sovereign, namely the whole people through their general will (*volunte generale*).[41] and sovereignty is a supreme power exercised by the state on behalf of its holder,[42] namely the people as formulated in the 1945 Constitution, that sovereignty is in the hands of the people and implemented according to the Constitution,[43] and the State of Indonesia is a state of law [44] as the frame. The state has the highest goals which are generally formulated in the constitution,[45] namely to guarantee and protect the rights of the people centered on the creation of general welfare for citizens as the highest law (*solus populu suprema lex*).[45] The creation of welfare for citizens is mandated by the state as an ark that transports its passengers (all layers of the people) to the port of welfare (a safe, just, and prosperous society spiritually and physically).[46]

The state as a sovereign organization is reflected in the constitution in which substantially the reality of its power is held by legitimate authorities in connection with the duties and functions of all apparatus in carrying out good governance in order to realize the ideals, goals, and responsibilities of the state. Thus, the state is an entity, facility, ark, and social institution created by humans to fulfill their vital needs and is not intended to meet the special needs of a particular group of people, but to meet the needs of all the people of the country.[46] and that can be learned from the true nature of the state. The arrangement of an Indonesian government with all its attributes that can act as the most legitimate public legal subject, actor, institution, and has public legitimacy with its function of being able to organize social welfare that makes the people happy in fulfilling, protecting, and respecting. respect) the basic, economic and cultural rights of its citizens.[47]

Indonesia as a state of law, if observed and traced from the substance of the Preamble as well as the articles in the 1945 Constitution, that the state model adopted by Indonesia is a state of law in the material sense or termed a welfare state or a state of prosperity.[48] or state law administrator (*verzorgingstaat*)[49] or to borrow Giddens' term as a social investment state.[50] created by the grace and pleasure of Allah the Almighty (*baldatun thayibatun warabun ghaffur*) and driven by the noble desire of the nation to live a free national life,[50] independence based on an order to prosperity [51] as a national goal. On this basis, understanding the legal state of Indonesia is not only in terms of historical and social contracts, but also on the basis of human function as the caliph of Allah SWT on earth who carries out His mandate.[52] Therefore, the role of the government in the context of realizing the welfare of citizens in general must always pay attention to and carry out the commands of *ma'ruf and nahi munkar*..[53]

The model of the welfare law state adopted by Indonesia is formulated in the 1945 Constitution containing instructions to the state to organize social welfare with law as a means to achieve the welfare of the wider community as the highest law (*solus publica supreme lex*)[54] which universally can touch happiness for humans to be sufficient for what they are (*to be happy means to be sufficient for one's self*).[55] To realize the goal of the welfare state, it has consequences related to the arrangement of various things for the creation of the common good. According to Thomas Aquinas, the arrangement is everyone's job, but the task can turn into a responsibility group of people, namely the government.[56] therefore, the country must be led by people who have concern for everyone[57] or in other words, the government must prioritize the interests of all the people, so that the state actively participates in social interactions.

For this reason, the state must be strengthened not weakened in the implementation of social welfare, so that the word "all nation" as the principle of the unity of the entire Indonesian nation, in addition to the word "protect" which contains the meaning of the principle of protection (law) for the entire Indonesian nation and all of Indonesia's bloodshed, without exception,[58] so that the legitimacy of the implementation of social welfare in Indonesia cannot be separated from the interference of the state and the responsibility of the state in an effort to realize legal protection against its citizens as a consequence of Indonesia's claim as a legal welfare state.[59]

The definition of the welfare state here is that the state intervenes as widely as possible in the welfare of the people, because the purpose of the state is not only to maintain law and order, but also to actively seek the welfare of its citizens at large, so that the goals of the state should be called plural (state goals) with The basis of government is to regulate and manage to achieve (*welfare*). Currently, many countries adhere to the ideal goal of the state in the form of a welfare state., whose basic idea dates back to the 18th century when Jeremy Bentham (1748-1832) promoted his idea, that government has a responsibility to ensure society in obtaining the greatest good of (*the greatest number*) and reduce unhappiness. Bentham uses the term utility to explain the concept of happiness or well-being with the principle of utilitarianism, that something that causes happiness is something good, otherwise something that causes pain is bad. Therefore, government actions must always be directed to bring happiness to as many people as possible.[60]

According to Bentham, lawmakers must form laws that are fair to all citizens individually, However, Bentham's concept is one-sided, so Rudolph Von Jhering, who is known for his social utilitarianism, puts forward the following: " Law is a tool for society to achieve goals and law is a means to control individuals so that their goals are in accordance with community goals or in other words make personal goals become part of social goals., so that the law is a tool that can be used to implement social changes, then the contents of the law are provisions concerning the regulation of the creation of state welfare.[61]

Meanwhile, according to Mochtar Kusumaatmadja, that the purpose of the law is ultimately directed at providing protection to human interests, namely the interest in carrying out and fulfilling the needs of a decent life without discrimination. Therefore, through this law, the enactment of the legal objectives will become a reality with the law as a means to manipulate mankind towards a good and right goal in the pleasure of Allah SWT, as stated by Mochtar Kusumaatmadja as follows:[62]

"Law is a means of development (a tool of development), namely law in the sense of legal rules or regulations that function as a tool (regulator) or means that regulate development in channeling the direction of human activities in the direction desired by development. Thus, in this development atmosphere, the law functions not only as a tool of social control in the sense of being a tool that only functions to maintain stability., but also as a tool of social engineering (as a tool of social engineering).

When viewed from the point of view of the history of law, the function of law for the Indonesian people is as a means for the welfare of the people which is marked by the development of laws that protect the weak. In

this period, the state began to pay attention to consumer protection and labor protection in organizing the prosperity of its citizens for the benefit of all the people and the state, so that the function of the state and government is wider, in the political, economic, social and cultural fields. This is of course the wider role of State Administrative Law to create a welfare state, so that it eventually becomes a social law state (social service state), because the state is burdened with public service tasks.

The government is not an active party in making regulations, but only acts to facilitate worker/labor organizations by guaranteeing the right to organize, so this feature refers to a coalition model that has the characteristics of harmonious working relationships and conflict work relationships that give birth to private employment law. The type of employment law adopted by Indonesia, if it is related to the opinion of Tamara Lothion, is more of a corporatist type which is constitutionally stated in Article 27 of the 1945 Constitution as follows:

“(1) All citizens are equal before the law and the government and are obligated to uphold the law and the government with no exceptions.

(2) Every citizen has the right to work and a decent living for humanity.”

The provisions of Article 27 paragraph (2) above, are confirmed by Article 28A of the 1945 Constitution which states that: "Everyone has the right to live and has the right to defend his life and life", and Article 28D paragraph (2) of the 1945 Constitution, that: "Everyone have the right to work and receive fair and proper remuneration and treatment in an employment relationship". Article 27, Article 28A, and Article 28D paragraph (2) of the 1945 Constitution are constitutional concepts in the manpower development planning program on the recognition and protection of workers' rights to work and a decent living for humanity.[60]

The provisions of Article 27 paragraph (2), Article 28A, and Article 28D paragraph (2) of the 1945 Constitution above, contain 3 (three) important and basic things which are the three pillars of the right of every Indonesian citizen to work, namely the right to work, the right to work, and the right to work. to obtain a decent living, and the right to be treated humanely. If these three pillars of a person's rights are disturbed or interfered with by other parties, then state instruments must intervene, whether requested or not, to protect and or prevent such disturbances, because the question of a decent living for humanity is the right of citizens and the rights of all. people as a basic right for the people as a whole. Therefore, a job does not only have an economic value, but also has a high feasibility value for humans.[63]

The right to get a job and a decent living is one of the efforts to realize the right to live in prosperity, even the right to work is a human right, as John Lock said, that work is inherent in the human body which cannot be separated or thought out of the human body, and the body is a natural property of every person's human rights, therefore it cannot be revoked, confiscated or taken from it, so in essence work cannot be revoked, just as the body and life are one of the basic human rights. Therefore, work is also one of the human rights along with the right to life. This natural right is a building of artificial ideas designed to explain the nature of humans in society As a model of the modern concept of human rights or in Aristotle's concept it is part of distributive justice which is then followed by Ulpian from classical Rome with his adage: "Honeste vivere, alterum non laedere, suum cuique tribuere" which can be found in the British, United States, French and French revolutions. even until it was regulated in the United Nations (UN) Convention on the Universal Declaration of Human Rights in 1948.[64]

Human rights are guaranteed by law, because in every human being there are basic rights as gifts of nature, such as the right to life, the right to freedom and property rights., that are now developing are not only basic rights, but also derivatives of basic rights and rights that accompany human life, namely civil, political, economic, social and cultural rights. These rights in the Islamic concept historically have actually been since the Prophet Muhammad SAW received his prophethood (7th century AD or about 500 years / 5 centuries before the Charta clan was born) human rights have been introduced, especially children's rights, and have even been implemented and enforced in Islam. The fact of the treatise of Islam, since its inception the holy city of Mecca has included human rights in its basic teachings along with emphasizing the issue of human obligations towards each other. This is in accordance with the essence of Islamic teachings, namely faith, law, and morals as a unified series that makes Islam revealed as rahmatan lil'alam by covering all aspects of life.

Islam has put the concept of human rights very significantly and the presence of the Prophet Muhammad SAW is the frame of human life throughout the world which is God's commitment to the creation of humans as caliphs who were sent to perfect human behavior and civilization. In the view of Islam, that life is a gift from Allah SWT which is stated in the Qur'an Surah An-Nisaa, verse 9 which means:

"And fear (of Allah) those who should leave behind them weak children, whom they fear for (their welfare). Therefore, let them fear Allah and let them speak the truth."

This means that the right to life, continuity and development rights are inherent in every human being, and are absolute as a basis for providing fulfillment and protection for his life. It is not surprising that Allah SWT strongly condemns people who do not respect human rights, for example placing other human beings who are employed as workers in dangerous places by ignoring work safety values and work norms. For this reason, work has its own meaning, both from an individual, social and spiritual perspective as follows: [65]

"Work has deep, broad, and many meanings in every life, including: First, the meaning of work from an individual, social and spiritual perspective. The meaning of work is seen from an individual or individual perspective, because work is a movement of the body and mind of each person in order to maintain physical and spiritual survival. Second, the meaning of work in terms of society, is doing work to produce goods or services to satisfy the needs of society. In addition, it also contains the meaning of a relationship among fellow human beings who are also in a bond to maintain their survival. That is, if a person wants to maintain his survival, if it is not accompanied by effort by working, then this is something that is impossible. Third, the meaning of work from a spiritual point of view is a person's rights and obligations in glorifying and serving God Almighty. Working here means as a manifestation of the relationship between humans and the Creator and also as a manifestation of mankind in serving and glorifying God Almighty.

The formulation of the meaning of work can be formulated in 2 (two) categories, namely working as a means of *hablumminallah* and also as a means of *hablumminanas*. [66] Thus, work is a form of worship and the embodiment of relationships between human beings which are directed at increasing the dignity, worth, and ability and belief in oneself. Through work, humans realize themselves as humans and at the same time build a more human life and environment, through work humans become humans, through work humans find their lives as independent humans. Respect and guarantees for workers are the principles of justice, welfare, and happiness so that every worker is treated according to their rights, must not be harmed and must be treated equally without irrational discrimination, both as workers and as humans who live together among fellow members public.

The model of legal protection in the welfare law state for workers as citizens of the right to work, means that the state is destined to organize social welfare and at the same time position it as a regulator of policy directions in the national economy as formulated in Article 33 and Article 34 of the 1945 Constitution which is structured as a business based on the principle of kinship by paying attention to every branch of production that is important to the state and which controls the livelihood of the people is controlled by the state, including those relating to earth, water, and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. , so that the economic development of the national economy is carried out on economic democracy with the principles of togetherness, efficiency, justice, sustainability, environmental insight, independence, and by maintaining a balance of progress and national economic unity.

The implementation of social welfare is also in developing a social security system for all people and empowering the weak and underprivileged in accordance with human dignity. Therefore, the state is responsible for providing adequate health care facilities and public service facilities. These provisions are nuanced in the involvement of the legal function in modern economic development to regulate and plan life, so that the dynamics of economic activity can be directed towards progress and prosperity for all people. Therefore, in regulating and planning for the welfare of the community, a development planning system is prepared through Law Number 25 of 2004 concerning the National Development Planning System as the political will of the government in regulating the direction of Indonesia's national development policies.

## CONCLUSION

The state as an instrument of realizing social welfare for workers in a decent living for humanity as written in the 1945 Constitution, so that it has sovereignty is reflected in the constitution which substantially the reality of its power is held by rulers who have legitimate power in carrying out state duties and the function of running a good government. In order to realize the ideals, goals, and responsibilities of the state whose entity is established to fulfill the welfare of its citizens within the framework of a welfare law state with the pillars, that every Indonesian citizen has the right to work, the right to obtain a job, the right to earn a decent living, and the right to be treated fairly. human. If these three pillars of a person's rights are disturbed or interfered with by other parties, then state



instruments must intervene, whether requested or not, to protect and or prevent such disturbances, because the question of a decent living for humanity is the right of citizens and the rights of all people as a basic right for the people as a whole. Therefore, a job not only has economic value, but must also have a high human feasibility value.

## REFERENCES

1. Abdul Ghofur Anshori, *Filsafat Hukum*, Gadjah Mada University Press, Yogyakarta, 2006.
2. Abdul Shomad, *Hukum Islam (Penormaan Prinsip Syariah dalam Hukum Indonesia)*, Prenada Media Group, Jakarta, 2010.
3. Achmad Ali, *Menguak Tabir Hukum (Suatu Kajian Filosofis dan Sosiologis)*, Chandra Pratama, Jakarta, 1996.
4. Agusmidah, *Hukum Ketenagakerjaan Indonesia : Dinamika & Kajian Teori*, Ghalia Indonesia, Bogor, 2010.
5. Ahmad Sukardja, *Piagam Madinah & Undang-Undang Dasar NRI 1945 : Kajian Perbandingan tentang Dasar Hidup Bersama dalam Masyarakat yang Majemuk*, Sinar Grafika, Jakarta, 2012.
6. Andre Ata Ujan, *Filsafat Hukum*, Kanisius, Yogyakarta, 2009.
7. Anshari Thayib, et. al., (ed.), *HAM dan Pluralisme Agama*, Pusat Kajian Strategi dan Kebijakan (PKSK), Surabaya, 1997.
8. Az. Nasution, *Hukum Perlindungan Konsumen (Suatu Pengantar)*, Diadit Media, Jakarta, 2002.
9. Badariah Sahamid, *Jurisprudens dan Teori Undang-Undang dalam Konteks Malaysia*, Sweet & Maxwell Asia, Selangor – Malaysia, 2005.
10. Budiono Kusumohamidjojo, *Ketertiban yang Adil : Problematika Filsafat Hukum*, Grasindo, Jakarta, 1999.
11. Darji Darmodihardjo & Shidarta, *Pokok-pokok Filsafat Hukum : Apa dan Bagaimana Filsafat Hukum Indonesia*, Gramedia, Jakarta, 2008.
12. Dawam Rahardjo, *Evaluasi dan Dampak Amendemen UUD 1945*, UNISIA, Yogyakarta, 2003.
13. Djumadi, *Hukum Perburuhan Perjanjian Kerja*, RajaGrafindo Persada, Jakarta, 1995.
14. Edi Suharto, *Kebijakan Sosial sebagai Kebijakan Publik*, Alfabeta, Bandung, 2008.
15. Edi Suharto, *Membangun Masyarakat Memberdayakan Rakyat*, Refika Aditama, Bandung, 2010.
16. Erman Radjagukguk, "Hukum Ekonomi Indonesia : Menjaga Persatuan Bangsa, Memulihkan Ekonomi, dan Memperluas Kesejahteraan Sosial", *Jurnal Hukum Bisnis*, Volume 22 No. 5, Yayasan Pengembangan Hukum Bisnis, Jakarta, 2003.
17. Gunarto Suhardi, *Peranan Hukum dalam Pembangunan Ekonomi*, Universitas Atmajaya, Yogyakarta, 2002.
18. Hari Chan, *Modern Jurisprudence*, ILBS, Kualalumpur, 2005.
19. Herry Heriawan Saleh, *Persaingan Tenaga Kerja dalam Era Globalisasi (antara Perdagangan dan Migrasi)*, Pustaka Sinar Harapan, Jakarta, 2005.
20. <http://bambang-rustanto.blogspot.com/2013/>, akses 8 september 2013, jam 21 : 55 WIB.
21. <http://sistem pemerintahan-indonesia.blogspot.com>, akses 17 November 2021, jam 15 : 12 WIB.
22. Jauhari, "Kajian Teori Welfare State dalam Perspektif Barat dan Islam", *Jurnal Hukum*, Vol. XVI, No. 1, Fakultas Hukum UNISILA, Yogyakarta, Maret 2006.
23. Jimly Asshiddiqie, *Cita Negara Hukum Indonesia Kontemporer*, makalah disampaikan dalam acara orasi ilmiah pada Wisuda Sarjana Hukum Fakultas Hukum Universitas Sriwijaya, Palembang, 2004.
24. Jimly Asshiddiqie, *Gagasan Kedaulatan Rakyat dalam Konstitusi dan Pelaksanaannya di Indonesia*, Ictiar Baru van Hoeve, Jakarta, 1994.
25. Juhaya S. Praja, *Filsafat Hukum Islam*, Lathifah Press bekerjasama dengan Fakultas Syari'ah IAILM Suryalaya, Tasikmalaya, 2004.
26. M. Arief Amarullah, *Politik Hukum Pidana dalam Perlindungan Korban Kejahatan Ekonomi di Bidang Perbankan*, Banyumedia, Malang, 2007.
27. Maria Farida Indrati, *Ilmu Perundang-undangan (Dasar-dasar dan Pembentukannya)*, Kanisius, Yogyakarta, 1998.
28. Michael Doherty (ed.), *Jurisprudence : The Philosophy of Law*, Old Bailey Press, London, 2001.
29. Mochtar Kusumaatmadja, *Fungsi dan Perkembangan Hukum dalam Pembangunan Nasional*, Binacipta, Bandung, Tanpa Tahun.
30. Mochtar Kusumaatmadja, *Hukum, Masyarakat dan Pembinaan Hukum Nasional*, Binacipta, Bandung, 1976.
31. Mochtar Kusumaatmadja, *Konsep-konsep Hukum dalam Pembangunan*, Alumni, Bandung, 2002.

32. Moh. Busyro Muqoddas, et. al. (ed.), *Politik Pembangunan Hukum Nasional*, UII Press, Yogyakarta, 1992.
33. Moh. Kusnardi & Bintan R. Saragih, *Ilmu Negara*, Gaya Media Pratama, Jakarta, 2008.
34. Moh. Mahfud MD, *Politik Hukum di Indonesia*, LP3ES, Jakarta, 1998.
35. Muhammad Tahir Azhary, *Negara Hukum : Suatu Studi tentang Prinsip-prinsipnya Dilihat dari Segi-segi Hukum Islam, Implementasinya pada Periode Negara Madinah dan Masa Kini*, Prenada Media, Jakarta, 2004.
36. Mukti Fajar, *Tipe Negara Hukum*, Banyumedia, Malang, 2005.
37. Netty Endrawati, "Perlindungan Hukum Terhadap Pekerja Anak di Sektor Informal (Studi Kasus di Kota Kediri)", *Jurnal Dinamika Hukum Vol. 12, No. 2*, Universitas Islam Kediri, Kediri, Mei 2012.
38. Ni'matul Huda & Sri Hastuti Puspitasari (ed.), *Kontribusi Pemikiran untuk 50 Tahun Moh. Mahfud MD.*, FH UII, Yogyakarta, 2007.
39. Ni'matul Huda, *Hukum Tata Negara Indonesia*, RajaGrafindo Persada, Jakarta, 2012.
40. Ni'matul Huda, *Negara Hukum, Demokrasi & Judicial Review*, UII Press, Yogyakarta, 2005.
41. Padmo Wahjono, *Indonesia Negara Berdasarkan atas Hukum*, Ghalia Indonesia, Jakarta, 1986.
42. Philipus M. Hadjon & Tutiek Sri Djatmanti, *Argumentasi Hukum*, UGM Press, Yogyakarta, 2005.
43. Philipus M. Hadjon, *Perlindungan Hukum Bagi Rakyat di Indonesia*, Bina Ilmu, Surabaya, 1987.
44. Prajudi Atmosudirdjo, *Hukum Administrasi Negara*, Ghalia Indonesia, Jakarta, 1988.
45. R.H. Otje Salman, *Filsafat Hukum (Perkembangan & Dinamika Masalah)*, Refika Aditama, Bandung, 2009.
46. Ray August, *Publik International Law : Text, Cases, and Readings*, Engewood Cliffs, New Jersey, 1995.
47. Rini Irianti Sundari, "Internalisasi Prinsip-prinsip Islam tentang Etika Kerja dalam Perlindungan Hak Pekerja dan Pelaksanaan Hak Atas Pekerjaan", *Syiar Ilmu Hukum Jurnal Ilmu Hukum, Vol. XII, No. 2*, FH Unisba, Bandung, Juli 2010.
48. Roscoe Pound, *Pengantar Filsafat Hukum*, terjemahan Mohamad Radjab, Bharatara, Jakarta, 1954.
49. Scott Davidson, *Hak Asasi Manusia : Sejarah, Teori, Praktek dalam Pergaulan Internasional*, Judul Asli *Human Rights*, terjemahan A. Hadyana Pujaatmaka, Pustaka Utama Grafiti, Jakarta, 1994.
50. Siswanto Sastrohadiwiryono, *Manajemen Tenaga Kerja Indonesia : Pendekatan Administratif dan Operasional*, Bumi Aksara, Jakarta, 2002.
51. Sonny Keraf, *Etika Bisnis, Tuntutan dan Relevansinya*, Kanisius, Jakarta, 2002.
52. Sri Soemantri, *Bunga Rampai Hukum Tata Negara*, Alumni, Bandung, 1992.
53. St. Harum Pudjiarto, *Hak Asasi Manusia : Kajian Filosofis dan Implementasinya dalam Hukum Pidana di Indonesia*, Universitas Atma Jaya, Yogyakarta, 1999.
54. Sudikno Mertokusumo, *Mengenal Hukum (Suatu Pengantar)*, Liberty, Yogyakarta, 1996.
55. Sudiman Kartohadiprodjo, *Pengantar Tata Hukum Indonesia*, Ghalia Indonesia, Jakarta, 1977.
56. Toto Tohir Suriaatmadja, "Aspek Perlindungan Hukum dalam Hukum Ketenagakerjaan", *Makalah Seminar Nasional yang Diselenggarakan Program Doktor Ilmu Hukum Pascasarjana UNISBA*, Savoy Homann Bidakara Hotel, Bandung, 23 November 2013.
57. Toto Tohir Suriaatmadja, *Hukum Keagenan dalam Berbagai Sistem Hukum (Suatu Kajian Awal)*, Insan Mandiri, Bandung, 2011.
58. Ujang Charda S, "Orientasi Reformasi Kebijakan Pemerintah dalam Pembangunan Ketenagakerjaan di Indonesia", *Jurnal Ilmu Administrasi Publik (JIA) Edisi 1*, Fakultas Ilmu Administrasi UNSUB, Subang, 2008.
59. Ujang Charda S, "Pendidikan Tinggi Hukum Mencetak Sarjana Hukum *Homo Juridicus* dan *Homo Ethicus*", *Jurnal Wawasan Hukum Edisi Khusus*, STHB, Bandung, September 2006.
60. Ujang Charda S, "Perlindungan Hukum Terhadap Tenaga Kerja Anak yang Bekerja di Luar Hubungan Kerja pada Bentuk-bentuk Pekerjaan Terburuk Dihubungkan dengan Prinsip Tanggung Jawab Negara", *Disertasi*, Program Pascasarjana UNISBA, Bandung, 2015.
61. Ujang Charda S, "Reaktualisasi Supremasi Hukum Ketenagakerjaan Pasca Reformasi", *Jurnal Wawasan Hukum, Vol. 21 No. 02*, STHB, Bandung, 2009.
62. Ujang Charda S, "Reorientasi Reformasi Model Hukum Ketenagakerjaan dalam Kebijakan Pemerintah", *Jurnal Ilmu Hukum Syiar Hukum, Vol. XIV No. 1*, Fakultas Hukum UNISBA, Bandung, Maret 2012.
63. Ujang Charda S, *Menguak Tabir Pancasila : Sebuah Kontemplasi dalam Mengingat, Membuka Kembali Paradigma Kehidupan Berbangsa dan Bernegara*, Fakultas Hukum UNSUB, Subang, 2014.
64. Ujang Charda S., "Reaktualisasi Supremasi Hukum dalam Merekonstruksi Lembaga Peradilan Menuju Indonesia Baru", *Jurnal Jurista Insentif'06, Vol. 1 No. 1*, Kopertis Wilayah IV Jabar – Banten, Bandung, 2006.
65. Wiratni Ahmadi, *Perlindungan Hukum bagi Wajib Pajak dalam Penyelesaian Sengketa Pajak*, Refika Aditama, Bandung, 2006.

66. Zainal Asikin, *Dasar-dasar Hukum Perburuhan*, RajaGrafindo Persada, Jakarta, 2002.